

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138199/AOH/2023		
Date registered valid:	27 September 2023		
Proposal:	Installation of a Digital Advertising Display.		
Address:	Potato Wharf, Manchester , M3 4NB		
Ward(s):	Deansgate		Ward
Applicant:	Wildstone Group Limited		
Agent (if any):	Mr Philip Allard Wildstone Planning		
Case officer:	Jack		Naven
	Tel: 0161 219		2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Refuse		
Date of recommendation:	22 November 2023		

Application Details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 11 October 2023

Standard consultations:

Printed: 3 October 2023 Expired: 24 October 2023

Neighbour notifications

Printed: 3 October 2023 Expired: 24 October 2023

Site notice

Posted: 11 October 2023 Expired: 1 November 2023

Press advert

Published: 10 October 2023 Expired: 24 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Not applicable

Description of Site

The proposal site is situated on the Dawson Street section of the A57. The A57 is major arterial transport route into, out of, and around Manchester City Centre. At one end, it connects to the other major transport routes of Regent Road and Trinity Way. Further along, the A57 becomes Egerton Street, and then the Mancunian Way.

The site is located flush with the Grade II Listed Castlefield Railway Viaduct, which is considered to be a major historical asset within the contexts of the Castlefield Conservation Area. The Grade II Listed Worsley Mill is also within the vicinity of the proposed development area.

The proposed location sits close to the boundaries of Salford City Council and Manchester City Council. The side of the viaduct on this proposal seeks has seen a significant amount of regeneration in the past decade.

Description of Development

The development relates to the installation of a Digital Advertising Display. This DM6 format display will be raised 2.5 metres on a supporting structure and the size of the screen will be 5 metres by 7.5 metres (37.5 metres squared).

This will replace an existing digital 48-sheet display on site, which is elevated from a support 3 metres off the ground and has a screen size of 6 metres x 3 metres (18 metres squared).

Related Applications

105529/AOH/2014/C1 - The installation of an internally illuminated intermittent LED advertisement hoarding.

Refused June 2014. Allowed on appeal November 2014.

Consultations & Notification Responses

Highway Services - Recommended that a condition should be added regarding the LED display.

Environmental Health - Recommended that a condition should be added regarding the LED display.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received due to this publicity.

Policy

The Town and Country Planning (Control of Advertisements) Regulations 2007 state that:

(1) The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

National Planning Policy Framework (2021)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The following sections are considered to be particularly relevant to the proposed development:

Section 12 'Achieving well-designed places' refers to the need for good design.

Section 16 'Conserving and enhancing the historic environment' refers to the great weight that should be given to preserving heritage assets.

Manchester Core Strategy

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy EN3 (Heritage) states Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy CC9 (Design and Heritage) States that Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Paragraph 8.53 of the supporting text states that The City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC15 relates to advertisement hoardings and posters. The main matters to be considered in the context of this application are: -The general location of the proposed advertisements and the effect of visual amenity; -The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting.

Policy DC19C states the council would not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character.

Policy E3.3 refers to the Council looking to upgrade the appearance of the city's major radial routes

Other National Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

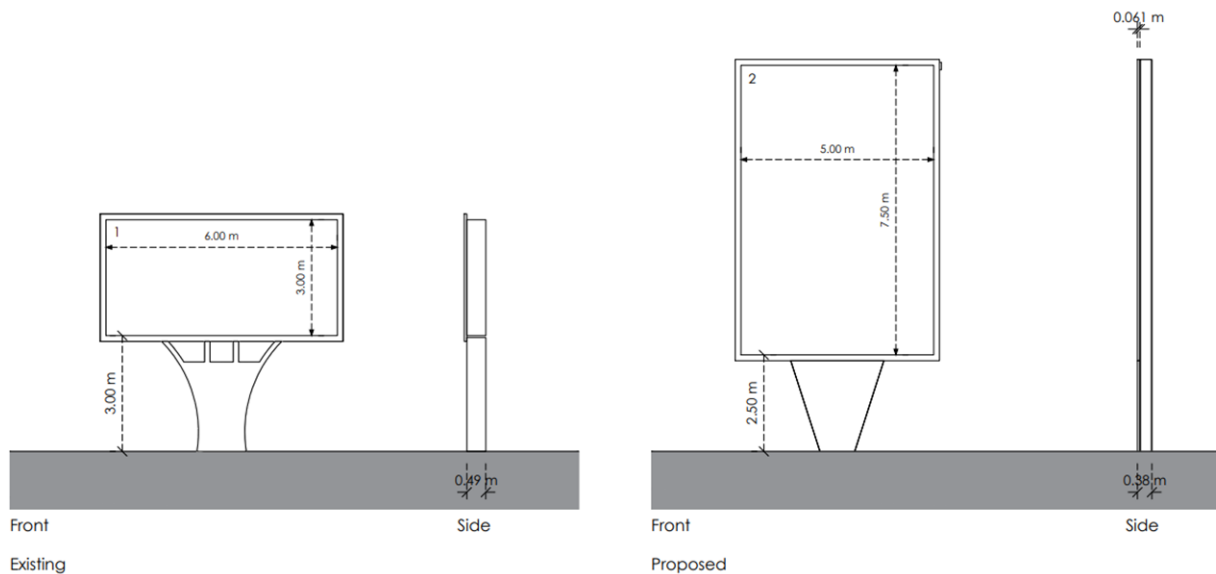
Issues

Principle

The main issues to consider in the determination of this application is the effect the proposal will have upon visual amenity, public safety, as well as the impact it will have on the setting of the Grade II Listed Structure.

