

Exisitng



Proposed

Proposed replacement of 1 no internally illuminated 96 sheet and 2 no 48 sheets with 1no digital display on Land at ECP Car park, Aytoun Street, Manchester by Steve Smith, City Outdoor Media Ltd.

Planning Statement

June 2024

SJ
CONSULTANCY

1. Introduction

1.1 This statement has been produced to support an advertisement application submitted by Steve Smith of City Outdoor Media Ltd to introduce a single LED digital advertisement display to replace 1 no double sided 96 sheet backlit advertisement, 2 no double sided 48 sheet backlit advertisements and 2 no car park signs at the ECP car park, Aytoun Street, Manchester. The author of this document is planning consultant Susan Jones BA (hons) BPL MEWI, affiliated member of the RIBA. Mrs. Jones has provided planning advice to City Outdoor Media Ltd for well in excess of 10 years and has a career in planning consultancy spanning more than 40 years, including specializing in planning and outdoor advertisement control.

1.2 This document considers the visual amenity and transport safety issues associated with the proposal as well as relevant planning policies at local and national level. Consideration is also given to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 with particular reference to deemed consent opportunities (Class 13 of Schedule 3 Part 1).

1.3 This application follows the refusal of advertisement consent for a proposed larger digital advertisement display comprising dimensions 18.6 x 4.65 x 0.265m by Manchester City Council on 14th January 2022 (LPA Ref: 132240/AOH/2021). That proposal, which also included some proposed boundary improvements, was subsequently the subject of appeal reference APP/B4215/Z/22/3294291 which was dismissed by way of a decision letter dated 29th November 2022. That decision notice, which is attached as Appendix A, will be referred to in this statement together with the supporting Transport Issues Statement by Eddisons and a Heritage Assessment by Border Archaeology both dated June 2024.

2. The Proposed Digital Advertising Display

2.1 The proposed LED digital display would have the same dimensions as the existing 96 sheet back lit advertisement currently on the site, namely 12.3 x 3.1 x 0.25m. The height above ground level of the proposed advertisement would be the same as the existing display it would replace as shown on submitted drawing 3037 05 Rev F, be in the same location and have the same orientation. Unlike the existing display which is frameless the proposal would include a frame so that the advertisement display itself would therefore be marginally smaller. Furthermore, an assessment has recently been undertaken by the Applicant's technical adviser concerning how the current level of illumination of the backlit display would compare with the proposed digital display which would automatically adjust to the ambient light level of the surrounding environment during daylight and during the hours of darkness would not exceed 600 cd/m2. The assessment document which is submitted in support of this application found that the proposed display would not result in a greater level of illumination than the present situation. The proposed display would operate in exactly the same way, as other similar digital displays the Applicant has introduced within the city center of Manchester which the council are familiar with.

2.2 The supporting Transport Issues Statement sets out at para 2.3.4 how the proposed display would operate involving a seamless change of advertisements no more than every 10 seconds. There would be no moving images and in the event of a problem it would default to a blank screen. There would therefore be no flashing images.

2.3 The proposed LED digital display would replace the three existing backlit advertisement displays which are currently located along the boundary of the ECP Car Park adjoining Aytoun Street. The land upon which these displays sit enjoys the benefit of deemed consent under Class 13 of Schedule 3 Part 1 of the aforementioned 2007 advertisement regulations. This deemed consent benefit is a material consideration in the determination of this application and is specifically addressed below.

2.4 The technical specification for the proposed display forms Appendix B to this statement. Recently the existing advertisement display has been the target of indiscriminate graffiti (see photograph at Appendix C). The Applicant has experience of successfully dealing with unwanted graffiti on his other sites and it is intended that the proposal display will be similarly treated in this case. As part of the proposal which is the subject of this application therefore an anti-graffiti management scheme would be introduced. This would involve the application of a product known as “Stormdry” which can be used on masonry and metal alike and would form a coating. Any graffiti or fly posting which is introduced once the Stormdry coat has been introduced can be removed with ease using a high-pressure washer using cold water. Appendix D includes the specification details of Stormdry. Following the erection of the proposed display, including the application of Stormdry a representative of the Applicant company would visit the site every three months to review the situation and if any graffiti is observed then arrangements would be put in place to have it removed.

