The Planning Inspectorate

Appeal Decision

Hearing held on 8 October 2013 and 9 December 2013
Site visit made on 9 December 2013

by Nicholas Taylor BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2014

Appeal Ref: APP/B4215/H/13/2199757
Armstrong House, Oxford Road, Manchester M1 7ED

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Bruntwood Limited against the decision of Manchester City Council.
- The application Ref 099077/AOH/2012/C1, dated 11 April 2012, was refused by notice dated 15 May 2013.
- The advertisement proposed is 'application for Advertisement Consent to erect a freestanding tower structure incorporating LED lit advertisement signs on the land within the boundary of Armstrong House to the north of the elevated Mancunian Way Manchester'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The hearing was adjourned on 8 October 2013 in order to allow proper consideration of an appeal statement and technical appendix submitted by the appellant. Following the closure of the resumed hearing, on 9 December 2013, with the agreement of both parties, I carried out an unaccompanied site visit.

Main Issues

3. From all that I have read and heard, I consider that the two main issues in this case are the effect of the proposal on the safety of the users of the Mancunian Way highway and its effect on visual amenity.

Reasons

Public safety

4. Notwithstanding the address as set out in the banner heading, the proposed advertisement signs would be situated immediately adjacent to an elevated section of the Mancunian Way, which is a dual carriageway akin to an urban motorway, in close proximity to Brook Street, which is a radial route in and out of Manchester's city centre. The elevated highway is a major cross-city route and has three lanes in each direction at the appeal location. There are a number of entry and exit slip roads to and from Brook Street, as well as other entry and exit slips further east and west on the Mancunian Way. The result, overall, is a relatively complex section of highway.

5. The two proposed LED advertisements would be mounted at the top of a tall pylon or monolith structure, so as to be well above the level of the elevated highway, facing west and east and highly visible to the occupants of vehicles travelling on it. The pylon structure would be located very close to, just west of, a gantry carrying road signs across all six lanes.

6. The photomontages submitted by the appellant and my own observations on site indicate that the east-facing advertisement would appear just to the right of the gantry in Westbound drivers' views. At near distances, where the directions on the two separate road signs can be easily read, the advertisement would remain within drivers' field of view.

7. To eastbound drivers, the west-facing advertisement would appear between a large road sign in advance and to its left and the gantry signs immediately after and to the right of it. These road signs contain complex information, in differing formats, relating to multiple exit slip roads, including an exit to the major A6 route and a very abruptly curving exit to Brook Street.

8. Although drivers on the Mancunian Way in both directions would be able to see the illuminated advertisements for a considerable distance in advance, their sheer size, at some 6 x 9 metres, and proximity would visually dominate the road signs and be inherently distracting, even to drivers exercising due care and attention. In addition, the appellant states that the proposed displays would normally change every 8 seconds. Even if the frequency of display rotation was to be reduced, and, together with limits on the level of illumination and other safeguards, it was to be subject to a condition, static LED displays of the type and size proposed in this location would create a relatively unusual and arresting visual feature beside this particular section of the Mancunian Way.

9. This would strongly compete with the road signs for drivers' attention, particularly at, but not limited to, the moment of image change. Such distraction could occur at critical moments, when drivers would need to be interpreting the road signs and making decisions about lane changes, leading to, as the Council puts it, cognitive overload. Given the parties' agreement that the typical, off-peak speed of traffic on the Mancunian Way is around 45-50 miles per hour on the main carriageway (within a formal speed limit of 50 miles per hour), this could result in confusion or hurried manoeuvres which would pose a significant risk to highway safety. In those circumstances, I am not persuaded by the appellant's argument that, as the location demands a high level of awareness from drivers, they would be less likely to be distracted by the proposed advertisements. Moreover, the general traffic speeds, the complexity of information and route options, including the gain and loss of the third lanes, and the proposed advertisement's proximity and relationship to both signs outweighs the appellant's argument that drivers would have ample time to safely make any lane change.

10. The risk would be compounded by the number, close proximity and design of entry and exit slips, increasing the likelihood of vehicles changing lanes and introducing additional hazards. The additional risk would be particularly acute where the sharply curved slip taking southbound traffic from Brook Street to join westbound traffic on the Mancunian Way emerges at a give way junction with no acceleration lane. There is an existing risk here that vehicles will suddenly emerge into the traffic flow, albeit that the third, inside lane is formed from a merging slip road from Downing Street. Although drivers of emerging

vehicles would be unlikely to be looking at the advertisements, those already on the main highway, who may need to quickly cross lanes to exit at the following Cambridge Street junction, or entering it from Downing Street, could be distracted by the advertisements, as described above.

11. The west-facing advertisement could distract drivers on the northbound Brook Street slip, who would be likely to catch sight of it over their shoulders or in their rear view mirrors as they accelerate and emerge, westbound, onto the Mancunian Way. Moreover, the hazard of that manoeuvre would be increased by the risk of distraction, as previously described, to fast-approaching westbound drivers already on the Mancunian Way.

12. The junctions of those two westbound slip roads with the main carriageway have been the locations for a significant number of accidents within the last five years. I accept that many of the accidents did not result in serious injury and that distraction is not specifically a frequently recorded cause. However, they are indicative of a generally raised level of hazard and risk at these locations.