Visual Amenity and Impact on Listed Building

A smaller, digital display is already in situ on at the development site. The proposed Digital Advertising Display would more than double the size of the digital display screen in question from 18 metres squared to 37.5 metres squared. Whilst the proposed display is slightly shorter in width by a metre, the size of the display screen itself has almost doubled in height.



Drawings of Existing and Proposed Digital Display

The proposed screen would cover a significant proportion of this section of the Grade II Listed Viaduct. The proposed display is only slightly shorter in height than the viaduct itself and would be considered to be a visual dominant feature that would have an unduly harmful impact on the character and visual amenity of the surrounding street scene and Castlefield Conservation Area.

Advertisements, by their very nature, are designed to draw the eye. The placement of an advertisement billboard so close to a listed building would create an overly prominent feature in its setting.



Digital Display Currently on Site



Render of Proposed Display on Site

In the inspectorate report for the digital display on site, which was allowed on appeal, it was noted that for this display "the only view that it would partially obstruct would be that of the Viaduct's column and part of the adjacent arch. ... it would be no more poorly placed than the existing advert which...is largely absorbed into the appearance of the Viaduct as a result of the substantial height and massive scale of that structure". The display in question is significantly taller than the previous digital display in question. The digital display cannot be considered to be largely absorbed into the appearance of the Viaduct as a result of the substantial height and massive scale of that structure, given that the display proposed in this application is significantly taller than the previous, increasing from 6 metres in height (including the base) to 11 metres in height (including the base). The proposed digital display is now almost as tall of the Grade II Listed Viaduct itself.

A large part of the significance of the Grade II Listed Viaduct comes from its historic stone detailing masonry and the vertical columns. A large section of these features would be hidden from view by the dominating proposed viaduct.

Paragraph 200 of the NPPF states that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

In this instance it is considered that the proposed digital advertisement display would cause harm to the setting of the designated heritage asset by the obtrusive nature of its increased size compared to the advertisement display current on site, as it would be considered visually dominant in the context of this section of the Grade II Listed Viaduct, obscuring part of its elevation which would diminish the ability to read its historic interest and heritage.

Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. The enlarged design of proposed advertisement is considered to have a significant, negative impact on this Grade II Listed Structure.

Public Safety

There are no public safety concerns with the proposal. The luminance of the static digital advert is noted as 300cd/m² which is in line with Manchester City Council's recommended maximum of 600cd/m². The proposed digital advertising display complies with headroom and carriageway clearance requirements. The proposed digital advertising display complies with headroom and carriageway clearance requirements and the location of the digital advertising display is not considered to generate any adverse impact for vehicles travelling along Egerton Street (A57).

Other Relevant Planning History to Consider

Application **127006/AO/2020 (Appeal Decision APP/B4215/Z/20/3257260)** for the replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays at 110-114 Cheetham Hill Road, M4 4FG, was refused on visual amenity grounds in July 2020.

This refusal was subsequently appealed by the applicant. The Planning Inspectorate concurred with the decision of the Local Planning Authority and the refusal was upheld on appeal in October 2020. This application is relevant to the determination of this application as follows:

The proposed digital billboards in this case were directly in the setting of a Grade-II listed building. The inspector considered that the scale, illumination, and rotating content of the display would detract from the setting of the listed building. The inspector also considered digital billboards to be more visually prominent than their non-digital counterparts and hence to create a more obtrusive feature when replacing existing non-digital signage.

The Inspector concluded that the new characteristics of the display combined with the negative impact on the setting of the listed building 'would cause significant harm to the visual amenity of the locality'.

Following this decision, there has been other cases where refusals of digital advertising displays have been refused by Manchester City Council as the Local Planning authority, that have then been appealed by the applicant, and the refusal of these applications have been upheld on appeal by the inspectorate.

The applications in question are:

133244/AOH/2022 - Installation of 48 sheet LED digital billboard at the Corner Of London Road And Store Street, M1 2PF. Refused June 2022, appeal dismissed February 2023. (**Appeal Decision APP/B4215/Z/22/3305629**)

133376/AOH/2022 - Installation of 1 no. 48 sheet LED digital billboard at the Corner Of London Road And Altrincham Street, M1 2PW. Refused June 2022, appeal dismissed February 2023. (**Appeal Decision APP/B4215/Z/22/3305636**)

Please note that this appeal decision states the following:

"Its mass and extent would cover up the historic brick masonry of the Viaduct. In particular it would extend over part of the adjacent arch at one corner and cover brick pier details on the bridge abutment at the other. This would give it a particularly awkward and incongruous appearance in relation to the Viaduct's architectural detailing. Notwithstanding that it would only affect part of the vast structure and partially obscure one of its hundreds of arches, it would nevertheless harm the appearance of the Viaduct. Its prominent location would also create an

intrusive feature in the street scene on the approach, through the London Street bridge, into the distinctive townscape beyond.”

