

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND)
REGULATIONS 2007**

APPEAL : THE MANCHESTER SCREEN HOLDINGS LTD

SITE : 56-58 SWAN STREET, MANCHESTER M4 5JU

MANCHESTER CC ref : 133410/AOH/2022

GROUND OF APPEAL

1.0 Introduction

- 1.1 The Council declare on the refusal notice that they have "worked with the applicant in a positive and proactive manner ...". This is absolutely untrue, as the attached Email Trail demonstrates. First, the Council have not been "proactive" but have only responded when pressed by the appellant. Secondly, the Council have continued to change their view on the application:

Council email 10/5/22 - the Council consider that the panel would be "unnecessary signage...". In response, we point out that such a reason would be contrary to the Regulations and unlawful (Chris Thomas email 10/5/22);

Council email 25/5/22 - panel would be dominant, cluttered, obtrusive, incongruous and "inappropriate". In response, we point out that all these matters would have been considered when consent was granted for the existing panel in 2009; and that nothing has physically changed in the street scene since that time (Chris Thomas email 25/5/22, Paul Hardy email 26/5/22);

Council email 26/5/22 - local context has changed because of the New Cross Strategic Regeneration Framework (SRF). We answer that we are well aware of the regeneration proposals for the area; but that the street scene has not materially changed. Until some physical building work begins (when the panel will naturally disappear with its support wall), nothing has effectively changed since the 2009 decision (Chris Thomas email 26/5/2022, to which there was no reply).

- 1.2 The refusal notice was issued on 27 May 2022 (the 8-week

deadline exactly) and reiterated all the items previously raised and refuted, adding only "changeable content" without any supporting justification. The notice adds a list of policies (which must all have been previously considered); but makes no reference to the New Cross SRF, presumably because it actually supports the appellant's case.

2.0 The Site and Surroundings

- 2.1 The site and surroundings are described in detail in the Planning Statement.

3.0 Advertisement Control Policies

- 3.1 The Council's policies are also addressed in full in the Planning Statement. The Council do not appear to have understood paragraph 3.1 of this document. Their Delegated Report continues to refer to "the primacy" of the development plan as if this was an application for planning permission. But, since this is an advertisement application and appeal, there can be no "primacy" and hence no "principle of development".
- 3.2 The Council's references to the New Cross SRF (2015) were apparently made in an effort to find something which was new since the appeal decision in 2009. But when examined in detail, the SRF does nothing but support the appellant's case. The SRF is too large to append (no doubt the Council will provide a copy), but the following short extracts prove our point.
- 3.3 The appeal site is within the area identified as Zone A in the SRF. This is to be predominantly residential (pages 54ff); and the redevelopment which has already taken place (to the north/north-east of the site) is indeed residential. The plan on p40 describes the existing frontages along this section of Swan Street as "poor quality" or "lack of frontage". Clearly, none of the existing buildings are intended to be retained. This is confirmed in paragraph 3.72 (p66) which recommends that the frontage should replicate the quality of frontage and uses on the opposite side of the street; and that it should incorporate commercial and retail uses (para 3.19 - p57). If any further proof were needed that the whole Swan Street frontage around the appeal site is to be demolished, the massing drawing (p78) shows building heights of between 20 and 5 storeys along this frontage. Clearly, these do not include existing buildings.

- 3.4 The only conclusion is that the whole of the existing frontage to the northern side of Swan Street between Rochdale Road and, at least, Mason Road (and probably Oldham Street) will be demolished. This includes, of course, the building to which the panel is attached. So the panel's existence cannot possibly have any impact on the implementation of the redevelopment proposals in the SRF. When the Swan Street frontage goes, the panel goes.
- 3.5 We have dealt with the NPPF in the Planning Statement. The Council refer to, but fail to follow, the very practical and relevant advice in the PPG, again as detailed in the Planning Statement.

