The Planning Inspectorate

Appeal Decision

Site visit made on 28 October 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 3 November 2014

Appeal Ref: APP/B4215/H/14/2222948
Dawson Street, Hulme, Manchester, M15 4LG

- 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 Vivid Outdoor Media Ltd against the decision of Manchester City Council.
- The application Ref 105529/AOH/2014/C1, dated 23 April 2014, was refused by notice dated 20 June 2014.
- The advertisement proposed is proposed upgrade of 1 x 48-sheet LED advertising display unit with 1 x 48-sheet LED Digital advertising display unit.

Decision

1. The appeal is allowed and consent is granted for the upgrade of 1 x 48-sheet LED advertising display unit with 1 x 48-sheet LED Digital advertising display unit as applied for. The consent is for ten years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

   1) No individual advertisements displayed on the LED panel shall contain moving images, animation, videos or full motion images or any images that resemble road signs or traffic signs.

   2) No individual advertisements shall be displayed for a duration of less than 8 seconds.

   3) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.

Main Issue

2. The main issue is the visual impact of the advertisement at the site and within the surrounding area, with particular regard to the Castlefield Conservation Area and the Grade II Listed Railway Viaduct.

Reasons

3. The appeal site comprises a large brick built, supporting column between two wide arches which form part of the Grade II Listed Railway Viaduct. The Viaduct is a substantial structure and visually dominates both the immediate area and more distant views. The appeal site is also within the Castlefield Conservation Area (CA).

4. The site is located immediately next to Dawson Street (the A57) which serves as a main arterial transport route into and out of Manchester city centre. The A57 is a busy, three lane highway which passes under the Viaduct and there are several highway features including directional signs, overhead gantrys and tall street light columns close to the site. Buildings in the area comprise both historic and more recent development but are generally of a large scale, such as the modern apartment blocks on the opposite side of the street and the red brick mill on the other side of the Viaduct from the appeal site. There are some trees located close to the appeal site along Potato Wharf but these are set back from the highway behind a grassed area.

5. The character of the area is therefore defined by that of a busy commercial area, located close to the city centre. This is also true of the Grade II Listed Viaduct in that whilst its large scale visually dominates the area, its setting is also defined by the built fabric of a vibrant, commercial city which continues to evolve around it over time and comprises both historic and modern development.

6. There is an existing poster board advert displayed at the appeal site which I understand has deemed consent. It is located flush with the large brick supporting column of the Viaduct. It is approximately 6 metres wide and 3 metres high and is internally lit. The advert sits relatively centrally between two of the Viaduct's arches. Whilst I accept that the width of the advert does obscure some limited views of the Viaduct's column, the height of the Viaduct is such that the advert is not seen as unduly out of scale when viewed against the substantial backdrop of the Viaduct's overall structure.

7. As the size, scale and location of the advert currently in situ at the appeal site represents the existing situation, I must have regard to it when assessing the appeal scheme before me in relation to the main issue which I have identified above.

8. The submitted plans show that the appeal proposal would be the same length and width as the existing advert. It would also be internally lit, which is also the case with the existing advert.

9. Given that the proposal would be positioned in the same location as the existing advert, the only view that it would partially obstruct would be that of the Viaduct's column and part of the adjacent arch. In this respect, it would be no more poorly placed than the existing advert which, as described above, is largely absorbed into the appearance of the Viaduct as a result of the substantial height and massive scale of that structure. The proposal would therefore preserve the setting of the Listed Viaduct in that there would be little appreciable difference when compared with the existing situation. For the same reasons, the proposal would also preserve the character or appearance of the CA.

10. Although the Council have referred to the proposed advert obstructing views of trees, modern high quality development and other Listed buildings in the area (including the Grade II Listed Worsley Mill and the Grade II* Listed St Georges Church), it is difficult to see how that would be so. This is because the trees are set back from the highway and are not placed in front of the appeal site and, as previously stated, the proposed advert would be situated flush against the brick elevation of the Viaduct. Therefore, the extent to which any views of other buildings in the area are obstructed is as a result of the Viaduct itself rather than the proposed advert. Whilst there may be low level industrial buildings in the area,

they do not form part of the close context of the appeal site, which is defined by the massive scale of the Viaduct.

11. Taking into account the existing advert at the site, I consider that the proposal would not lead to an increase in visual clutter as it would not be materially different to the existing situation. This is also because there is already a degree of visual clutter in the area, such as highway signs, that one would expect to find within a busy city environment.

12. I accept that at the time of the original application, the appellant may not have considered the impact of the proposal on the relevant heritage assets, in line with requirements set out in the National Planning Policy Framework (the 'Framework'). However, paragraph 128 of the Framework also states, among other things, that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Given that the proposal sought to replace an existing advert with one of similar proportions in the same location, it would not have been reasonable to expect an extensive heritage appraisal in this regard.

13. Drawing matters together, the proposed advertisement would be seen within the context of the busy commercial environment in which it would be situated. Additionally, taking account of the existing advert, it would not be materially different to the existing situation. For these reasons, I conclude that the advert proposed would not be unduly harmful to the visual amenity of the area, with particular regard to the CA and the Grade II Listed Railway Viaduct.

14. The Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken into account the policies and guidance which the Council have referred to, including policies EN1, CC1, C1, CC9, EN3, DM1, SP1 of the Council's Core Strategy (Adopted July 2012); the 'Guide to Development in Manchester' Supplementary Planning Document (paragraphs 2.6 and 11.45; saved policies E3.3, DC15.1, DC15.2, and DC18.1, DC19 of the Council's Unitary Development Plan (Adopted July 1995); and also sections 7 and 12 of the Framework; they have not been a decisive consideration in reaching my decision.

Conditions and Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

16. I shall impose the five standard conditions set out in the Regulations. Additionally, I have specified in the formal decision that the period of consent is for ten years as that is the period specified on the original application. The highway authority have requested that conditions are imposed to control images displayed in that they should not resemble road or traffic signs, that no individual advertisement should be displayed for less than 8 seconds and that controls are in place to ensure a smooth uninterrupted transition of images. As the advert would be sited next to a busy three lane arterial transport route, I shall therefore impose the conditions requested in the interests of highway safety.

Victoria Lucas-Gosnold

INSPECTOR