3. Deemed Consent

3.1 The land upon which the existing advertisement displays sit enjoys the benefit of deemed consent for advertisements by way of Class 13 of Schedule 3 Part 1 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Plate D on page 21 of the supporting Heritage Statement is a photograph of this land and the adjoining car park and its surroundings. At the time the subject land accommodated 2 no 96 sheets and 1 no 48 sheet advertisement displays. The photograph was taken before the extension to the listed City Police Courts was introduced which was in the mid 1990’s. Therefore, that photograph was taken at least 30 years ago and therefore well in excess of the last 10-years which must prevail for the land to enjoy deemed consent. The Applicant has knowledge that the land has been used continually for the display of illuminated advertisements with no increase in the extent to which the site has been used for that purpose and also no change in the manner in which it has been used since that time. Furthermore, with respect to previous advertisement applications by the Applicant for this site supporting documents have raised its deemed consent status and the council has never challenged this. Furthermore, the council has never taken any discontinuance action to seek the removal of the advertisements, including after receipt of the appeal decision APP/B4215/Z/22/3294291 (Appendix A) when the appointed inspector commented at para 10 of the decision letter that the “*... scale and positioning of the existing advertisements have detrimental effect on the visual amenity of the area, particularly*

in relation to the setting of the Grade II listed City Police Courts"*. A local planning authority may only serve a discontinuance notice if it is satisfied that the removal of the advertisement is necessary "*to remedy a substantial injury to the amenity of the locality or a danger to members of the public*". The council has had some 18 months from the date of that decision to review the impact of the use of the land for the display of illuminated advertisements in the light of this test and given that no discontinuous action has been taken the assumption is made therefore that the council considers that the "substantial injury" test has not been met. Under these circumstances therefore the continuing use of the land for the display of advertisements must be treated as a material consideration in the determination of this application.

3.2 The Inspector in the aforementioned appeal commented at para 9 of the decision letter (Appendix A) the following:

> *"Far from setting a desirable precedent for the appeal proposal, these pre-existing advertisements carry very limited weight in support of the appeal."*

Mrs Jones however does not agree with that view. Given that it is the intention of the Applicant to continue to use the subject land for the display of advertisements under deemed consent if this application is unsuccessful then there can be no doubt that it represents a realistic fallback position. A similar set of circumstances prevailed with respect to the proposal which was the subject of appeal APP/B4215/H/14/2222948 (see the decision letter dated 3rd November 2014 at Appendix E) which resulted in the appointed Inspector in that case upholding the appeal on the basis that the existing display which enjoyed deemed consent would remain and what was proposed was not considered materially different to the existing situation. In that case the proposed display was considered in the light of the setting of a Grade II listed railway viaduct and Castlefield Conservation Area with the appointed inspector commenting as follows:

"As the size, scale and location of the advert currently 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 I have referred to above."

4. Heritage Considerations

4.1 This application is accompanied by a comprehensive Heritage Report by Border Archaeology. That report assesses the proposed advertisement display in relation to the following heritage assets and concludes the following:

Heritage Impact.	**Assessed Impact**
Manchester Crown Court - Grade II*.	Negligible to Minor
Rochdale Boundary Wall to Canal -Grade II	Neutral
Setting of Whitworth Conservation. Area	Slight/Neutral

The Overall conclusion of the heritage assessment in the light of the proposed advertisement is stated at page 45 as follows:

> *"It is considered that the overall impact in heritage terms of the proposed replacement of the existing illuminated advertisement with a digital display and*

removal of two existing advertisements can be assessed as slight and positive, reflecting its positive effect on the setting of the Grade II Listed Crown Court in terms of opening up hitherto obscured views of the building from Aytoun Street and barely perceptible impact on other nearby heritage assets in the surrounding vicinity."*

5. Public Safety

5.1 A Transport Issues Statement has been submitted in support of this application and concludes that there would be no highway safety issues associated with this proposal. Para 4.4.5 states:

> *"It is therefore considered that the proposals present no greater risk to highway safety than previously consented schemes, which the applicant would address through their acceptance of the standard planning conditions for digital displays..."*

