
GROUNDS OF APPEAL

Advertising at Fairfield Service Station,
Fairfield Street, Ardwick

Poster Property Limited

26 January 2022

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INTRODUCTION

These grounds of appeal have been prepared by Carter Jonas (**‘the Agent’**) on behalf of Poster Property Limited in support of an appeal against the refusal made by Manchester City Council (**‘the Council’**) on 22nd December 2021, pursuant to application reference 132086/AO/2021 (**‘the Application’**) at Fairfield Service Station, Fairfield Street, Ardwick (**‘the Appeal Site’**) for the following proposal (**‘the Appeal Scheme’**):

“Installation of an advertisement hoarding with illuminated digital display”

The Appeal Scheme was refused under Officer’s delegated powers for the following reasons:

“The proposed display screen, due to its size, appearance, position, means of illumination and method of display, would create an intrusive, over-dominant feature in the street-scene along one of the City’s main radial routes, whilst also adding to existing advertisement clutter in the area, to the detriment of visual amenity. The proposed advertisement is therefore contrary to saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1 and EN1 of the Manchester Core Strategy, The Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).”

“The proposed digital advertising screen and support structure is refused on the basis it would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity and on the regeneration proposals for the surrounding environment including those detailed Manchester Piccadilly SRF by affecting the potential for attracting investment to the area and the implementation of the Manchester Piccadilly SRF and undermining the recent and significant improvements to the area. The proposal would therefore be contrary to Policy SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester.”

The Appellant contests the reason for refusal and does not consider that the proposal has been properly considered on its own merits having regard to the following:

- The fact the existing advertisement benefits from deemed consent under Class 13 of the Advertisement Regulations by virtue of being in situ for a period of over ten years without any enforcement or discontinuance action being brought against it, clearly indicating that the display forms part of the built
- The benefits associated with a digital/ADV display, which will result in a significant number of social, economic and environmental benefits through the reduction in CO2 emissions and waste; the use of sustainable energy; the opportunities to advertise charitable campaigns, public art and emergency messaging; the increase to business rates; and reduction in visual clutter at a site-specific and strategic level; and
- The appropriate location, design and scale of the proposed digital display.

APPLICATION PROCESS AND CONSULTATION

The Application was submitted to the Council via the Planning Portal and validated on 11th November 2021. The target determination date was 6th January 2022.

Below is a summary of the email correspondence between the Agent and the Case Officer.

30th November

The Agent contacted the Case Officer to ask if any consultation responses had been received regarding the application, or whether any further information was required. The Agent received no response.

21st December

The Case Officer contacted the Agent to enquire as to the exact boundaries of the application site.

The Agent responded later that day to confirm the boundaries and elevations, providing pictures and drawings to assist. No further correspondence was received from the Council.

The Decision Notice was issued by the Council on 22 December 2021.

SITE AND SURROUNDINGS

Site Context

The Appeal Site is located on the northern side of Fairfield Street, Ardwick. It currently supports one illuminated 96 sheet freestanding paper and paste display facing eastwards. This can be seen at Figure 1.

Figure 1: View of Appeal Site (Google, November 2020)



The Appeal Site is located within, and overlooks, an area that is commercial in character. The existing display stands immediately east of the rail line connecting to Manchester Piccadilly Station to the west. The Appeal Site itself overlooks the forecourt of a car park and garage. The surrounding area consists of small-scale industrial uses and a proliferation of other advertisement boards. There are no residential uses within the nearby vicinity of the site.

The Appeal Site does not contain, nor is it in close proximity to, any listed buildings or Conservation Areas. The Site is located within the Piccadilly Strategic Regeneration Framework Area (SRF). The aspirations for this area are as set out in the SRF.

Google Street View Imagery provides evidence that the board has been in this location since at least July 2008. Furthermore, express consent was approved at appeal (appeal reference; APP/B4215/H/98/1536 (appeal for application 054665/AO/CITY2/98)) in 1999.

This area of Fairfield Street is an established location for advertising. There are a further five within a 500m stretch including one other 96 sheet advertisement board to the east of the site.

PROPOSAL

Signage Proposals and Justification

The Appeal Scheme seeks to update the existing display at the Appeal Site by removing the existing paper and paste board and replacing with a single digital display resulting in a 50% reduction in size which will display multiple static advertisements on rotation.

This is part of a project to modernise and upgrade the existing stock of paper and paste billboards into the 21st century and consolidate and reduce the number of advertising displays across the network. As such, the established acceptability of the advertisement should not change materially.