13. The impact on public safety of advertisements at a number of other locations was discussed at the hearing. An installation at Cakebread St and Manor Street, allowed on appeal[1], involved significant differences from the current appeal. The location is south of the Mancunian Way, at a point of transition between flat and elevated sections and from 40 to 50 miles per hour speed limit. There are only two adjacent, straightforward, long slip roads and less complicated road signage. The Inspector also took into account the pre-existence of illuminated poster displays at the site. Similar considerations, with regard to highway safety, applied in the case of an earlier consent, on appeal[2], for two poster panel displays with internal illumination near to the location of the above. Thirdly, a pylon structure incorporating an LED display at the junction of the Mancunian Way and Princess Road had been approved by the Council[3]. However, I consider that this, and advertisements at Chester Road, do not set a precedent for the current appeal as they are not sited very close to slip road entries or exits or road signs in the same way.

14. I accept that experience from other existing LED displays in several locations in Manchester and Liverpool city centres does not provide clear evidence that they cause significant distraction to drivers. However, I do not discount the Council's argument that it is also difficult to determine conclusively from reported accident data at those locations that distraction does not play any part. In any case, those locations are city centre streets busy with pedestrians and cyclists as well as low speed vehicles and with highway and visual contexts very different from the appeal site. Consequently, the evidence before me from other locations with existing LED advertisements does not reduce my concern with regard to the appeal proposal.

15. To conclude on the first issue, the proposal concerns a relatively high speed highway location, with numerous junctions requiring considerable care and attention with regard to complex lane changes and assimilation of road signs. In that context, the proposed advertisements would create large, dominant visual elements in close proximity to road signs and would, therefore, be

[1] APP/B4215/H/13/2197570
[2] APP/B4215/H/12/2177409
[3] Ref 097532/AOH/2011/C1

distracting to drivers, even though they may be taking due care and attention. In this location, that would pose a significant risk to the safety of users of the Mancunian Way.

16. As a result, there would be conflict with paragraph 67 of the *National Planning Policy Framework* (the Framework), which provides that advertisements should be subject to control in the interests of amenity and public safety. The harm which I have identified, including location at a point where drivers need to take more care and size or siting relative to traffic signs, would also conflict with the advice in paragraphs 1 and 2b of Appendix B to Circular 03/2007. Although development plan policies are not necessarily determinative in advertisement appeals, they are a material consideration and, in this case, there would be conflict with a number of local policies[4].

Visual amenity

17. The proposed pylon structure would be a slim, striking feature of considerable size and prominence within the townscape, visible from ground level and surrounding buildings as well as the elevated highway. However, it would be sited between the large elevated structures of the Mancunian Way itself and an obsolete spur off it, in the general context of a busy road junction with large lighting columns and an overhead sign gantry. Given the sizeable structures and buildings nearby and the mainly commercial character of the locality, the structure would not appear particularly incongruous or create an unacceptable clutter of advertisements. Nor would it harm views of the listed tower of the Palace Hotel or of a nearby high quality university building. A block of student flats, to the north, would not be so close that the proposed advertisement would harm the outlook from it, given the general context in which it would be seen.

18. The proposed pylon would be sited on the edge of the landscaped area around the junction, close to footpaths and a pedestrian underpass. In view of the scale of the highway engineering structures at ground and elevated levels, and the lighting to the paths, the area does not provide a particularly intimate or welcoming environment for pedestrians. Consequently, the pylon and advertisements would not harm the landscaped setting or be overbearing to pedestrians. Several trees adjacent to the site would provide a degree of screening of the lower part of the pylon but no significant trees would be so close that their health would be physically threatened by it.

19. Overall, therefore, I conclude that the proposal would not cause harm to visual amenity. Given that, and the acceptance of large scale illuminated advertisements in other city centre and edge of centre commercial locations – notwithstanding several appeal decisions[5] referred to by the Council which involve circumstances significantly different from the current appeal - I am satisfied that the proposal would not harm the regeneration of the broad Oxford Road / Brook Street Regeneration Corridor, including impact on gateway routes or the Cross City Bus Package. Views of the pylon from Oxford Road would be very limited. Consequently, with respect to amenity, there would be no conflict with the Framework, the development plan policies which I

[4] Policies SP 1, T 1 and DM 1 of *Manchester's Core Strategy Development Plan Document* and saved Policies DC15.1 and DC15.2 of *The Manchester Plan*.
[5] APP/B4215/H/12/2169534, APP/B4215/H/09/2095160 and APP/B4215/H/12/2174234.

have previously referred to or the further development plan and regeneration[6] policies also referred to by the Council.

Conclusion

20. Although I have concluded that the proposal would not harm visual amenity, the harm to public safety would be significant and warrants dismissal of the appeal. Therefore, taking account of all that I have read, heard and seen, including the argument that the proposed signs would be part of a wider rationalisation of advertisements in Manchester, for the reasons set out above, the appeal is dismissed.

Nicholas Taylor

INSPECTOR

[6] Policies DC19.1 and E3.3 of *The Manchester Plan; Corridor Manchester Strategic Vision 2020* and *A Strategic Plan for Manchester City Centre 2009-12.*

APPEARANCES

FOR THE APPELLANT:

Christopher Foulkes	Counsel
Martin Stephens	J C Decaux
Phil Wooliscroft	Croft Transport Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Robert Irvine	Solicitor
Janine Renshaw-Livesey	Planning Officer
Malcolm Ash	Highways
Cliff Bretherton	Highways
Andrew Jones	Planning Technician

DOCUMENTS SUBMITTED AT THE HEARING

1 Correspondence relating to the wider rationalisation of advertisements in the City, submitted by the Council.
2 Information, including copies of decision letters, regarding appeal decisions at Cakebread Street and Downing Street, submitted by the Council.
3 Copy of decision letter for appeals ref APP/B4215/H/12/2180069 and 2182939 relating to suggested conditions, submitted by the Council.
4 Photographs of the appeal site and environs, submitted by the Council.