



---

## Appeal Decisions

Site visit made on 4 December 2023

**by E Worthington BA (Hons) MTP MUED MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> February 2024**

---

### **Appeal A: APP/B4215/Y/23/3324125**

#### **Apollo theatre, Stockport Road, Manchester, M12 6AP**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Vivid Outdoor Media Limited against the decision of Manchester City Council.
  - The application Ref 135668/LO/2022, dated 5 December 2022, was refused by notice dated 24 April 2023.
  - The works proposed are described as '1) Removal of 2no. 48 -sheet paper paste advertisement displays from building gable wall. 2) Replacement of 1no. 96-sheet backlit display mounted to gable wall with 1no. 96-sheet digital display.
- 

### **Appeal B: APP/B4215/H/23/33324122**

#### **Apollo theatre, Stockport Road, Manchester, M12 6AP**

- 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 Wildstone Group (Vivid Outdoor Media Limited) against the decision of Manchester City Council.
  - The application Ref 135171/AOH/2022, dated 23 September 2022, was refused by notice dated 24 April 2023.
  - The advertisement proposed is described as 'conversion of internally illuminated advertisement display to a D- poster. Upgrade of existing internally illuminated 96-sheet advertisement display to a digital format and removal of 2 x 48 sheet displays from the site'.
- 

## **Decisions**

### **Appeal A**

1. The appeal is dismissed.

### **Appeal B**

2. The appeal is dismissed.

## **Procedural Matters**

3. The postcode given on the application form for listed building consent is M13 6AP, but on the application form for advertisement consent it is given as M12 6AP. The M12 postcode is used in all the other documentation associated with the appeals and appears to be correct. Accordingly, in the interests of precision and clarity I have amended the erroneous postcode in the banner heading above.
  4. On 19 December 2023 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence
-

provided by the main parties in relation to these appeals, since the revised Framework's approach to the main issues in this case has not altered significantly, I confirm that all references to the Framework in this decision are to the updated 2023 version.

5. Since the proposal relates to a listed building, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. In respect of Appeal B, Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the Framework both make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Regard does not need to be had to the development plan. Nonetheless, whilst the policies referred to by the Council have not by themselves been decisive for Appeal B, I have taken them into account as a material consideration.

### **Main Issue Appeal A**

7. The main issue is whether the works would preserve a grade II listed building, Stockport Road, Ardwick (East side) Apollo Theatre (Ref: 1254683) and any of the features of special architectural or historic interest that it possesses.

### **Main Issue Appeal B**

8. The main issue is the effect of the advertisement on visual amenity, having regard to the building's listed status.

### **Reasons – both appeals**

#### *The listed building*

9. The appeal building is a large purpose built inter-war cinema, now in use as a concert hall. Built in a modernist style with art deco features it is dominated by a tall and prominent white glazed terracotta curved frontage to Stockport Road. The building's other elevations are constructed in red brick in Flemish bond. A smaller secondary art deco style projecting façade faces Hyde Road towards the rear of the building. It is a distinctive landmark building at the roundabout junction of two major radial routes into Manchester.
10. The appellant argues that the façade to Hyde Road is in poor condition and the red brick flank walls of the building have modern cabling, guttering, security lighting and roller shutters. Despite these factors, overall the Apollo retains much of its authenticity and integrity as an impressive inter-war cinema building. It still reads as a striking building of some stature and importance and makes a strong contribution to the sense of place and history of the area.
11. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to comprise its distinctive architectural design including the features and the materials associated with its historic fabric, along with its historic interest as a prominent and longstanding iconic performance venue and landmark building in the area.

