Appeal Decision

Hearing held on 3 March 2009
Site visit made on 3 March 2009

by John Yellowley BSc CEng MICE FIHT

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
17 March 2009

Appeal Ref: APP/B4215/H/08/2092249
54 Swan Street, Manchester M4 5JU

- 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 Mr Neil Buchanan of Highway Media UK Ltd against the decision of Manchester City Council.
- The undated application Ref 087858/AOH/2008/N1, submitted under cover of a letter dated 2 October 2008, was refused by notice dated 4 December 2008.
- The advertisement proposed is a 1 x 48 sheet lightbox billboard & associated improvements to a wall.

Decision

1. I allow the appeal, and grant consent for the display of a 1 x 48 sheet lightbox billboard and associated improvements to a wall as applied for. The consent is subject to the five standard conditions set out in the Regulations and the following additional conditions:-

   1) The sign permitted by this consent shall not be displayed on the site after 3 years from the date of this decision.

   2) The intensity of the illumination of the sign permitted by this consent shall be no greater than 600 candelas/square metre.

Main issue

2. I consider the main issue in this case is the effect of the proposed display on the visual amenity of the area with regard to the impact on the appearance of the property to which it would be attached; the impact on the Smithfield Conservation Area and the setting of nearby listed buildings at 29 and 39, 43 & 45 Swan Street; and the amount of advertising material in the vicinity of the appeal site.

Reasons

3. The appeal site is the exposed gable wall between 54 Swan Street where the building has been demolished and 56 Swan Street, a 3 storey Victorian building standing in a short terrace of 4 other buildings of varying height and style dating from the same period. The gable wall is currently covered with black plastic secured by exposed timber battens and it is thought to have been in this condition for several years. This section of Swan Street forms part of the inner ring road with 4 lanes of traffic, one way westbound, passing the appeal site. Buildings to the east of the appeal site on this side of Swan Street include a relatively modern office building and a commercial garage which are both set

back from the footway and which serve to make the site more prominent from this direction.

4. The proposal would cover the black plastic with a 'skin' of stretched pvc containing an image of brickwork to re-create the gable wall. A 48 sheet illuminated poster panel would be located to coincide with 1st floor level at No 56. Whilst the skin would not represent a satisfactory long term solution, the appellant seeks a temporary period of 3 years for the display pending decisions on the future of the site. I consider the skin would improve the overall appearance of the site and the size of the poster panel would be proportionate to the scale of the building and relate well to it. In my opinion it would not detract from the human scale of the frontages. The front elevation of No 56 does not contain the same degree of stonework detailing that is present on the larger buildings in this terrace and I conclude the poster would not detract from its appearance or those in the terrace.

5. This section of Swan Street between Oldham Street to the east and Shudehill to the west forms the northern boundary of the Smithfield Conservation Area (CA) with buildings on the north side, including the appeal site, excluded from it. There is a considerable variety of development within the CA close to the site including new investment in recent years. Views into the CA would not be affected by the display and whilst there would be some oblique views out of the CA towards the site, it would not appear incongruous in the context of the overall commercial character of the area. This leads me to conclude that the character and appearance of the CA would be preserved.

6. A prominent feature on the south side is the Grade II listed Market Hall at 39, 43 & 45 Swan Street. The building is not in use and regrettably, at the time of my visit, its appearance was somewhat disfigured by extensive fly-posting on panels which had been erected to seal openings in the north façade. These detract from its appearance and have a negative impact on the street scene. Nevertheless, even if this temporary appearance was improved, I consider that the appeal site and the Market Hall are far enough apart and separated by the heavily trafficked Swan Street itself such that they are not viewed together directly. This leads me to conclude that the display would not have a materially adverse impact on the setting of the Market Hall. Similarly, the Grade II listed 29 Swan Street is an elegant 3 storey building with fine brickwork detailing standing in a terrace on the south side to the east of the Market Hall. However, the distance to the appeal site and separation by Swan Street leads me to conclude its setting would not be materially harmed by the display.

7. Other significant signs and displays on or adjacent to the north side of Swan Street include two 48 sheet posters and the fascia board of the garage. Whilst those 3 displays are relatively close together and the posters in particular are prominently positioned at the back of the footway, the proposed display is further west, at an elevated level and with most views filtered through the mature trees in front of the adjacent office building.

8. Beyond the appeal site there are a number of poster sites on the west side of Shudehill and Rochdale Road but the proposed display would not figure prominently in any views which included these sites. With the exception of the fly-posting on the Market Hall, other displays and signs in the area are typical

of those to be expected in a commercial area such as this and I consider the proposed display could be assimilated without resulting in an undue proliferation of advertising material. I note the Council refers to Policy E3.3 of the Unitary Development Plan (UDP) for the City of Manchester which seeks to upgrade the appearance of the City's major radial and orbital roads and rail routes. However, as I consider that the current appearance of the appeal site would be improved by the display, I conclude that the proposal would not be contrary to Policy E3.3 and that overall there would be no significant harm to visual amenity.

9. The Council have referred to other policies in the UDP. However, in the circumstances outlined above, I consider the appeal sign is acceptable and that I should allow the appeal. My decision does not mean that a similar display in another location would necessarily be acceptable. Each case is decided on its own merits.

Conditions

10. The appellant acknowledges that the vicinity of the appeal site may be regenerated in the future and that in such circumstances a poster display of this type may no longer be suitable. In recognition of this, he seeks a temporary period of 3 years for the display which I have imposed by condition. It is necessary to protect the long term character and appearance of the area. The appellant also offered to limit the illumination of the display to 75% of the recommended acceptable level at 600 candelas/square metre. I consider this is necessary to ensure that the poster would not have an overly dominant effect in the street scene at night and have secured this by condition.

John Yellowley

Inspector

APPEARANCES

FOR THE APPELLANT:

Neil Buchanan	Development Manager, Highway Media UK Ltd, Canal House, 40 Thomas Telford Basin, Piccadilly, Manchester M1 2NH

FOR THE LOCAL PLANNING AUTHORITY:

Robert Lilburn	Assistant Planner, Manchester City Council Town Hall, Albert Square, Manchester M60 2LA
Gerry Reilly	Technician, Manchester City Council Town Hall, Albert Square, Manchester M60 2LA

DOCUMENTS SUBMITTED AT THE HEARING

1 Appellant's hearing statement
2 Colour copies of black and white photographs submitted in Council's hearing statement