Furthermore, at para 14 of the aforementioned 2022 appeal decision (Appendix A) relating to the proposed display which was materially larger than what is now before the council the appointed Inspector stated:

> *"I acknowledge that the LPA has raised no issues raised in relation to public safety. Whilst I have no reason to depart from this view this is a neutral consideration that does not add weight in favour of the appeal. This application should be determined in the light of the 2007 advertisement regulations which requires that the proposal is considered in the light of public safety."*

6. Visual Amenity

6.1 The key issue with respect to this application is the same as that identified by the appointed Inspector at paragraph 5 of the decision letter relating to the previous proposal (Appendix A) namely:

> *"...the effect of the proposed digital advertisement on the visual amenity of the surrounding area, with particular regard to the setting of the City Police Courts, a Grade II* listed building."*

6.2 Unlike the previous scheme which comprised a materially larger proposed advertisement than that now proposed it is now supported by a comprehensive heritage impact assessment. The heritage impact assessment which now supports this application considers in detail the visual impact of the proposed advertisement not only on the Grade II* listed Police Courts building but also the Grade II listed Rochdale Boundary Wall to the Rochdale Canal between Chorlton Street and Minshull Street and the Whitworth Street Conservation Area with the overall conclusion being that the proposed advertisement would have a "*positive effect*". The author of the Border Archaeology report Stephen Priestley MA MCIFA has extensive experience of compiling heritage impact assessments and prior to joining Border Archaeology he was employed as a researcher for English Heritage and a research consultant for Cadw and British Waterways. His heritage knowledge and experience therefore are

considerable and should be treated as superior to those of Inspector J M Tweedle BSc (Hons) MSc (Dist) MRTPI who dealt with the aforementioned appeal and produced the decision letter which is attached as Appendix A stating at paragraph 15:

> "*The appellant relies heavily on extracts from a heritage statement prepared in 2016 and submitted as part of a planning application to support the development of a neighbouring site. However, that assessment was made to support a proposal for 478 residential units and commercial space. Therefore, given its age and purpose, it is of little relevance to the appeal before me."*

6.3 The aforementioned appeal decision relating to a similar proposal involving similar issues is also helpful in relation to the consideration of this proposal (Appendix E). For example, the Inspector comments at paragraph 11 as follows:

> *"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."*

6.4 In comparison, the Application Site adjoins a busy highway and Metro train lines with associated highway signage. Furthermore, digital advertisement displays have recently been introduced at the corner of Auburn Street and Aytoun Street and another on the east side of Aytoun Street, both of which include moving images (referred to on page 29 of the Heritage Assessment). Furthermore, given that the proposal involves the replacement of the existing display with a digital display of similar size, location, and orientation the author of this document fails to see how a different view to that of the Dawson Street appeal Inspector who considered that it would not represent a material change could be justified.

6.5 As far as relevant planning policies are concerned, with the exception of the SRF document relating to the Aytoun Street Campus site, they are largely the same as those associated with the Dawson Street appeal with the appointed Inspector confirming at paragraph 14 that "*...they have not been a decisive consideration in reaching my decision.*" Turning to the SRF document and the fact that the Application Site falls within the Aytoun Street Campus site Mrs. Jones fails to see how this document can carry any significant weight in the decision-making process now given that it has been drawn up in the context of the HS2 proposals which have now been shelved.

7. Conclusions

7.1 The application proposal would involve the replacement of three existing backlit advertisements which enjoy deemed consent. Close by is a Grade II* listed building, a Grade II listed boundary wall and the setting of the Whitworth Street Conservation Area. The Heritage Assessment which supports this application has confirmed that the overall impact of the proposed advertisement would be slight and positive with a broadly positive effect on the setting of the Grade II* listed building. This is a material consideration in the determination of this application.

7.2 The application proposal would involve the replacement of an existing 96 sheet internally illuminated advertisement with a digital display of the same dimensions, height above ground level, siting, and orientation. The Dawson Street appeal referred to (Appendix E) involved very similar circumstances to this and the appointed inspector took the view that the difference between the existing and proposed advertisements was not material. Furthermore, the fact that that the existing advertisement benefitted from deemed consent was also identified by the Inspector as a material factor in the decision-making process. There appears to be no reason why the same approach shouldn't be adopted with this application.