136297/AOH/2023 - Installation of freestanding internally illuminated hoarding sign at Land Adjacent To 73 Rochdale Road, M4 4HY. Refused April 2023, appeal dismissed October 2023.
(Appeal Decision APP/B4215/Z/23/3323451)

These applications were all refused on the grounds of visual amenity and harm to a Listed Building.

A copy of all four these appeal decisions have been appended in full to this delegated report for information and consideration in the determination of this application. Manchester City Council believes that these decisions must be taken into consideration in the course of determining this application.

Conclusion

The proposed digital advertising display, by virtue of its size, siting, digital display and illumination, will have detrimental effect on visual amenity. The illuminance and digitisation would create a more visually prominent feature in the street scene and surrounding Castlefield Conservation Area than the display currently in situ. In addition, the increased size, dominant visual prominence, and location of the display directly flushed with the Grade II Listed Castlefield Viaduct, will create an obtrusive, incongruous, and visual dominant feature that would detract from the significance of a Grade-II listed building and neither preserve nor enhance its setting.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a

decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed digital advertising hoarding sign, would by reason of its size, position, appearance, means of illumination and method of display, create an intrusive, overly dominant, and incongruous feature together with having an unduly harmful impact on the character of the local street-scene and Castlefield Conservation Area, along one of the City's main arterial routes (A57). The proposal would also have an unduly harmful impact on the setting of the Grade II Listed Castlefield Railway Viaduct in which it sits in front of, to the detriment of visual amenity and would be considered to cause harm to the historical significance of this Grade II Listed Historical Asset. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity and historic environment of the area contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, EN3, SP1 and DM1 of the Manchester Core Strategy and saved policies DC15.1, DC15.2, DC19 and E3.3 of the Unitary Development Plan for the City of Manchester and Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 106, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 407, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 602, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 607, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 403, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 402, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 105, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 303, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 414, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 311, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 314, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 213, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 205, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 715, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 602, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 315, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 107, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 603, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 405, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 202, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Arch 18, Potato Wharf, Manchester, M3 4LA
Flat G07, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 710, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 203, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 509, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 410, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 207, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 310, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 703, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 407, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat G09, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 203, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 404, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 701, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 412, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat G01, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 514, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 211, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 605, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 305, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat G07, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 101, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 302, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 706, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 207, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 109, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 504, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat G06, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat G08, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX

[illegible]

[illegible]

Flat G05, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 410, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 102, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 609, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 401, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 705, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 208, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat G06, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 101, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 110, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat G02, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 708, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 506, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 604, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 707, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 404, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 210, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 605, Wilson Building, 43 Potato Wharf, Manchester, M3 4NX
Flat 511, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 215, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 515, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 313, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 104, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 607, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat G04, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 310, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 710, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 606, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 508, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 206, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 501, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NU
Flat 214, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT
Flat 403, Goodwin Building, 41 Potato Wharf, Manchester, M3 4NT

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Castlefield Conservation Area 1979
Area Team Boundary - Name: CENTRAL

Appendix 3 – Planning Inspectorate Appeal Decisions



Appeal Decision

Site visit made on 6 October 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/B4215/Z/20/3257260

Land at 110-114 Cheetham Hill Road, Manchester M4 4FG

- 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 Limited against the decision of Manchester City Council.
 - The application Ref 127006/AO/2020, dated 21 May 2020, was refused by notice dated 22 July 2020.
 - The advertisement proposed is the replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Express Advertisement Consent was granted for the existing hoardings on 13 February 2007 for a period of 2 years. According to the appellant the hoardings have continued to be displayed without consent for a period of more than 10 years. Thus, it is claimed that the hoardings now benefit from Deemed Consent under the terms of Class 13 of Schedule 3 of the Regulations. Whilst it is not for me to determine the lawfulness, or otherwise, of the existing displays, the appellant has provided me with evidence of communication with the Council in this respect and I am therefore content that it was aware of the considered status at the time of reaching their decision. The Council's report indicates that it has considered the proposal as replacements for the existing hoardings. I therefore consider no party will be prejudiced by my consideration of the appeal on the same grounds.
3. The main issue is the effect of the development on the visual amenity of the locality, including the setting of St Chads Church, a Grade II listed building.

Reasons

4. The site is a corner plot at the junction of St Chad's Street with Cheetham Hill Road (A665), a busy 4-lane radial route close to the city centre ring road and linking it to outlying areas of northern Manchester. This part of Cheetham Hill Road is predominantly commercial in nature and includes mixed age buildings of varying architectural merit and scale. Consequently, the locality has a high level of signage which, for the most part, is of a more modest scale than the hoardings on the appeal site, however, other hoardings of various sizes and display type are present along the main road.
5. The proposal would retain almost identical areas of display to the existing hoardings which are capable of internal illumination. The advertisements would

rely on the same, or similar, supporting framework such that their scale and position in the streetscene would be substantially as the existing arrangement. A previous appeal decision¹ on the site found that these displays would be commensurate with the scale of their surroundings and, having visited the site, I find no reason to disagree with that assessment.

