The Planning Inspectorate

Appeal Decision

Hearing held on 12 September 2013

Site Visit made on 12 September July 2013

by D R Cullingford BA MPhil MRTPI

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

Decision date: 1 October 2013

Appeal Ref: APP/B4215/H/13/2197074
City Tower, Piccadilly Plaza, Manchester, M1 4BT

- This 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 by Mr Peter Crowther (of Bruntwood Estates) against the decision of the Manchester City Council.
- The application (ref: 099107/AOH/2012/C2 and dated 17 April 2012) was refused by notice dated 13 March 2013.
- The advertisement under appeal is described as being for 'the display of a single-sided, portrait orientated, LED screen measuring 7.5m in height by 5m in width located at the City Tower, Piccadilly Plaza'.

Decision

1. I dismiss this appeal.

Main issues

2. From what I have heard, read and seen, I consider that this appeal turns on whether the installation of this advertisement would:
   i) harm the character or appearance of these city centre streets by adversely affecting the townscape or
   ii) be so distracting or confusing as to exacerbate road hazards.

Reasons

The site

3. The City Tower and Piccadilly Plaza form an iconic concrete and glass landmark at the centre of Manchester. The buildings may be remnants of the architectural brutalism fashionable in the 1960s, but some rebuilding and refurbishment have revitalised the complex and the massive geometry of its simple and opposing shapes now contribute to one of the busiest and most vibrant parts of the City. The complex dominates Piccadilly Gardens with its busy bus and tram interchange and it is seen along almost the whole length of Portland Street. A unifying podium forms a visual foundation for the huge and disparate shapes above (mainly the 30-storey City Tower and the 15-storey cantilevered slab block of the Mercure Hotel). Part of the 'podium' (at 3rd floor level) is an open deck car park surrounded by a concrete balustrade. The proposed installation would be positioned at the 'chamfered' north eastern corner of this car park deck aligned diagonally between Parker Street (beside Piccadilly Gardens) and Portland Street.

The proposal

4. The installation would be aligned across the 'chamfered' corner to face northwards along Portland Street. The LED screen would fit into a purpose built surround designed to match the appearance of the concrete balustrade around the car park and the concrete surfaces of the hotel building, although constructed largely in steel and aluminium. It would be a free-standing structure positioned behind, but extending above, the car park parapet; the base would be 10.3m above the ground so that the top of the structure would be almost 18m (17.8m) above the street. It is explained that the illuminated display would change about once every 8 seconds. A similar screen constructed in similar materials is installed above the entrance to the shopping mall displaying a variety of advertisements across Piccadilly Gardens and the busy transport interchange. It is suggested that the current proposal would help contribute to the investment expended on upgrading and maintaining the building and, along with other installations, to the charitable commitments made by Bruntwood Estates. Consent is sought to retain the installation for 5 years.

Planning policy and the main issues

5. Regulation 3 of the Control of Advertisements Regulations specifies that the control of advertisements requiring express consent (in places outside 'Areas of Special Control', such as this) shall only be exercised in the interests of 'amenity' and 'public safety', albeit taking account of the provisions of the Development Plan (so far as they relate to amenity and public safety) and any other relevant factors. There is no statutory requirement under section 220 of the Act to have regard to the Development Plan for advertisement applications and appeals, although the Plan can be an important material consideration. The guidance proffered by the Framework (NPPF) indicates that only those advertisements likely to have an appreciable impact should be subject to a detailed assessment. The issues identified above are intended to reflect that guidance and those provisions.

6. Nevertheless, the policies referred to in the reasons for withholding consent are not irrelevant; the Core Strategy (policies DM1, EN1 and SP1), the UDP ('saved' policies E3.3 and DC15) and the cited supplementary documents may all be material. But the primary considerations cannot focus on the failure of the installation to upgrade or enhance the building, the locality or this radial route: neither can the absence of a development site or an unsightly feature to disguise or screen necessarily warrant preventing this installation. Such considerations must be secondary to the exercise of control in the interests of 'amenity' and (when relevant) 'public safety'.