7.3 The 2022 application/ appeal which was unsuccessful and related to the Application Site involved a materially larger digital screen than that now proposed, and the proposal was not supported by a comprehensive heritage impact assessment specifically relating to the proposal as is now the case. There would therefore appear to be no reasonable planning justification for the same decision to be attributed to the application proposal now before the council.

7.4 There are no highway safety issues associated with the proposed advertisement.

7.5 It is considered that there are no good planning grounds to resist the proposal and advertisement consent should therefore be forthcoming.

APPENDIX A

Appeal Decision: APP/B4215/Z/22/3294291

The Planning Inspectorate

Appeal Decision

Site visit made on 7 October 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/B4215/Z/22/3294291
ECP Car Park, Aytoun Street, Manchester

- 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 Stephen Smith of City Outdoor Media Ltd against the decision of Manchester City Council.
- The application Ref 132240/AOH/2021, dated 16 November 2021, was refused by notice dated 14 January 2022.
- The advertisement proposed is 1 no. digital display.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal varies throughout the appeal documentation. Therefore, the description of the proposed advertisement set out in the heading above is taken from the original application form. The appellant's submission suggests that the proposal includes alterations to the existing boundary fencing and opportunities for feature paving/public artwork. However, as these works could involve independent acts of development, these elements are beyond the scope of the advertisement consent regime.

3. The Local Planning Authority (LPA) has drawn my attention to the development plan policies it considers to be relevant to this appeal, and I have taken them into account as a material consideration. Nevertheless, powers under the Regulations[1] to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the LPA's policies have not therefore, by themselves, been decisive.

4. The LPA's reason for refusal includes reference to the heritage chapter of the National Planning Policy Framework (the Framework). However, the policies in that chapter apply only to the heritage related consent regimes as set out by the Planning (Listed Buildings and Conservation Areas) Act 1990, and therefore are of no relevance to the appeal proposal.

Main Issue

5. The main issue is the effect of the proposed digital advertisement on the visual amenity of the surrounding area, with particular regard to the setting of the City Police Courts, a Grade II* listed building.

Reasons

6. The appeal site is essentially a narrow strip of land along the eastern boundary of a private car park on Aytoun Street, a busy road that forms a main route through

[1] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Manchester City centre. The surrounding area is characterised by a mix of modern contemporary high-rise buildings, reflecting recent efforts to regenerate this part of the city, interspersed by a variety of historic buildings.

7. The site's immediate context is dominated by the Grade II* listed City Police Courts, which sits to the northwest of the appeal site. Dating from circa 1868, the building is formed of several tall gables, a Gothic tower and a tall ornate chimney stack. Its exceptional design quality and architectural significance is evident in its highly decorative elevations which utilise redbrick and sandstone dressings executed in an Italian Gothic style. Its historic and architectural significance can be appreciated in public views from the surrounding streets, including in views from Aytoun Street over the appeal site. Therefore, owing to its proximity and positioning in relation to the listed building, the appeal site forms an integral part of the setting of the listed building.

8. The proposal seeks advertisement consent for a digital display measuring 18.6 metres by 4.65 metres by 0.265 metres, facing east over Aytoun Street. The proposed digital display would be internally illuminated with a maximum illumination level of 600cd/m^2, and would sit 1.3 metres from ground level to the base of the advertisement. It would display static digital images on a 10 second sequential rotation. The display would be set back from the pavement and replace one 96 sheet and two 48 sheet backlit advertisement hoardings along with two car park signs which are currently positioned along the eastern boundary of the car park.

9. Travelling north along Aytoun Street, there are good views of the side elevation of the City Police Courts and its distinctive architectural composition. However, owing to their size and positioning, the existing advertisements within the appeal site already dominate the foreground, harmfully interrupting public views of the listed building. Therefore, I consider that the scale and positioning of the existing advertisements have a detrimental effect on the visual amenity of the area, particularly in relation to the setting of the Grade II* listed City Police Courts. Far from setting a desirable precedent for the appeal proposal, these pre-existing advertisements carry very limited weight in support of the appeal.