6. The significant changes would arise from the use of LED displays and a capability to regularly scroll through individual static images up to a frequency of one every 10 seconds. Although the displays would be slimmer and appear more modern than their existing counterparts, the combined effects of the generally brighter and vivid images, when taken with the 'movement' of the changing individual displays, would cause them to be more obtrusive and increase their visual prominence in comparison to the existing hoardings.
7. Whilst this effect would be tempered to a degree by controlled limitation of the brightness of the displays and, during darker hours, by the street lighting and other local sources of illumination, they would become a more intrusive element in the streetscene. This effect would occur at all times of the day but be considerably greater during darkness hours on account of the relatively exposed position on an unlit site bordered by open spaces at the sides and rear.
8. Furthermore, the proximity of the signs to the church would ensure that they feature significantly in the main views of that building and, as they are intended to do, would draw the eye. Although Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to applications for Advertisement Consent the effect on the listed building is material to consideration of the effects of the visual amenity. The scale of the hoardings and images on display, the illumination and frequency of changing pictures would detract significantly from the setting and visual experience of the listed building.
9. In combination, I find that the effects of the new display characteristics and the impacts on the setting of the listed building would cause significant harm to the visual amenity of the locality.
10. In support of the appeal the appellant refers to the acceptance of the principle of other examples of digital displays within the city supported by the Council. This includes a specific case at 143 Cheetham Hill Road. Whilst that example would lie close by, its circumstances differ in that it is a single display and is set against the backdrop of a building. Furthermore, the limited evidence provided does not suggest it lies within the close setting of a listed building. It is not therefore directly comparable to the case before me, a case I have considered on its own merits.
11. The appellant also states that the effect on the listed building remains unchanged. Notwithstanding my conclusion above, I note that the original grant of Express Consent was time limited on account that the harm identified to the setting of the listed building would be inappropriate over a longer period. In that instance, the concession to grant consent was predicated on the effects of other benefits accruing from the improvement of the wider corner site awaiting potential redevelopment. However, I find no evidence before me that the condition of the site would be prejudiced by my decision. According to the

¹ APP/B4215/H/06/1200355

appellant, the site benefits from a fallback position for the display of adverts such that continued display might occur. As such, the circumstances which were previously considered to outweigh the harm to the setting of the church attract negligible weight in this instance.

12. Moreover, the claimed lawfulness of the existing advertisements, which were anticipated to cause harm to local amenity, would not provide a sound justification to permit advertising that I have found would cause greater harm.

Other Matters

13. As a fallback position is deemed to exist there is no prejudice to the ongoing display of advertisements at the site such that the economic benefits for the site operator and owner would be diminished. Although potential environmental benefits of the proposal might accrue through reduction of waste, the use of energy and resource efficient lighting and reduced visits to the site, I do not consider that those benefits would outweigh the harm to visual amenity that would arise in the locality.

Conclusion

14. I therefore conclude that the proposal would cause significant harm to the visual amenity of the locality due to the changes to the nature of the display and ability to successively change images.
15. I have regard to Policies EN1, EN3, SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012) and saved Policies DC15, DC19 and E3.3 of The Manchester Plan Unitary Development Plan 1995 as referred to by the Council and as they seek to protect amenity, together with paragraph 132 of The National Planning Policy Framework. Having found that the proposal would cause harm to local amenity, the proposal conflicts with those policies.
16. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR

Appeal Decision

Site visit made on 10 January 2022

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 9 February 2023

Appeal Ref: APP/B4215/Z/22/3305629

The corner of London Road and Store Street, Manchester M1 2PF

- 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 Network Rail against the decision of Manchester City Council.
 - The application Ref 133244/AOH/2022, dated 15 March 2022, was refused by notice dated 28 June 2022.
 - The advertisement proposed is 48 sheet LED digital billboard.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the National Planning Policy Framework's (the Framework) policy on balancing any less than substantial harm to a heritage asset's significance with any public benefits. In response the appellant has described what they consider to be public benefits of the proposal. However, whilst I have taken any matters relevant to amenity into account, this is not relevant to this appeal under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) as that Framework policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990¹.
3. Any disagreement about the legal status of the existing advertisement is a matter for the main parties and it is not an issue for me to reach a finding on its lawfulness in determining this appeal for a proposed advertisement. The reason for refusal does not indicate that public safety would be harmed.

Main Issue

4. Therefore, the main issue raised by this appeal is the effect the proposal would have on amenity, having regard to the grade II listed status of the Piccadilly Station Trainshed and Undercroft on which it would be situated and the setting of the grade II* listed London Road Police and Fire Station.

Reasons

Effect on amenity, including Piccadilly Station Trainshed and Undercroft

5. The proposed sign would occupy a prominent location on the corner of Store Street at the point at which it enters a tunnel underneath the railway station

¹ Framework paragraph 189, footnote 67.

concourse. The listed building is a large and complex structure. The advertisement would be seen against the backdrop of the Western Undercroft's brick retaining walls and in the context of the brick pier and rounded arch close by around the corner, mentioned in the list entry. The hoarding would cover up part of the retaining wall where it is most visible under the metal overbridge and outside the darker vaulted tunnel section.