The advertisement will be digital and will have a maximum luminance that does not exceed 300 candelas per square metre (cd/m^2) at night-time in accordance with the guidelines set by the Institute of Lighting Professionals (ILP) Technical Note 5. The maximum brightness will always be within the guidance as set by ILP Technical Note 5 and will be controlled by light sensors to vary the brightness of the screens according to the brightness of the day. During the daytime, the maximum brightness may increase in order to make the screen visible during bright sunlight. This will ensure that the level of luminance of the advertisements is sensitive to change in daylight from sunrise to sunset and from summer to winter.

Only static images (i.e. no moving images or flashing lights) will be displayed, but the advertisements will be capable of changing to display new adverts every 10 seconds depending on how the advertising space is sold. This is line with industry standard units of advertising space for sale, and in compliance with the outdoor media code. The changeover between adverts will take place instantly in order to minimise the potential for driver distraction. This derives from advice received from road safety specialists in line with industry and planning standards.

Operational Conditions

The Appellant accepts the standard conditions for advertising and in addition to this proposes the following standard operational conditions to control the operation of the digital display:

- Static images to be displayed only (no moving or flashing images)
- Changes between adverts to take place instantly with no sequencing fading, swiping or merging of images;
- Maximum level of night-time illuminance to be set to 300cd/m^2 ; and
- Advertisements to change no more frequently than once every ten seconds.

It is considered that these additional conditions are reasonable and related to the Appeal Scheme.

PLANNING POLICY

The Regulations, NPPF and NPPG

The legislative framework for the control of advertisements is contained within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (**‘the Regulations’**). Regulation 3 states that advertising should be controlled in the interest of amenity and safety, taking into account the provisions of the development plan, in so far as they are materials, in addition to other relevant factors. This is reiterated in national planning policy.

The National Planning Policy Framework 2021 (**‘the NPPF’**) sets out the government’s planning policies for England and how these are expected to be applied. The overarching theme of the document is sustainable development and it seeks to achieve positive improvements in the quality of the built, natural and historic environment. The NPPF places great importance on the design of the building environment as a key aspect of sustainable development.

With regard to advertisements, Paragraph 136 of the NPPF reflects the Regulations which states:

“The quality and character of places can suffer when advertisements are poorly situated and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts”

As described in the National Planning Policy Guidance (**‘NPPG’**) the regime is a “lighter touch” than the system for obtaining planning permission for development. NPPG clarifies that local development plans do not have to contain advertisement policies and that if such policies are considered necessary to protect the unique character of a particular area, these should be evidenced base.

Development Plan

The relevant parts of the Development Plan for Manchester City Council consist of the following:

- Manchester Core Strategy 2012-2027 (July 2012); and
- Saved Policies of Unitary Development Plan (UDP) for the City of Manchester (1995).

Core Strategy

Policy EN1 (Design Principles and Strategic Character Areas) states all development proposals will be expected to follow seven principles of urban design. In addition, development proposals should have regard to the strategic character area within which it is located. The Appeal Site falls within the ‘City Centre’ Character

Area, which is recognised as being a particularly dense environment that accommodates a wide and closely integrated range of uses including commercial, civic and residential activities. The City Centre is the focus of the City's transport routes.

Policy EN1 continues to state that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes, and that new development must clearly detail how it addressed the design principles, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategy's Strategic Objectives.

Policy DM1 (Development Management) requires all development to have regard to the following specific issues, including relevant to the Appeal Scheme:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation; and
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Unitary Development Plan

Policy E3.3 states the Council will seek to upgrade the appearance of the City's major radial and orbital roads. This will include improvements to the appearance of adjacent premises and encouraging new development of the highest quality. The Council considers this an important element in improving the local environment for people living and working on or close to these major routes; to improve the image of the City in order to attract new investment and jobs; and to make the City more attractive to tourists and visitors. Where high quality open space cannot be provided then the Council will promote the site for built development.