Amenity

7. It seems to me that the massive geometry of the Plaza and the busy, brash, ebullience of Piccadilly Gardens make this an inherently suitable place to host media messages. Indeed, I think that the existing installation above the entrance to the mall displaying ever changing images across the vibrant central space demonstrates the point very well. But the proposed installation would be aligned differently. As Mr Stephenson observes, the architectural composition of the Plaza 'uses a unifying podium to hold together a disparate collection of [sculptural] forms surmounting it'. And, it is suggested that, provided the proposed screen was to be 'carefully integrated' into the composition of 'highly articulated'

buildings, it would present 'no challenge to the architecture'. Unfortunately, and after careful consideration, I am afraid that I find that the proposed installation would not appear integrated with the forms and shapes amongst which it would often be seen. There are three main reasons.

8. First, the installation would be aligned diagonally across a 'chamfered' corner of the open deck car park. But, the dominating geometry of the 'unifying podium' and the huge blocks above it is almost entirely based on right angles. The screen would thus appear out of kilter with a defining characteristic of this 'sculptural composition of disparate structures' and enormously accentuate a jarring feature which now goes largely unnoticed. Second, the free-standing screen would extend above the car park parapet and across the level of the windows of the function rooms at the hotel. It would thus partially obscure both the simple geometric lines of that podium-like structure and the cantilevered element of the main hotel block, thereby serving to 'muddle' the simplicity of key architectural components and accentuate its own presence as something of an incongruous accretion on the car park deck (see photos 3, 4 and 5 and the montage on drawing no. A00779/05). Third, because the open deck car park projects beyond the hotel function rooms and because the screen would be positioned across a prominent corner, the installation would often be seen as a separate free standing structure silhouetted not against the Plaza but against significantly different buildings and against the sky (see photos 1, 2 and 6). This separate identity, accentuated by the incongruous alignment, would emphasise the failure of the installation to integrate with the host structures and its ungainly intrusion into characteristic vistas, particularly against the 'red brick panels' of Number One Piccadilly Gardens and part of the ornately splendid façade of the Britannia Hotel (a grade II* Listed Building), would diminish the perception of elements that make important contributions to the street scene.

9. For those reasons, I consider that the prominent presence of the installation and the insistent attention demanded by its changing screen would emphasise its discordant relationship with the host buildings and its intrusive impact on important vistas within these city centre streets (primarily Portland Street, Parker Street and Piccadilly Gardens). Although I think that those harmful effects would be less evident when viewed from the northern end of Portland Street, I consider that they would become ever more apparent in approaching the Plaza. I am afraid that from most other directions I find that, when seen, the discordant characteristics of the installation would dominate. The contrast with the existing display facing Piccadilly Gardens would be all too evident. There, the installation adheres to the alignment and geometry of the Plaza and the position of the screen above the mall entrance both identifies and enhances an important function of the buildings. The proposed screen would not exhibit such simplicity of alignment and geometry nor contribute to clarifying a function of the building. I consider, therefore, that this LED screen, positioned as proposed, would unacceptably harm the character and appearance of these city centre streets and adversely affect the townscape by impairing the perception of some key architectural components that make important contributions to this urban scene. The fact that Portland Street is a 'gateway' and that some of the 'architectural components' are Listed Buildings, serves to compound the damaging impact of the proposal.

Hazards

10. The Council are concerned that the display screen would be seen in juxtaposition with, and barely 40m from, some of the signals controlling one of the busiest junctions in the city centre and one used by multi-modal forms of transport. There have now been 15 accidents in the immediate vicinity of the Portland Street and Aytoun Street junction since 2008 (1 fatal and 5 serious), the vast majority (and all those classified as either fatal or serious) involving pedestrians; records show that trams, buses, cars and bicycles are all sometimes involved. Hence, given the interaction between pedestrians, buses, trams and other traffic (there is a taxi rank and a loading bay either side of Portland Street to the north of the junction), the concern is that the display screen would be distracting enough to exacerbate hazards here.