*The effect of the proposal*

12. The appeal building has been a long established site for advertising. There are two existing externally illuminated 48 sheet display panels on the building's north facing elevation and one internally illuminated 96 sheet advertisement display panel on the west facing elevation. The Council accepts that whilst they are not authorised they all have deemed consent.
13. The existing display panel on the building's west elevation would be replaced by a new digital advertisement display unit. Additionally the two existing advertisements on the building's north elevation would be removed.
14. The proposed D-poster display is intended to update the existing display so that it meets modern standards and requirements. It would be a lightweight durable and efficient unit that would use the latest digital technology. It would present static two dimensional images which would update once every ten seconds on a one minute cycle, with a clear instant update between adverts.
15. A previous appeal<sup>1</sup> for a similar proposal for a digital display was dismissed in 2019. The appellant indicates that the current appeal proposal seeks to address the previous Inspector's concerns and is different from that scheme.
16. In particular, the display would be slimmer and less bulky than both the previously proposed display and the existing display. It would have a depth of some 0.1m compared to the 0.4m depth of the existing display.
17. Additionally, the appeal proposal would see a 50% reduction in the level of illumination at night, when compared to the previous scheme and the existing display. I understand that the existing unit typically operates throughout the night with a luminance of up to 300 candelas per square metre. The proposed display would reduce this to 150 candelas per square metre. During the daytime sensors would ensure that the screen would adjust according to changes in ambient light, such that its brightness would decrease in low light conditions. This adaptive illumination software aims to mimic the appearance of traditional poster based promotion displays. Additionally the display would be switched off between 23.00 hours and 06.00 hours. These matters could be controlled via conditions.
18. The display would be located on the building's west elevation which is set back from Stockport Road at the back edge of the building's open car park area close to Hyde Road. As such, whilst it would be some distance from the building's main curved frontage and framed by the considerable mass of the brick wall on which it would be located, it would nevertheless be sited in an open and exposed elevated position on the building. I saw at my site visit that the existing display there is highly visible from the roundabout, when looking towards the appeal building and Hyde Road.
19. The surrounding area is characterised by commercial and industrial uses and there are a number and variety of existing large advertisements nearby. However, these are for the most part more traditional hoardings and display only static images. As such, the existing display on the appeal property sits relatively comfortably there and does not appear significantly at odds with the other advertisements nearby. Whilst there is an approved digital display

---

<sup>1</sup> APP/B4215/Z/18/3209687

further to the east on Hyde Road, this smaller unit is some distance from the roundabout and the appeal building and is seen as a more remote and recessive feature from there. As such, it does not stand out as a particularly obtrusive or jarring feature in the immediate context of the appeal site.

20. In contrast, I find that despite its slimline design, as a result of its considerable size, digital format and the dynamic nature of its changing content, the proposed LED screen at the appeal building would appear as a much more strident and aggressive display (than either the existing advertisement or those nearby). Its visibility and prominence would be significantly increased and it would command attention away from the listed building, in particular its iconic decorative façade to Stockport Road. As such, it would stand out as a large and unduly dominant distracting addition to the appeal building that would compete visually with the theatre's distinctive architectural design and the historic features and materials associated with it. In doing so it would diminish its historic interest and authenticity as a prominent and longstanding iconic performance venue and landmark building.
21. I appreciate that the reduced illumination levels and sensor controls, as well as the introduction of a curfew whereby the display would be turned off at night, would to some extent serve to limit the impact of the proposed advertisement. This would be particularly so at night and at other times of low light. However, I am not persuaded that these measures are sufficient to mitigate the harm that would arise from the introduction of a more dynamic digital screen that would show changing images for much of the day (from the early morning to late at night).
22. As set out above, I also acknowledge that the scheme would see the removal of the existing two advertisements on the building's north elevation. The appellant indicates that overall there would be a 50% reduction in advertisement area, and a 67% reduction in the number of advertisement panels at the site. Whilst the appellant suggests that the scheme considered by the previous Inspector sought to retain these adjacent advertisements, paragraph 15 of that appeal decision indicates that the removal of two nearby advertisements on another elevation of the theatre was also proposed under that scheme. In this regard, the current appeal proposal does not appear to differ significantly from that previous scheme.
23. Nevertheless, I have considered this matter and find that in reducing the amount of advertisements and clutter on the appeal building, some improvements to the listed building and visual amenity would arise. However, the benefits associated with the removal of the smaller more traditional and recessive externally illuminated panels would be insufficient to mitigate the harm that would be caused by the proposed LED screen that I have described.
24. As set out above, the appellant refers to the approved digital displays further to the east on Hyde Road. However, I am not aware of the circumstances that led to those so cannot be sure that they are the same as in the case before me. In particular, I am mindful that they are more modest in size, and I have seen nothing to indicate that they are located on a listed building. As such, they differ from the appeal proposal, and these existing displays do not justify the appeal scheme. Besides, I confirm that I have considered the appeal proposal on its own merits and made my own assessment as to its impacts.