10. The removal of the existing advertisements would improve views of the listed building, thereby enabling a greater appreciation of the designated heritage asset. The proposal would also result in a net reduction in the total area of advertising on display at the site. Furthermore, open views of the listed building would remain possible from within the car park. Nevertheless, as a result of its size, positioning and method of illumination, and in the absence of other digital advertisement units of similar scale or appearance, the proposed digital display would result in a highly prominent and visually obtrusive feature.

11. Its digital LED method of illumination, while below recommended standards for brightness and not comprising moving or flashing images, would provide much clearer and vivid visuals compared to the existing static displays. These factors would cause the proposed advertisement to be much more apparent and dominant in the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual presence and harmful effect on the amenity of the area. Accordingly, the proposed digital display would appear overly prominent and visually obtrusive in public views of the listed building on the approach along Aytoun Street. This would have a significant adverse visual effect on the setting of the listed building.

12. The appellant is of the view that the setting of the listed building is already compromised to a degree by the introduction of high-rise modern development and the loss of other historic buildings. However, this does not justify further harm to the setting of the listed building.

13. The appellant has indicated that they would accept a condition to provide a hard landscaping scheme to improve the area around the proposed advertisement, including a public art installation. Nevertheless, as referred to in my preliminary matters, these works could amount to development and therefore would go beyond the act of simply displaying an advertisement or facilitating the display of an advertisement. In any case, I am not convinced that such improvements would outweigh the harm I have identified.

14. I acknowledge that the LPA has raised no issues in relation to public safety. Whilst I have no reason to depart from this view, this is a neutral consideration that does not add weight in favour of the appeal. Advertisement consent was granted in 2014[2] for a similar advertisement, but I understand that this was never implemented, and I do not have the full details of that scheme before me. I am also referred to the approval of a LED digital display at Rochdale Road[3] and an appeal decision for a LED display at Corporation Street[4]. However, these cases are of some age and the spatial context in those cases differs considerably from the case before me. Therefore, I have reached my own conclusion on the appeal proposal on the basis of the evidence before me.

15. The appellant relies heavily on extracts from a heritage statement[5] prepared in 2016 and submitted as part of a planning application[6] to support the development of a neighbouring site. However, that assessment was made to support a proposal for 478 residential units and commercial space. Therefore, given its age and purpose, it is of little relevance to the appeal before me.

16. Bringing all of these points together, due to its size, positioning and method of illumination, I conclude that the proposed digital advertisement would result in significant harm to the visual amenity of the surrounding area, with particular regard to the setting of the City Police Courts, a Grade II* listed building.

17. Whilst not decisive, the proposal would also be contrary to policies EN1, CC9, EN3, DM1 and SP1 of Manchester's local Development Framework Core Strategy Development Plan Document (2012) and saved polices DC15.1, DC15.2 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), in so far as these policies collectively seek to protect the amenity of the surrounding area, including the historic environment.

Conclusion

18. I have found the proposal to be harmful to the visual amenity of the surrounding area. For this reason, and having regard to all other matters raised, the appeal is dismissed.

J M Tweddle

INSPECTOR

[2] LPA Ref. 106884/AOH/2014/C2
[3] LPA Ref. 112693/AOH/201/N1
[4] Appeal Ref. APP/B4215/H/13/2201015
[5] Heritage Statement: Significance and Impact by Stephen Levrant Heritage Architecture Ltd, dated 28 April 2016
[6] LPA Ref. 112034/FO/2016/C

APPENDIX B

Technical specification for the proposed display

UNI LED

UsurfaceIII8

800 x 900 Outdoor

Waterproof Type Fixed LED Display Unit



Wide Viewing Angle | Energy Saving | High Brightness

High Resolution | Front & Rear Maintenance

Main Technical Specifications:

