The Planning Inspectorate

Appeal Decision

Hearing held on 28 November 2012

Site visits made on 28 November 2012 and 16 December 2012

by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP IHBC MRTPI

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

Decision date: 29 January 2013

Appeal Ref: APP/B4215/H/12/2182945
Network Rail land, London Road, opp Altrincham Street, Manchester M1 2PW.

- 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 Primesight Ltd. against the decision of Manchester City Council.
- The application Ref 099437/AO/2012/C2, received 2 July 2012, was refused by notice dated 24 August 2012.
- The advertisement proposed is described as a 48 sheet digital LED display.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I undertook a second unaccompanied site visit on the evening of Saturday 16 December. At the time of this site visit, it was dark and streetlights and other illumination were in operation.

3. There is an illuminated poster display advertisement in situ on the appeal site. However, consent for this display expired in 2007 and this advertisement could be subject to a discontinuance notice at any time. It is on this basis that I determine the appeal.

Main Issue

4. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

5. The appeal proposal is for the erection of a poster display advertisement. The Council cites Policies SP1, C1, CC1, CC9, EN1, EN3 and DM1 from the *Core Strategy of the City of Manchester* and saved Policies E3.3, DC15.1 and DC15.2 from the *Unitary Development Plan for the City of Manchester (1995).* The Regulations require that decisions be made only in the interests of amenity and, where applicable, public safety. Therefore, the policies alone cannot be decisive. However, I have taken them into account as a material consideration in my determination of the appeal. I have also taken into account the National Planning Policy Framework (the Framework). I acknowledge that the abovementioned policies are not at odds with the general approach therein.

6. The appeal proposal would be located approximately to the south of Piccadilly Train Station and would be adjacent to an arch on the southern side of a railway viaduct. Although Piccadilly Train Station is located within an overwhelmingly commercial area, the area south of the railway viaduct is less so with expanses of open grassland surrounding a nearby hotel and other buildings, in commercial/educational use, some of which are set back from London Road behind a landscape buffer.

7. Thus although the character of the locality is dominated by large structures such as the highway network including the wide four-lane single/dual carriageways of London Road (A6), the Mancunion Way flyover (A635(M)) and the railway viaduct, it is softened by the landscaped frontage and open grassed areas in the locality. This creates an impression of spaciousness.

8. The proposed poster display unit would sited some 2.8m from the ground to the bottom of the poster display and would be some 3.5m in height, 6.5m in width and 0.8m in depth. The proposal would be illuminated by digital LED display to a maximum of 600 candelas per square metre. It would be primarily visible to pedestrians walking along the paths across the grassland and to the drivers/passengers of the vehicles driving northwards into the city centre along London Road.

9. The brick built viaduct has a series of curved and squared arches and forms part of the historic rail network within Manchester. It dates back to the first half of the C19th. In my view it provides a positive contribution in the local cityscape. English Heritage has indicated that the viaduct has some historic merit and I note that they have recommended that this structure should be included in the list of special architectural and historic buildings. In the light of this the Council has indicated that the viaduct is a local heritage asset. Although the viaduct has no formal designations, I consider that it is a non-designated heritage asset.

10. The proposed advertisement would be positioned forward of the square arch and would be lower than the overall height of the arch and set in from the sides, it would be slightly angled towards the road. Although the proposal would have a rectangular shape and form, which would reflect the shape and form of the squared arch fronting London Road, it would obscure part of the internal curved arch of the asset which is also visible from London Road. In addition its slightly angled position would create a jarring feature when viewed against the curved arch backdrop and it would introduce an overly commercial feature within the softer setting adjacent to the viaduct. When these points are taken together I consider that the appeal proposal would undermine the views of the non-designated heritage asset.

11. Moreover, I saw that the lighting in the immediate locality is limited to high level, multi head, mast lighting which does not spill much beyond the parapet level of the viaduct and standard street lighting plus external lighting directed to the ground floor level only of the nearby hotel. The levels of night time illumination are lower in the immediate vicinity of the appeal site than in the adjacent area, specifically the area to the north of the viaduct around Piccadilly Train Station. On this basis I consider that the introduction of an advertisement with LED illumination at the suggested 600 candelas would create a dominant and prominent feature during the evening, which would alter the character of this relatively quiet and inactive area. This would increase the commerciality of this softer setting. This area provides a buffer between the

predominantly residential areas to the south of the Mancunion Way and the more commercial area of Manchester City Centre on the northern side of the viaduct. As a result the proposal would have a negative effect on the amenity of the locality.

12. I note the reference to several other advertisements, including poster display advertisements in the locality, some of which are illuminated. However, these displays can be differentiated on their own specific circumstances. In particular many of the other advertisements are located in busier commercial locations such as adjacent to Piccadilly Railway Station or in brighter locations or closer to the highway network. Although I have been provided with some details, I am unaware of the full background of these cases. In any case I am required to determine each appeal on its own merits as I have done in this case.

13. The appellant has also referred me to the appeal decision (Ref: APP/B4215/H/05/1174977) which relates to the previous advertisement consent on the appeal site - referred to above in paragraph 3. However, I consider the current appeal proposal is distinctly different to that which was allowed in 2005 due to the proposed LED illumination. Furthermore, the evidence indicates that the character of the locality has improved significantly since that poster display was given consent following the regeneration of the adjacent building and its surroundings. I acknowledge that the Inspector in the 2005 appeal was aware of the potential future redevelopment of the office building and attached a 2 year time condition to that consent so that any impact of an advertisement in that location could be reviewed in the light of any regeneration in the locality. In my view the adjacent hotel in terms of quality, design and detail contributes positively to the area and the appeal proposal would have a negative effect on the character and appearance of the area as it is now.

14. The appeal drawing (Ref: 3733/B dated May 2012) indicates that the viaduct arch would be infilled with brushed steel cladding in an attempt to visually integrate the appeal scheme with the materials and design of the adjacent hotel. It also indicates that the appeal site would be improved by updating the existing palisade fencing with mesh fencing and by the planting of additional trees. However, I understand that planning permission has not been received for the proposed cladding works, which limits the weight I can attach to this in terms of mitigation. The parties state that the removal of the palisade fencing and the erection of new mesh fencing, of up to 2m from ground level, plus the additional tree planting would fall within permitted development. Even if that is the case, whilst they would improve the appearance of the appeal site, they would not overcome the harm that I have identified.

15. For the reasons given above and having regard to all matters raised, I conclude that the proposed advertisement would be detrimental to the visual amenity of the area. The appeal is dismissed.

Mrs A Fairclough

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Steve Sweeney	Director, Primesight Ltd.
Mr Neil Buchanan	Agent for Primesight Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Ms Janine Renshaw-Livesey	Planning Officer, Manchester City Council
Mr David Brettell	Planning Manager, Manchester City Council

DOCUMENTS, PHOTOGRAPHS AND DRAWINGS

1. Statement submitted by Appellant
2. Photographs showing fence design submitted by Appellant
3. Drawing of 2000H V-Defence Mesh System – Ref H000 000 30 dated 31 May 2011 submitted by Appellant
4. Photographs (3) of appeal site submitted by Appellant
5. Photographs (6) of other poster displays in locality submitted by Appellant
6. Appeal decision ref APP/B4215/H/05/1174977 submitted by the Appellant
7. Extract of GPDO Part 2 Minor Operations Class A (d) submitted by Council
8. Copy of delegated report ref 098539/AOH/2012/N2 submitted by Council
9. Copy of delegated report ref 098083/AOH/2011/N2 submitted by Council
10. Copy of list of advertisement applications in locality of appeal site submitted by Council