25. Taking all these factors into account, I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building and would be harmful to visual amenity. I give the harm to the listed building considerable importance and weight in the balance of these appeals.

*Heritage balance*

26. The Framework advises at paragraph 205 that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 208 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
27. Any improvements to the heritage asset itself are also public benefits of the proposal. As set out above, the proposal would see the removal of the two existing adverts on the building's north elevation. This reduction in advertisements there and the associated reduction in visual clutter would improve the appearance of the listed building. This is a public benefit. However, these improvements would be modest given the limited size and traditional nature of these longstanding advertisements. I am also conscious that their removal is not necessarily dependant on the appeal scheme. This tempers the weight I afford to the limited public benefits in this regard.
28. The proposal is part of a national project to upgrade traditional hoardings and a scheme of rationalisation and decluttering to reduce advert numbers. The appellant also refers to a reduction in vehicle trips to repost adverts and the associated benefits in terms of noise, air quality, climate considerations, and a reduction in waste from poster production. Whilst these are public benefits of the appeal scheme, apart from those on the appeal building which I have considered above, I have seen no evidence to explain which, if any, existing traditional advertisements in the vicinity of the appeal site would be removed. Accordingly the public benefits in this regard would not be great.
29. I understand that the proposed screen could be used to display adverts and promotional material relating to events at the appeal building and the local area. It is argued that this would increase awareness and support the theatre's financial well-being and long term use. However, in practical terms I have seen no evidence to demonstrate the contribution that the proposed display would make in these regards over and above the other existing advertising and promotional opportunities that are likely to be available to the theatre.
30. Other benefits of digital advertising more generally are referred to, including a tidy and well maintained site, uplift in business rates, greater flexibility and better access to adverts for local businesses, and the introduction of a platform to broadcast emergency and public messaging. Whilst these are not quantified, they are also public benefits of the proposal. However, since there are other digital displays in the vicinity of the appeal site and across the city, this limits the weight I afford to these benefits, which in my view would only be modest.
31. Taking all these matters into account, I find that even when considered together, the public benefits of the proposal would not outweigh the harm to

the significance of the designated heritage asset that I have identified under Appeal A.

32. The proposal would therefore be contrary to Manchester Core Strategy (CS) Policy EN1 which states that opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital roads. It would fail to support CS Policy SP1 which requires new development to protect and enhance the built and natural environment, and would be at odds with CS Policy DM1 which requires development to have regard to the character of the surrounding area and incorporate appropriate siting, layout, scale, form, massing, materials and detail. It would also conflict with CS Policy EN3 which seeks to preserve and enhance the historic environment including listed buildings.
33. Additionally the proposal would undermine the aims of Policy E3.3 of the Unitary Development Plan for the City of Manchester (UDP) which relates to sites along radial and orbital routes and seeks to ensure that development is of the highest quality. Furthermore, it would conflict with UDP Policy DC15 which relates to advertisements, hoardings and posters and requires that (amongst other things) development should not harm the character or architectural features of a building, and with UDP Policy DC19.1 which seeks to ensure that all development has regard to the desirability of protecting the character and general setting of the city's listed buildings.
34. For these reasons the proposed advertisement and works would fail to satisfy the requirements of the Act and paragraph 203 of the Framework and would be in conflict with the development plan.

### **Other Matters**

35. Whilst the Council raises no objections to the proposal in terms of highway safety in relation to Appeal B, the absence of harm in this regard counts neither for nor against the proposal.

### **Conclusion**

36. Even having regard to the public benefits that would arise, I have found that the proposal would be harmful to visual amenity and would fail to preserve the listed building. It would also be contrary to the development plan and the Framework in these regards.
37. The appellant indicates that the proposal would be fixed to the building in such a way as not to damage its historic fabric. The installation of a support structure would be reversible and removable with no detrimental effects to the building. The remediation works to the fabric of the building following the removal of the other two advertisements would also be completed to a high standard. However, this does not alter the harm that I have identified in relation to the main issue with regard to Appeal A.
38. For the above reasons, and taking all other matters raised into consideration, both Appeals A and B are dismissed.

*E Worthington*

INSPECTOR