11. It seems to me, however, that although the junction is very busy and accommodates multi-modal traffic, the options available for passing through the junction are now very limited. (It is actually 2 junctions, but one is largely for public transport.) Ordinary traffic from Aytoun Street can only turn left or right on to Portland Street (the use of Parker Street being confined solely to public transport). The screen would be peripheral for right turning traffic and clearly separate from the relevant signals. The screen would be evident for left turning vehicles, but it would be well separated from the relevant signals and the street both vertically and horizontally; drivers would also pass the screen almost as soon as that simple manoeuvre had been completed. Ordinary traffic on Portland Street can only pass straight through the junction either travelling north or south. The screen would not be seen by northbound traffic, being single sided and orientated north eastwards. The screen would be clearly seen by south bound traffic. But, movements through the junction are controlled by 3 separate signals and, although the screen would be seen with either of the off-side signals, drivers would have up to 150m to adjust to the changing juxtaposition while the near-side signal would always remain distinct and separate from the proposed screen.

12. The movements of buses and trams through the junction follow set patterns. As buses only enter and leave Parker Street travelling from and to the south, the screen would not be noticeable to drivers, due to its orientation and height. The trams crossing Portland Street from Piccadilly Gardens or Aytoun Street adhere to their own separate signals. In any case, the screen would be unlikely to distract trained and professional drivers of public transport vehicles.

13. Currently most accidents (and all serious ones) involve pedestrians. The evidence adduced indicates no obvious spatial pattern or underlying cause (save perhaps carelessness); there is no noticeable cluster associated with the junction between Portland Street, Parker Street and Aytoun Street. Certainly, the screen would be seen by pedestrians in the vicinity. But it would be positioned well above street level and be almost always perceived in a distinctly different plane from the signs and traffic signals intended to guide pedestrian movement.

14. Taking all those matters into account, I doubt that this installation would be distracting or confusing enough to noticeably exacerbate road hazards here.

Conclusion

15. Although I have found that this installation would not seriously exacerbate road hazards, I consider that it would unacceptably harm the character and appearance of the townscape, including the perception of key architectural components that contribute to the street scene. Such harmful effects warrant the control of this advertisement in the interests of 'amenity'. Hence, and in spite of considering all the other matters raised, I conclude that this appeal should be dismissed.

David Cullingford
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Hunter of Counsel	Kings Chambers, Manchester
Thomas Ren	Commercial Manager, Bruntwood Estates
Martin Stephen	J C Decaux UK Limited
Timothy Russell	Associate, Croft Transport Solutions

FOR THE LOCAL PLANNING AUTHORITY:

Angela Leckie	Senior Planning Officer, Manchester City Council
Martin Ash	City Wide Highways, Manchester City Council
Andy Hawksworth	Assistant, Manchester City Council

DOCUMENTS

Document	1	List of persons present at the Hearing (see above)
Document	2	John Hunter's submissions
Document	3	Written statement by Roger Stephenson (nominally appendix C to the appellant's statement).
Document	4	Transport appeal statement (nominally appendix F to the appellant's statement)
Document	5	LED screen details

All other statements and submissions are on the file

PLANS

Plans	A	1	Location Plan
		2	Site plan, A00779/01
		3	Plan and New York Street elevation, A00779/02
		4	Existing screen; Portland and Parker Street elevations, A00779/03
		5	Screen details, A00779/04
		6	Portland Street elevation, views and montage, A00779/05
Plan	B	Listed Buildings	
Plan	C	Photo positions	

PHOTOS

Photos	1-9	Views of the site and existing screen
Plan	10	LED screen at the junction of Whitworth Street and Albion Street