6. Notwithstanding the large scale of the Undercroft element of the listed building, by occupying a significant part of the height of the wall between footway and overbridge it would appear out of scale with that part of the building. Its conspicuous situation within the cityscape would render it a discordant feature. Although it would not cover or obscure the particular architectural details cited in the list description, it would add an intrusive feature adjacent to the more articulated elements on the London Road frontage which would be visible together with the advertisement from across the road.
7. Even though the Undercroft's external appearance is distinct from that of the Trainshed above, part of the significance of the listed building is derived from the massive and relatively unadorned form of the Undercroft element where it presents solid walls to surrounding streets. The proposal's size, materials, appearance and situation on the listed building would result in a harmful contrast to the appearance of the plain and robust engineering and architecture of that part of the listed building and hence amenity.
8. Whilst the site's surroundings have a busy, commercial city centre character, on a busy street with tramline, large commercial hoardings are not an overly conspicuous part of that character where signage is typically more restrained. Its immediate locality on the east side of London Road is one with important historic, architectural and cultural features, and the advertisement would not be in scale or in keeping with those features. In this context the proposal's effects would also harm the amenity of the area.
9. Whilst its situation means that it would not be visible from that part of London Road and its surroundings beyond the tunnel entrance to the south, this would not affect the visual intrusion experienced from the north part of that street.
10. I have taken into account Core Strategy² Policies CC 9, DM 1 and SP 1. Together, and amongst other requirements, these seek to preserve or enhance the City's listed buildings, have regard to siting, scale, form and appearance, and create well designed places that enhance or create character. I have also taken into account saved UDP³ Policies DC15.1, DC15.2 and DC19.1 which, amongst other criteria, seeks unobtrusive, in scale advertisements which do not harm a building's architectural features, and avoiding adverse effects on listed buildings' architectural and historic character. Given that I have concluded that the advertisement would harm amenity, the proposal would conflict with these policies.
11. However, Core Strategy Policies EN 1's and EN 3's specific City Centre Character Area and heritage development requirements are less pertinent to this proposal. As the site is not in a conservation area, UDP Policy DC18.1, and the highlighted paragraphs in the Guide to Development⁴, are not applicable.

² Manchester's Local Development Framework - Core Strategy Development Plan Document, 2012.

³ The Manchester Plan – The Unitary Development Plan for the City of Manchester, 1995.

⁴ Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, 2007.

12. I have taken into account the relevant factor that the Framework⁵ recognises that the quality and character of places can suffer when advertisements are poorly sited and designed, and that would be the case with this proposal.

Existing hoarding on site

13. Although the Council's delegated report makes generalised reference to enforcement options, there is no information before me that they have served, or intend to serve, a discontinuance notice in respect of the existing externally illuminated hoarding that occupies the site. Nor is there any indication that there is a reasonable likelihood that it would be removed. The existing advertisement on the site is therefore a consideration that carries some weight in support of the proposal given the similarity in situation and size between existing and proposed.
14. Many of the adverse effects on visual amenity that would occur with the proposal would be shared with the existing sign on the site. The proposal would consequently have a neutral effect in those particular respects given its presence. However, the appearance of both the advertisements that would be displayed and the hoarding structure itself would be materially different.
15. The current arrangement displays paper advertisements externally illuminated by downlights. The differences would be particularly due to the qualities of the paper material and the distinct effect of the lighting which washes down the sign. By contrast the proposed LED sign would have a constant and consistent illumination with a more strident appearance that would catch the eye in a more noticeable manner in both daylight and hours of darkness.
16. The existing hoarding is situated relatively flush to the wall. The proposal would consist of a materially more substantial construction which would project farther from the wall and be noticeably more bulky and prominent from the sides, which in turn would have a more pronounced visual effect. These effects would have a harmful effect on amenity both in terms of the appearance of the listed building and its appearance within the streetscape.
17. Therefore, whilst the existing arrangement shares many of the proposal's harmful effects, they are not so all encompassing and extensive as to make the proposal acceptable in its context. Any advantages in terms of maintenance and management the proposal may have would largely be benefits for the operator given the maintenance and amenity requirements of the standard condition that any grant of express consent would be subject to⁶.

London Road Police and Fire Station

18. The proposed advertisement would not be visible from the handsome and imposing Edwardian listed building itself. It would be visible in limited views of the listed building from farther up London Road and framed views from the exit from Store Street. This is part of the sensitive townscape setting in which that building's significance can be appreciated and understood. However, unlike its effect on the listed Station complex, the presence of the existing sign would result in the setting, and hence significance, of the Police and Fire Station being effectively preserved by the proposal. In this particular respect, amenity would

⁵ Paragraph 136.

⁶ Schedule 2, paragraph 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

not be materially harmed, albeit this would not alter the findings of harm above.

Piccadilly Central regeneration

19. The Manchester Piccadilly Strategic Regeneration Framework (SRF) establishes a vision and guiding principles for the redevelopment of the station and its environs, but the Council have not directed me to any specific proposals associated with the vicinity of the advertisement. Although they refer to a proposed boulevard, the SRF shows this meeting London Road/Piccadilly some way to the north of the site. Furthermore, in the absence of detailed proposals it is not possible to conclude how the advertisement's adverse effect on amenity now would necessarily adversely affect the implementation of the regeneration scheme in the future. In any event the Regulations and Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, this does not carry any weight against the proposal.