4.0 Amenity

- 4.1 We have repeatedly asked the Council to identify exactly what has altered in the street scene since the 2009 decision which would warrant a different view being now reached. They can point to nothing. Indeed, there is nothing apart from the return to beneficial use of The Market House, which the 2009 Inspector anyway anticipated.
- 4.2 The Council's objections to size, location, character and siting were all considered in the 2009 appeal decision. The Inspector found that none of these aspects affected the amenity impacts of the proposed panel; and that the panel together with the wall-screening banner would improve the overall appearance of the site in the short term.
- 4.3 Whilst "the short term" has extended over the years, this is purely as a result of the pace of redevelopment, over which the appellant has, of course, no control whatsoever. What was thought to become reality over 3 years has not, in fact, materialised for now over 12 years. But the redevelopment is slowly proceeding. The area to the north/north-east has been, and is currently being, developed for residential use, as proposed in the SRF. But this is not visible along Swan Street and has absolutely no impact on the present character and appearance of the street. It is not clear when the Swan Street element will commence. But we seek consent for a period of 3 years only. And, it must be born in mind that when the redevelopment of the frontage commences inevitably with demolition of the existing, the panel will disappear whenever this might be (even in less than 3 years). As soon as there is any sign of the regeneration of this side of Swan Street beginning, there will be no panel. So, although the "short term" may be

indefinite, the panel's life is limited to 3 years or the commencement of the redevelopment, whichever is sooner. During this time, the modernised panel and replaced new wall screen banner will improve the appearance of the site, exactly as concluded in 2009.

- 4.4 The Council do not explain their objection to the "changeable content". Subject to conditions (to which we agree), their Highways Department are content that the panel's sequential images would not harm public safety. And we are at a loss to see how this aspect could adversely affect visual amenity. This is a busy street with continuous movement of people and traffic - movement itself is not particularly eye-catching; everything is moving. And the nature of the panel cannot be seen as novel; there are similar LED panels in the streets nearby, particularly at Oldham Road to the south (about 150m away) and in Rochdale Road to the north-east (3 LED panels at about 85m and 125m, opposite one another). The Council have clearly approved these; so their objection to the appeal panel on grounds of "changeable content" is simply puzzling. Their attempt at justification relates to other panels which they have refused. But these are some 1km (Wyre Street) and almost 5km (Stockport Road) to the south/south-east; and their settings and circumstances are entirely different, not least in that they propose long-term displays as opposed to our temporary proposal.

5.0 Public Safety

- 5.1 The Council are satisfied that public safety will not be adversely affected. We attach a list of proposed conditions which will satisfy the Highway Authority's requirements.

6.0 Conclusion

- 6.1 We accept that the panel and wall banner screen is not suitable as a long-term display. But both the appeal site itself and the whole of the frontage to its north and south is proposed to be demolished and replaced. This was fully recognised by the Inspector in the 2009 appeal decision. His assessment then was that a panel of exactly the same size in exactly the same position would not be detrimental to the amenity of the site or area until redevelopment actually began. The Council cannot show any changes to the site or street scene in the interim which would suggest that a replacement panel and banner would not be similarly beneficial now and, again, only until redevelopment of the site and frontage as a whole.

6.2 It is therefore respectfully requested that a new express consent be granted for a further 3 years.

7.0 Conditions

7.1 To regulate the display in the interests of amenity and public safety, we offer the following conditions to be attached to the express consent. These are mostly for the avoidance of any doubt; will satisfy the Highway Authority's requirements; and are similar to those imposed on most similar displays throughout the UK.

7.2 The suggested conditions are therefore:

- 1) This express consent shall expire 3 years from the date of this decision;
- 2) The Standard Conditions;
- 3) Before the advertising panel hereby approved is first displayed, the flank wall shall be covered with a new banner/skin which shall show a representation of red or grey brickwork only;
- 4) The luminance level of the display shall be controlled by ambient environmental control, which will automatically adjust the brightness level of the screen to track the light level changes in the environment throughout the day to ensure that the perceived brightness of the display is maintained at a set level;
- 5) The maximum luminance of the advertisement shall not exceed 300cd/m² during darkness (dusk to dawn);
- 6) The minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features or equipment which would permit interactive messages/advertisements to be displayed;
- 7) The interval between successive displays shall be 0.1 second or less and the complete display screen shall change without visual effects (including fading, swiping or other animated transition methods) between each advertisement;
- 8) The advertisement shall not contain any animation, special effects, flashing, scrolling, three-dimensional images, intermittent or video elements. No images that resemble official road

traffic signs, traffic lights or traffic matrix signs shall be displayed;

9) The advertisement shall include controls to ensure smooth uninterrupted transmission of images;

10) The sequencing of messages relating to the same product is not permitted;

11) If the installation breaks down or is not in use, it shall default to a plain, black screen.