

Appeal Decision

Site visit made on 23 September 2016

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 17 October 2016

Appeal Ref: APP/B4215/Z/16/3155576

**Site at the Junction of Albion Street and Great Bridgewater Street,
Adjacent The Britons Protection Public House, 50 Great Bridgewater
Street, Manchester, M1 5LE**

- 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 Paul Hardy (Vivid Outdoor Media Ltd) against the decision of Manchester City Council.
 - The application Ref 111582/AOH/2016/C1 dated 15 March 2016 was refused by notice dated 11 May 2016.
 - The advertisement proposed is described as "Renewal of advertisement consent Ref. 101951/AO/2013/C1 – for the continued display of an internally illuminated 1 x 96 sheet display unit, 12.3m x 3.3m and 1 x 48 sheet internally illuminated display unit 6.096m x 3.3m".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form only provides a partial address of the appeal site. I have therefore utilised the address from the refusal notice, which more fully describes the location of the appeal site.
3. The internally illuminated advertisements were in place at the time of my visit. The proposed submitted plans however state the "*proposed replacement from existing internally illuminated LED 96-Sheet Advertisement, to an LED Digital 96-Sheet Advertisement with static sequential display*" (and similar reference to a LED Digital 48-Sheet Advertisement). Whilst this indicates that the internally illuminated displays are proposed to be replaced by LED digital displays, it is clear from the description on the application form and the other information before me, that this appeal proposal relates to 1 x 96 sheet and 1 x 48 sheet internally illuminated advertisements. I have therefore considered the appeal on this basis.

Main Issues

4. I consider the main issues are the effect of the advertisements on visual amenity and on the setting of listed buildings.

Reasons

5. The appeal site is located on the A5103 facing Albion Street and Great Bridgewater Street, which is identified as being part of the orbital Inner Relief Road. It is situated in a prominent location, close to a busy junction within Manchester City Centre. The area around the appeal site contains a number of multi storey residential and office buildings and larger conference and concert venues. There are a number of listed buildings in the immediate vicinity of the site, notably The Britons Protection Public House, to either side of which the advertisements subject of this appeal are situated.
6. The subject advertisement identified as 'Sign 1' is 12.3m wide and 3.3m tall, and is sited 2.5m above the ground level on a free-standing structure. It appears against the side elevation of a Grade II listed building, The Britons Protection Public House and is situated at an angle to it, such that it is clearly visible to northbound traffic on the A5103. The advertisement, given its height and width obscures a large element of this part three and part single storey listed building. It also appears as a significant feature in views of No's 13-15 Albion Street¹, a four storey Grade II listed building to the appeal site's south, which is constructed of red brick with sandstone dressings in a Venetian Gothic style. This subject advertisement appears as a dominant and jarring feature, which detracts from the appreciation of both of these buildings' character.
7. The advertisement identified as 'sign 2' is situated directly adjacent to The Britons Protection Public House, fronting Great Bridgewater Street. This building has a decorated front elevation with a symmetrical appearance. Given the scale and form of this advertisement in relation to the windows and doors of The Britons Protection Public House, I consider it draws the eye from its architectural detailing and symmetry and adversely affects the setting of this listed building.
8. Both advertisements are situated on a prominent location adjacent to the Inner Relief Route and given their scale in relation to the immediate surrounding buildings, they appear as incongruous and discordant features in the streetscene.
9. My attention has been drawn to the 2013 approval of the appeal advertisements for a temporary period and that nothing of significance has changed since that granting of consent. The Council have however stated that the 2013 consent was granted on a temporary basis due to the benefits of an improved appearance of the site. The appellant has acknowledged that the site has been surfaced with tarmac and bollards installed and I was able to see the tidy appearance of the site at the time of my visit.
10. The appellant has emphasised that the proposal seeks a granting of consent for a temporary period and they do not consider the reference to it being described as 'long-term' is therefore appropriate. Reference has been made to the nearby 'Axis Tower' development and that construction activity is envisaged to continue until the end of 2018, with the suggestion that a condition could be imposed linking this (appeal application) consent with the substantial completion of the Axis Tower. I acknowledge that the construction works are likely to be noticeable in the streetscene but despite the subject advertisements being located in the vicinity of this cited development, I do not consider that the construction works would offset the material harm to the visual amenity of the

¹ Also been referred to as 13-17 Albion Street

streetscape or to the setting of the listed buildings arising from this appeal application.

11. I have been provided with some information of the Axis Tower scheme, but I am not aware of its full details. Whilst it may include a 30m screen, it seems clear that the circumstances of a 27 storey (or 28 storey as it has also been referred to) development, where the advertisement has been designed as an integral part of the building, is not comparable to the appeal advertisements.
12. Whilst reference has been made to a number of policies by the Council, I agree with the appellant that the powers to control advertisements under the regulations may be exercised only in the interest of amenity and public safety. Development Plan Policies are however material considerations, including those such as Policy EN3 of the Manchester Core Strategy (Core Strategy), which aim to protect the historic environment. Whilst the Council may previously have considered the advertisements to be in accordance with the policies stated in the refusal notice, I find that they would be contrary to saved Policies DC15.1, DC15.2, and DC19 of the Council's Unitary Development Plan and Policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy, which deal with, amongst other matters, advertisements effects on amenity, heritage and the core development principles. These are the policies referenced in the refusal notice which I have been provided details of and consider to be of the most relevance to this appeal.
13. I note the importance that outdoor advertising makes to the economic activity of the Country, to the local economy and to the landowner and in this respect, the proposal receives support from the National Planning Policy Framework (Framework) as well as other Government planning documents'. I have also taken into account that the advertisements can be removed at any time in the future without leaving a trace of their presence. However, none of these matters nor the acceptability of the proposal in public safety terms alter my conclusion that the harm that would arise to visual amenity and to the setting of listed buildings. It would therefore not be the form of sustainable development that the Framework sets out a presumption in favour of.
14. For the reasons given above, and having considered all other matters raised, I conclude that the display of the advertisements would have a detrimental effect on visual amenity and on the setting of listed buildings.

F Rafiq

INSPECTOR