Removal of advertisement hoarding opposite

20. The proposal includes the removal of a similar advertisement hoarding on the opposite side of Store Street. However, there is no mechanism before me that would secure its removal, make good that site or prevent reinstallation of other signage in the future. Furthermore, I have only very limited information about that advertisement's ownership, planning status and the Council's attitude towards it. I have considered whether its removal could be achieved by way of a negatively worded condition. However, there is insufficient information before me to conclude that such a condition would meet the Framework tests⁷. Consequently, this element of the scheme cannot carry any weight in support of the proposal in the circumstances.

Other matters

21. The applicant has referred me to a number of other advertisements in support of their appeal. The pair of hoardings on the corner of Fairfield Street are free standing and have a different relationship to historic railway structures to that of the proposal. I noted the hoarding affixed to the Undercroft wall opposite Whitworth Street. Given its angle of projection from the wall there are few vantage points where displays on both that and the proposed sign would be seen together and it has not created a situation where there is a prevalence of such signage in the vicinity. Notably, this did not appear to be an illuminated hoarding, unlike the proposal. In any event I have no information about its status and its presence would not alter the effects of the proposed sign.
22. The LED advertisement on the corner of Dulcie Street has a very different setting against a predominantly glazed post war building. Similarly, the sign farther along London Road is adjacent to a motorway flyover in a location where modern buildings appear as isolated structures rather than a contiguous streetscape.
23. As well as being some distance from the city centre, those on Waterloo Road would be in a very different setting adjacent to screening to an industrial area. The sign across Mancunian Way bridges a dual carriage way in a cutting and the Deansgate Interchange sign is located on a traffic island with a backdrop of

⁷ Paragraph 56.

C20 tower blocks. None of these other examples are comparable to the site and situation proposed, none are affixed to historic buildings and, having considered the proposal on its own merits, they do not lead me to conclude that the proposal would be otherwise acceptable.

24. Indeed, the appearance of the LED displays on the Dulcie Street and London Road billboards illustrate the differences in visual qualities of LED displays compared to that of the existing hoarding on site.
25. Proposed measures to limit levels of illumination, avoid moving images, ensuring instantaneous display changes and a minimum length of image display would not alleviate the harm that would arise to amenity.

Conclusion

26. For the above reasons, the proposal would harm amenity and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

Appeal Decision

Site visit made on 10 January 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 9th February 2023

Appeal Ref: APP/B4215/Z/22/3305636

Corner of London Road and 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 Network Rail against the decision of Manchester City Council.
 - The application Ref 133376/AOH/2022, dated 24 March 2022, was refused by notice dated 29 June 2022.
 - The advertisement proposed is 48 sheet LED digital billboard replacing 48 sheet static billboard.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing and proposed drawings incorrectly depict the viaduct structure by omitting an existing infilled arch, thereby appearing to compress the extent of the viaduct behind the advertisement. I have therefore based my decision on the situation of the existing hoarding that I observed when on site.
3. The Council's decision notice refers to the National Planning Policy Framework's (the Framework) policy on balancing any less than substantial harm to a heritage asset's significance with any public benefits. In response the appellant has described what they consider to be public benefits of the proposal. Whilst I have taken any matters relevant to amenity into account, this is not relevant to this appeal under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) as that Framework policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)¹.
4. Any disagreement about the legal status of the existing advertisement is a matter for the main parties and it is not an issue for me to reach a finding on its lawfulness in determining this appeal for a proposed advertisement.
5. The reason for refusal does not indicate that public safety would be harmed.

Main Issue

6. Therefore, the main issue raised by this appeal is the effect the advertisement would have on amenity, having regard to the grade II listed status of the Manchester South Junction and Altrincham Railway Viaduct (the Viaduct) and

¹ Framework paragraph 189, footnote 67.

the character and appearance of the Whitworth Street Conservation Area (WSCA).

Reasons

7. The Viaduct is a 1¾ mile long structure incorporating arches and bridges. It derives particular significance in terms of its design interest, age and its group value with other railway infrastructure and as such makes an important contribution to the amenity of the area.
8. The WSCA includes the historic buildings and spaces to the north of the Viaduct. This rich, attractive and historic urban townscape makes an important contribution to its significance. The Viaduct forms a strong physical boundary to the area both enclosing and defining the distinctive cityscape but also affording important gateways and views into and out of the WSCA by way of the bridges and open railway arches along its length.
9. The proposed hoarding would occupy a prominent location high up on the Viaduct where London Road passes under it. Its mass and extent would cover up the historic brick masonry of the Viaduct. In particular it would extend over part of the adjacent arch at one corner and cover brick pier details on the bridge abutment at the other. This would give it a particularly awkward and incongruous appearance in relation to the Viaduct's architectural detailing. Notwithstanding that it would only affect part of the vast structure and partially obscure one of its hundreds of arches, it would nevertheless harm the appearance of the Viaduct. Its prominent location would also create an intrusive feature in the street scene on the approach, through the London Street bridge, into the distinctive townscape beyond.
10. Its conspicuous position would make it appear as a discordant element at the edge of the WSCA's historic and attractive streetscapes. The advertisement would not be in scale or keeping with the neighbourhood's important scenic, historic, architectural and cultural features. I am required by the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the WSCA, in this case so far as it relates to the consideration of amenity. In doing so the advertisement would neither preserve nor enhance the appearance of the WSCA and harm the amenity of the area.
11. I have taken account of Core Strategy² Policies CC 9, DM 1 and SP 1. Together and amongst other requirements, these seek to preserve or enhance the City's listed buildings and conservation areas, have regard to siting, scale, form and appearance, and create well designed places that enhance or create character. I have also taken account of saved UDP³ Policies DC15.1, DC15.2, DC18.1 and DC19.1 which, amongst other criteria, seeks unobtrusive advertisements which do not harm buildings' architectural features, to avoid adverse effects on listed buildings' architectural and historic character, and the preservation or enhancement of conservation areas. Given that I have concluded that the advertisement would harm amenity, the proposal would conflict with these policies. For the same reason it would not accord with the Guide to Development's⁴ provisions for preserving conservation areas.