Parameter	Value	
Pixel Pitch	8.3mm	
LED Type	3-in-1 SMD	
LED Configuration	1Red , 1Green, 1Blue	
Brightness	6500cd/m²	
Pixels Per Panel	96×108 Dots	
Pixel Density	14400 pixels/m²	
Weigh t	28kg/㎡	24kg/㎡
Module Size	W400mm×H 300mm	
Cabinet Size	W800mm×H 900mm×D 96mm	
Maintenance	Front	Rear
Aspect Ratio	8:9	
Area	0.72 m²	
Recommended Viewing Distance	≥8.3 m	
Material	Profile aluminum	
Environment	Out door	
Ingress Protection	IP 65/IP54	
Operating Temperature/Humidity	-20℃ ~+ 50℃ /10-90%RH	
Storage Temperature/Humidity	-30℃ ~+ 60℃ /10-95%RH	
Gap Between Modules	Seamless	
Horizontal Viewing Angle	140°	
Vertical Viewing Angle	120°	
Color Temperature	2000-9300K Adjustable	
Colors	4.4 Trillion	
Brightness Control	Manual/Automatic	
Contrast Ratio	10200:1	

Input Power <Max>	700W/m²
Input Power <Typical>	234W/ m²
Driving Method	Constant Current Drive
Video Frame Rate	50/60 Hz
Refresh Rate	1920 Hz
Input Voltage	100~240V AC
Input Power Frequency	47~63 Hz
Input Signal	DVI/HDMI/VGA/SDI/DP/AV/SVideo, etc
LED Life Time	≥100,000 Hours
LED Wavelength	R:620~630nm G:520~535nm B:465~475nm
Standard Mounting Configuration	Fixed
Professional Services	Design, configuration, install and service available
Data Interconnection	Network Cable (L≤100m); multi-mode fiber (L≤ 300m); single mode fiber (L≤ 15km)
Note: Specifications are for reference only and are subject to change without notice. Power consumption tolerance: ±15%, according to the actual situation	

Cabinet Drawing:

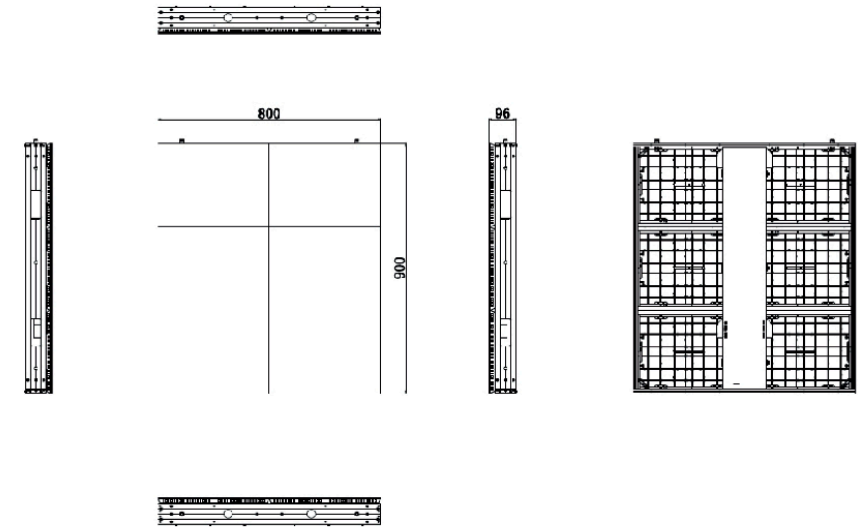


Figure 1 Drawing of Rear Maintenance Cabinet

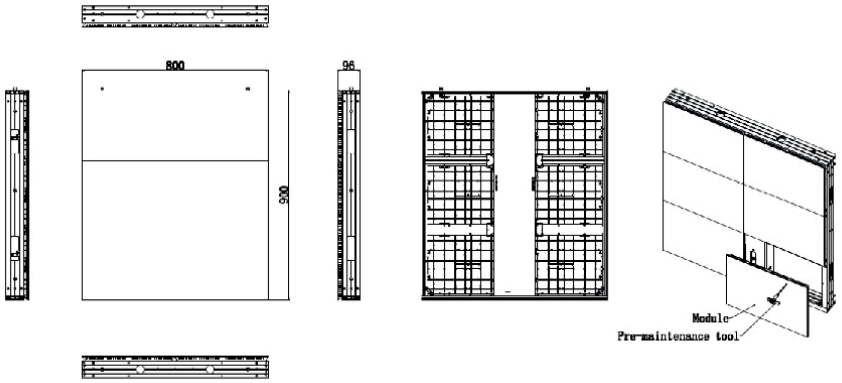


Figure 2 Drawing of Front Maintenance Cabinet

APPENDIX C

Existing advertisement display


CITY OUTDOOR
TOE TO TOE, HEAD TO HEAD,
NEIGHBOUR TO NEIGHBOUR.
24 HOUR PARKING
CITY OUTDOOR

APPENDIX D

Specification details of Stormdry

Stormdry® AG-Coat – Anti-Graffiti Protection

Product Description

Stormdry® AG-Coat is a permanent water-resistant coating that offers anti-graffiti and flood resistant properties on masonry, concrete and stone substrates. The cured coating provides easy removal of aerosol paint, permanent markers and fly posters. **Stormdry® AG-Coat** provides excellent durability against rain and UV.