Policy DC15.1 states the Council will take account of the following matters in advertisement consents, including (relevant to the Appeal Scheme):

- The general location of the proposed development and the effect on visual amenity;
- The scope for posters and hoardings to make a positive contribution to the locality;
- The design of the structures, and the relationship with any premises on which they are located;
- The effect of the proposal on permanent redevelopment of the land;
- Public safety resulting from the positioning of the design of the display;
- The ease with which the structure is capable of being satisfactorily maintained;
- The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities; and
- The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC15.2 adds that in assessing the interests of amenity and public safety, the Council will take account of the following criteria:

- Proposals should not harm the character of architectural features of a building, nor interfere with its proper use;
- Proposals should be in scale with the locality and relate properly to the site on which they stand;
- Proposals should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- Proposals which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

PLANNING CONSIDERATIONS

Before we consider the reason for refusal, we first explore the planning matters that were acceptable to the Council and outline the substantial environmental, social and economic benefits that the Appeal Scheme delivers.

Accepted Planning Matters

- The proposed advertisement would not impact highways safety; and
- The proposed advertisement would not negatively impact residential amenity.

Planning Benefits

The Appeal Scheme offers significant social, economic and environmental benefits. The direct benefits of the Appeal Scheme include:

- **Environmental Benefits** by dramatically reducing the number of vehicle trips in the area to repost boards and reducing waste from the production process associated with paper and paste posters and subsequent discarding to landfill. The lifecycle carbon cost attributed to the production of LED displays will be spread out over an average lifetime of 10 years, whereas the production and delivery of posters is on a fortnightly basis. The use of LED ensures that the energy requirements are lower than the traditional external halogen lighting;
- **Social Benefits** to the local area as the void periods can be used for non-commercial purposes such as charitable campaigns and public art – amongst other uses. The upgrade to digital posters also offers societal benefit through their capability to support emergency messaging; and
- **Economic Benefits** as instances where displays are upgraded typically result in an uplift in rent, which will in turn significantly increase the business rates payable to the Council.

Reason for Refusal

The Council's reasons for refusal were follows:

"The proposed display screen, due to its size, appearance, position, means of illumination and method of display, would create an intrusive, over-dominant feature in the street-scene along one of the City's main radial routes, whilst also adding to existing advertisement clutter in the area, to the detriment of visual amenity. The proposed advertisement is therefore contrary to saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1 and EN1 of the Manchester Core Strategy, The Town and

Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).”

“The proposed digital advertising screen and support structure is refused on the basis it would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity and on the regeneration proposals for the surrounding environment including those detailed Manchester Piccadilly SRF by affecting the potential for attracting investment to the area and the implementation of the Manchester Piccadilly SRF and undermining the recent and significant improvements to the area. The proposal would therefore be contrary to Policy SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester.”

The given reasons will now be explored in the context of the relevant Development Plan policies and relevant material considerations to demonstrate that it is not justified and should not be upheld.

The Manchester Piccadilly SRF describes this area as a Gateway and states that the zone between the HS2 and existing viaducts requires as much animation as possible. The officer report for the appeal scheme goes on to state that the proposed advertisement hoarding would conflict with the ongoing regeneration and continuing improvements in the appearance of the area and the route, by virtue of its size, location, design, appearance and means of illumination and the adverse visual impact that it would have on the surrounding area.

The Appeal Site falls within Phase 2b of the HS2 scheme, which includes works to provide additional platforms at Manchester Piccadilly Station. The Government introduced the High Speed Rail (Crewe to Manchester) hybrid Bill into Parliament on 24th January 2022. This will give the Government powers to build and maintain HS2 and its associated works and compulsorily acquire interests in the land required. It appears that until the hybrid bill has been approved there is still uncertainty surrounding the changes to the Station design and the construction programme, which has already been significantly delayed. Therefore, until the hybrid Bill has been approved, there is no certainty that the Appeal Site would be required. Moreover, should express consent be granted, the nature of which is temporary, the consent would expire before the land may be required.

The Appeal Site is located within, and overlooks, an area that is predominantly commercial in character. It is in such areas that NPPG¹ advocates locating advertisements; here, any impacts are appreciably less and commensurate to their commercial and industrial surroundings. In this regard, the Appeal Scheme should be considered acceptable with regard to its current surroundings. Furthermore, the scheme proposes upgrading an existing advertising site which will have a beneficial impact on the visual amenity of the area, which at present is very poor and shows no signs of investment. It is also considered that the LPA has failed to demonstrate why the scheme would undermine the potential to attract investment to the area.

The proximity of other advertisements of similar fashion, confirms that the Appeal Scheme would not introduce an “intrusive” feature to the character and street scene of this area – as opposed to the judgement given by the

¹ Paragraph: 079 Reference ID: 18b-079-20140306

Council in their reason for refusal. Instead, the Appeal Scheme is located in a location where uses of such nature are evident and preferably acceptable. In this regard, it works to enhance the character of the surrounding area.