² Manchester's Local Development Framework - Core Strategy Development Plan Document, 2012.

³ The Manchester Plan – The Unitary Development Plan for the City of Manchester, 1995.

⁴ Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, 2007.

12. However, Core Strategy Policy EN 1's and EN 3's specific City Centre Character Area and heritage development requirements are less pertinent to this proposal.
13. I have taken into account the relevant factor that the Framework⁵ recognises that the quality and character of places can suffer when advertisements are poorly sited and designed, and that would be the case with this proposal.

Existing hoarding on site

14. Although the Council's delegated report makes generalised reference to enforcement options there is no information before me that they have served, or intend to serve, a discontinuance notice in respect of the existing internally illuminated hoarding that occupies the site. Nor is there any indication that there is a reasonable likelihood that it would be removed. The existing advertisement is therefore a consideration that carries some weight in support of the proposal given the similarity in situation and size between existing and proposed.
15. Many of the adverse effects of the proposed sign would be shared with that already in situ. However, there would be a difference in the appearance of the existing and proposed displays. The current sign appears to be back lit with a softer and more diffuse appearance than that of other LED displays I noted in the wider vicinity, including that farther down London Road next to a flyover.
16. The proposed sign would catch the eye in a more strident fashion and in doing so exacerbate the intrusive effect of signage on the appearance of the historic structure and area. Although the difference would be relatively subtle, the more strident appearance of the LED display would have a materially more harmful effect on the amenity of the area in terms of its appearance and its effect on the listed Viaduct and the WSCA, which it would neither preserve nor enhance.
17. Therefore, whilst the existing arrangement shares many of the proposal's harmful effects, they are not so all encompassing and extensive as to make the proposal acceptable in its context. Any advantages in terms of maintenance and management the proposal may have would largely be benefits for the operator given the maintenance and amenity requirements of the standard condition that any grant of express consent would be subject to⁶.

Regeneration

18. Although the refusal reason refers to the Manchester Piccadilly Strategic Regeneration Framework, that shows the site to be outside the Piccadilly Central boundary. Although the Council's delegated report refers to the Mayfield and North Campus Regeneration Frameworks, in the absence of detailed proposals it is not possible to conclude how the proposal's adverse effect on amenity now would necessarily adversely affect the implementation of these regeneration scheme in the future. In any event the Regulations and Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, this does not carry any weight against the proposal.

⁵ Paragraph 136.

⁶ Schedule 2, paragraph 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Removal of advertisement hoarding opposite

19. The proposal includes the removal of a free-standing advertisement hoarding on the opposite side of London Road. However, there is no mechanism before me that would secure its removal, make good that site or prevent reinstallation of other signage in the future. Furthermore, I have only very limited information about that advertisement's ownership, planning status and the Council's attitude towards it. I have considered whether its removal could be achieved by way of a negatively worded condition. However, there is insufficient information before me to conclude that such a condition would meet the Framework tests⁷. Consequently, this element of the scheme cannot carry any weight in support of the proposal in the circumstances.

Other matters

20. The appellant has drawn my attention to a number of other advertisements and signs, including some elsewhere on the listed Viaduct. However, I have no information about their status, lawfulness or, if they benefit from consent, the circumstances and considerations that led to their acceptability. I have considered the appeal proposal on its own particular merits and those other signs do not convince me that the proposal would be acceptable.

21. The billboard farther along London Road is freestanding and set close to a motorway flyover as opposed to the historic structure the proposal would be affixed to. As well as being some distance from the city centre, those on Waterloo Road would be in a very different setting adjacent to screening to an industrial area. The sign across Mancunian Way bridges a dual carriage way in a cutting and the Deansgate Interchange sign is located on a traffic island with a backdrop of C20 tower blocks. The location of the replacement advertisements approved on Hyde Road is materially different to that proposed and it has not been suggested that the railway structure at Chancellor Lane is listed or in a conservation area. Consequently, none of these other examples are comparable to the site and situation proposed. Having considered this proposal in light of its particular circumstances and context, they do not lead me to conclude that the proposal would be otherwise acceptable.

22. Proposed measures to limit levels of illumination, avoid moving images, ensuring instantaneous display changes and a minimum length of image display would not alleviate the harm that would arise to amenity.