Benefits

- Easy removal of graffiti and fly posters
- Waterproof and flood resistant barrier
- UV resistant
- Ready for use
- Compatible with Stormdry® System products
- Non-sacrificial coating

Properties

Appearance	Hazy liquid, dries clear
Recipe Type	Moisture curing silicone
Density	0.98 g/cm^3
Size(s) & Packaging	3 Litre metal tin
Coverage	3 – 4 m^2 per litre
Service Life	10 years [1]
Cleaning Cycles	In excess of 15 cycles
Storage	Store between 5 – 25°C in the original container
Shelf Life	12 months in unopened pack
Minimum Application Temperature	5 °C



Application Information

Preparation

Stormdry® Masonry Protection Cream is recommended as a primer before applying **Stormdry® AG-Coat**. When applying over a dry clean wall treated with Stormdry® Masonry Protection Cream no preparation is needed.

When applying to an untreated surface, first remove any dirt and surface debris with a stiff brush.

If biological growth is evident, this can be removed by using SoluGuard® Multi-Surface Biocide.

After the wall has fully dried. Apply Stormdry® Masonry Protection Cream with a brush, roller or spray and wait 2 – 4 hours before applying **Stormdry® AG-Coat**.

Refer to the Stormdry® Masonry Protection Cream datasheet for full application instructions.

Application

Before application, it is recommended that a small test area is treated for aesthetic acceptability before full application begins. There will be a reduction in the initial gloss in the first few days.

Apply by brush or roller making sure a thin even coat is applied. Brushes and rollers should be cleaned white spirit. Any splashes should also removed as soon as possible using white spirit.

[1] *With primer application based on accelerated QUV aging.*

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Stormdry® AG-Coat is moisture curing and will start to cure when exposed to humidity in the air. It is dry to touch after 2 hours and tack free after 4 hours. Complete drying for heavier film builds may require up to 24 hours, leaving a slightly darkened look to the wall. If necessary, **Stormdry® AG-Coat** can be recoated.

Note: As **Stormdry® AG-Coat** is moisture curing, once opened, containers should be used up. Any remaining coating exposed to air will continue to cure and thicken resulting in surface skinning and increased viscosity.

Graffiti Removal

To remove any graffiti sprayed onto the coating, clean the surface with a high pressure washer using cold water. After rainfall, fly posters will naturally detach due to low adhesion to the surface.

Flood Protection

Stormdry® AG-Coat makes up part of the Safeguard Flood Resilience Systems. When using in a flood situation ensure **Stormdry® AG-Coat** is used no higher than the flood design height or 0.6 m above ground level. Refer to the Safeguard Flood Resilience documentation or contact our technical department on 01403 210204 for further information.

Other Information

Product testing in the Safeguard Laboratory has found that the Wagner Heavycoat 950 sprayer is suitable equipment for spray application, with settings of greater than 240 bar and hose diameter 3/8" and tip size greater than 0.13".

Stormdry® AG-Coat can be used on other materials to form a water-resistant barrier, for example wood and selected metals.

Stormdry® AG-Coat is produced in accordance with ISO 9001 and ISO 14001 quality and environmental management systems. **Stormdry® AG-Coat** is non-hazardous to the environment.

Information given is in good faith based on experience and usage, however all recommendations are made without warranty or guarantee, since the conditions of use are beyond our control. All goods are sold in accordance with our Conditions of Sale, copies of which are available on request. Customers are advised that products, techniques and codes of practice are under constant review and changes occur without notice; please ensure you have the latest updated information.

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APPENDIX E

Appeal Decision: APP/B4215/H/14/2222948

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