Whilst the Appeal Site is proposed to provide a digital board (and therefore be internally illuminated), given the fact it replaces the existing paper and paste on a like-for-like basis, results in a 50% reduction in the overall presence of advertising at the Site and would not result in amenity concerns, it is considered that the Appeal Scheme would not be obtrusive cumulatively, as well as individually. As the existing display has been had been in situ for over ten years without any action taken to remove it, this provides a clear indication that the display proposed is appropriate to its location and function.

In terms of illumination, the display would be limited to 300cd/m² at night time (on a full white display) in accordance with the Institute of Lighting Professionals best practice guidance; The Brightness of Illuminated Advertisements PLG05 2015. Please note that the guidance distinguishes between daytime and night time illuminance, with a limit of 5,000cd/m² applied during the daytime. The level of illuminance will be set on site manually to be at an appropriate level for the area and to mimic the poster being replaced. Whilst the ILP guidelines will represent the upper limit, the actual level of illuminance in all likelihood will be well below this.

In regard of the strategic objectives of Policy SP1, we have already stated that digital boards dramatically reducing the number of vehicle trips in the area to repost boards and reducing waste from the production process associated with paper and paste posters and subsequent discarding to landfill. This will ultimately work to reduce to emissions and the need to travel. It will also reuse an existing site.

Policy EN1 of the Core Strategy and Policy E3.3 of the UDP both seek to enhance the overall image of the major radial and orbital routes. In their reason for refusal, the Council consider the Appeal Scheme is unduly obtrusive and over dominant and would harm its appearance.

Fairfield Street is a long, straight route providing direct access to the city centre. To the south and west of Fairfield Street lie the railway lines and to the north lies a car park. There are very few buildings within the surrounding area. The commercial nature of this area, combined with the features of Fairfield Street in this location noted above would be unaffected, means the Appeal Scheme is not detrimental to the streetscene of Fairfield Street. As mentioned, advertising displays are a common feature of Fairfield Street, and the Appeal Scheme would introduce a digital advertising display of with reduced dimensions compared to the existing paper and paste board.

To conclude, our points above demonstrate the Appeal Scheme is of appropriate size, location, design, appearance, elevated position, and contains an appropriate means of illumination and method of display that will ultimately be controlled by condition. Already such a familiar feature of Fairfield Street, it would not be an unduly incongruous feature within the street scene at this point – which is overwhelmingly commercial. By way of its replacement of the existing paper and paste board with no subsequent impact to the amenity of

surrounding occupiers, the Appeal Scheme would have a positive impact (or at the very least a neutral impact) on the host site and visual amenity of the surrounding area.

Accordingly, the Appeal Scheme complies with Policies EN1 and DM1 of the Manchester Core Strategy and the Saved Policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

SUMMARY AND CONCLUSION

In accordance with the NPPF, advertisements should only be controlled where they are harmful to amenity or public safety.

The Council refused the application on the grounds of amenity. However, it is considered that the above demonstrates that the application was not fully considered on its merits and positive aspects of the scheme were not taken into consideration in the determination of the application.

The Appeal Site is an established location for advertising, having supported the advert for a cumulative period of over 12 years without any enforcement or discontinuance action being brought against it, clearly indicating that the display is set within the built environment and is not causing harm to the wider street scene or amenity of neighbouring uses. The existing advert must therefore be a material consideration as it sets a baseline for what is acceptable.

The Appeal Scheme seeks to upgrade an existing advertising site to a modern, digital format which can be controlled by light sensors to vary the brightness of the screens according to the brightness of the day.

The proposed digital display will also result in a significant number of social, economic and environmental benefits through the reduction in CO2 emissions and waste, the use of sustainable energy, the opportunities to advertise charitable campaigns, public art and emergency messages, the increase in business rates, and reduction in visual clutter on a site specific and strategic level.

The Council's specific reasons for refusal have been taken into consideration and it is considered that the above demonstrates that this simple upgrade to a digital format would have a positive impact (or at the very least a neutral impact) on the host site and visual amenity and character of the area. It is considered that the Council's explanation for the refusal of advertisement consent is not justified based on the site circumstances (i.e. its established location, its compatibility with its surrounding commercial area, as well as the presence and acceptability of advertisements in the surrounding area) and is entirely subjective.

For the reasons given above, it is strongly considered that this appeal should be allowed.