Conclusion

23. For the above reasons, the proposal would harm amenity and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

⁷ Paragraph 56.

Appeal Decision

Site visit made on 29 August 2023

by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.10.2023

Appeal Ref: APP/B4215/Z/23/3323451

Land adjacent to 73 Rochdale Road, Manchester M4 4HY

- 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 Steve Staley, Vision Advertising against the decision of Manchester City Council.
 - The application Ref 136297/AOH/2023, dated 16 February 2023, was refused by notice dated 11 April 2023.
 - The advertisement proposed is the replacement of a freestanding 3.9m wide x 5.9m high advertisement with a 6m wide and 3m high advertisement.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Advertisement consent is sought for the installation of a freestanding internally illuminated digital hoarding sign which would replace an existing non-illuminated hoarding sign at the site. There is nothing before me to indicate that the existing sign has express consent although the appellant has submitted street view images of the sign indicating that has been in place for a period of more than 10 years. Whether or not the existing advertisement can be deemed lawful or otherwise, is not a matter for me to consider under this Regulation 17 appeal. Nevertheless, the Council is aware of its presence and in its officer report acknowledges that the proposal would be a replacement for the existing hoarding. On that basis I am satisfied that no party would be prejudiced by my consideration of the appeal on the same basis.

Main Issue

3. The main issue in this case is the effect of the advertisement on the character and appearance of the area.

Reasons

4. Rochdale Road is busy main arterial route, four lanes wide, leading to Manchester city centre. The area around the site is characterised by a mix of commercial and residential uses and is undergoing significant redevelopment under the Council's Northern Gateway Strategic Regeneration Framework including through the construction of large scale residential development.

5. The existing hoarding, a vertically proportioned, non-illuminated board mounted on a timber base, is set at an angle immediately adjacent to the eastern corner of a grade II listed building, the Marble Arch Public House. An open area of land beyond the building, currently used as a car park, affords views of the advertisement and the side of the public house travelling towards the city centre from the east.
6. The listed building, which is dated 1888, is two storeys high, constructed in polished pink granite and buff brick with ornate architectural detailing including a decorative frieze and cornice, ornate brick chimneys and a granite columned porch. The significance of the building as a heritage asset lies in its age, its architectural detailing and its social and historic significance as a public house. Its value as a heritage asset is increased as a result of the large scale modern development taking place near to it.
7. The existing advertisement hoarding is taller than the eaves of the listed building and therefore obscures some of the building's features from view on approach from the east, albeit the most interesting detailing is on those elevations fronting Gould Street and Rochdale Road views of which are unaffected by the hoarding. Nevertheless, the hoarding is a discordant and distracting feature as a result of its size and very close proximity to the listed building. The poor quality of its framework and its graffitied timber base detract from the setting of the building. This is not a matter in dispute between the parties.
8. The proposed advertisement would be smaller in terms of its external area and would have a horizontal rather than vertical emphasis such that in terms of its height, it would not extend above the eaves of the building. Nevertheless, the advertisement would obscure part of the side elevation of the building and, although that elevation was not designed to be seen, would appear dominant against the modest scale of the public house. Moreover, the proposed advertisement would be internally illuminated and therefore considerably brighter than the existing non illuminated sign. Sharper, vivid images would change every 10 seconds thereby creating a degree of movement which does not presently exist. Accordingly, despite the reduction in its height and size, the advertisement, which would still be substantial, would be considerably more obtrusive in the street scene than the existing.
9. The degree of illumination could be controlled by planning condition but nevertheless the crisp images and the movement would still be apparent during the hours of daylight. During periods of darkness, which during the autumn and winter includes part of the afternoon, the illuminated advertisement would dominate this part the street scene, notwithstanding lightspill from apartments and street lighting nearby.
10. I acknowledge that the timber base would be painted in anti-graffiti paint and that proposal would allow the eaves cornicing and chimney stack of the listed building to be seen on approach from the east. However, given that the significance of the building can be better appreciated from the junction of Rochdale Road and Gould Street in any event, such a benefit is limited. Moreover, such benefits would be negated by the more dominant effect that the display would have on the setting of the listed building in terms of its bright moving images.

11. Accordingly, for these reasons the proposed advertisement would have a significantly greater impact on the street scene and the setting of the listed building than the existing. Moreover, the claimed lawfulness of the existing advertisement, which itself causes harm to the amenity of the area, cannot provide justification for a proposal which I have found would cause greater harm.

Other matters

12. Whilst not decisive, I have taken into account the development plan policies in the Manchester Core Strategy and in the Unitary Development Plan for the City of Manchester referred to in the Council's decision notice which in various ways seek to protect local amenity. Given the proposal would not preserve the character and appearance of the area, the proposal is contrary to those policies.
13. I acknowledge the comments of the third party and additional comments of the appellant. Whilst I am not persuaded that the proposal would hamper the regeneration of the area, this is a neutral matter in my considerations. I am unconvinced that the proposal would allow significantly greater access to, and maintenance of, the public house such that it would have an effect on the character and appearance of the area but even if that were the case it would not justify the proposal before me.

Conclusion

14. For the reasons set out above, I conclude that the proposal would be detrimental to the interests of amenity. Accordingly, the appeal is dismissed.

S Ashworth

INSPECTOR