
Appeal Decision

Site visit made on 25 November 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2021

Appeal Ref: APP/U4230/H/20/3252975

Manchester Media Wall, Trinity Way, Strangeways, Salford M3 1NH

- 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 Ocean Outdoor Ltd against the decision of Salford City Council.
 - The application Ref 20/74609/ADV, dated 2 January 2020, was refused by notice dated 30 March 2020.
 - The advertisement proposed is 1 x full motion digital illuminated screen measuring 24.576m (w) x 5.760m (h).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ocean Outdoor Ltd against Salford City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Both main parties refer to the proposed advertisement having already been installed. The display and its supporting structure were in place at the time of my visit. However, the display screen itself was switched off at that time and, I understand, has been since before the application forming the subject of this appeal was submitted to the Council. In any event, the Regulations make no facility for retrospective express consent. I therefore consider the appeal on the basis of the proposed details as set out in the application.
4. The application form refers to consent being sought until 6 March 2021. However, it is evident from the Council's submissions and reasons for refusal that it considered the application on the basis that the advertisement could be in place for longer. I have considered the appeal on that basis.
5. A representation from an interested party was received after the relevant deadline. I admitted the representation and allowed the appellant and the Council the opportunity to comment on it. I am therefore satisfied that no party would be prejudiced by my having taken that representation into account.
6. The National Planning Policy Framework (the Framework) states that advertisements should be subject to control only in the interests of amenity and public safety. Notwithstanding concerns raised by interested parties with regard to other matters, I have considered the appeal on that basis.

Main Issue

7. The main issues are the effects of the proposed advertisement on amenity and public safety.

Reasons

8. The site is adjacent to the River Irwell and Trinity Way, a busy main road with multiple lanes of traffic which forms part of the Manchester and Salford ring road, close to the city centres of Manchester and Salford.
9. Construction has commenced on a high rise residential development, The Residence, on the site immediately to the rear of the proposed advertisement. However, I understand from the submissions that the construction of the scheme has been paused and there appears to be some uncertainty as to a likely timescale for the works recommencing. The Residence development is intended to include the reinstatement of a section of the riverside walkway between Trinity Way and New Bridge Street. The reinstated walkway would form part of the Irwell City Park, an urban park focused on the River Irwell which, as set out in the Planning Guidance: Irwell City Park, is intended to incorporate improvements to the edges of the waterway, new public spaces and connections to the areas alongside it. However, the section of the walkway immediately alongside the site is not complete and is not currently accessible.
10. The Planning Practice Guidance (PPG) refers to the possibility that large poster hoardings may be permitted in an industrial or commercial area of a major city where they would not adversely affect the visual amenity of the neighbourhood of the site¹.
11. The site is close to Manchester and Salford city centres. It is in an area currently undergoing regeneration, which is guided by the Greengate Salford Regeneration Strategy, updated most recently in February 2018. Areas of surface car parking and advertisements have been permitted in the past as 'meanwhile uses' until new developments were approved and implemented. However, although some areas of surface car parking still exist, numerous large scale, high rise residential schemes have recently been developed in the vicinity of the site.
12. The building on the site immediately to the rear is still under construction and the riverside walkway is not currently in use. However, when travelling along Trinity Way and New Bridge Street the advertisement would be seen in a wider context of those other completed and occupied residential buildings beyond the immediate backdrop of The Residence construction site.
13. When travelling along Trinity Way, the very tall residential tower at Anaconda Cut can be seen above and alongside part of the site, and parts of its external landscaped areas come into view beyond the proposed advertisement when travelling towards it along that route. The residential towers at 1 Greengate also form part of the site's wider backdrop in views as one travels along Trinity Way. New low rise housing along the river frontage on the opposite side of Trinity Way is also visible within the site's wider surroundings, particularly in views from New Bridge Street.

¹ Paragraph Reference ID: 18b-079-20140306.

14. Therefore, whilst the area is still undergoing some regeneration and transition, its emerging residential neighbourhood character is clearly evident. Surface parking and some small industrial units remain nearby, but they do not dominate the site's context in views of the proposed advertisement from Trinity Way and New Bridge Street. Therefore, the character of the surrounding area is not predominantly commercial or industrial.
15. The proposed advertisement display would be very wide and its illuminated digital screen would have a substantial area. It would thus feature very prominently and from some distance away when travelling towards it along Trinity Way. From that route and other surrounding vantage points, seen in the context of those existing recent residential developments around it, the significant scale and prominent illuminated screen of the advertisement would appear highly incongruous, and it would unduly dominate those emergent residential surroundings. Therefore, it would not preserve the amenity of the area or contribute to the regeneration strategy's aim of promoting a public realm appropriate to the area's residential character.
16. In 2014 consent was granted for a digital advertisement on the site until March 2021. However, that decision was evidently made in a different context in relation to the progress with the regeneration strategy and the character and appearance of the site's surroundings at that time. Notwithstanding how the site and its surroundings may have looked at that time or at various points since, I have considered the proposal before me on its own planning merits and based on the character and appearance of the site and its surroundings as I observed them at the time of my visit. Having done so, I conclude that the advertisement would be harmful to the amenity of its surroundings as they exist in the present day.
17. Because of its location, height and substantial size, the advertisement would significantly compromise the outlook from habitable rooms in the apartments which are proposed on Level 1 of The Residence. From the evidence before me, I consider that would be the case whether either of the permitted schemes for The Residence² or that which is currently the subject of a revised application to the Council³, if approved, were to be carried out.
18. Given its significant size and height, the advertisement would unduly dominate the adjacent section of the riverside walkway and create an unpleasant sense of enclosure between the rear of the display and The Residence building. Its supporting structure could also create areas of concealment which would not be visible to those walking along the adjacent walkway towards the site. It would therefore not provide walkway users with an adequate sense of safety or security. Consequently, it would conflict with the Irwell City Park Planning Guidance, which refers to safety and security as vital elements in creating attractive places in the City Park and requires the provision of active frontages to the riverside walkway to encourage vibrant areas and pedestrian activity.
19. However, matters relating to the outlook and amenity of future occupants of The Residence and the amenity and safety of users of the riverside walkway would only arise at the point that those units were occupied or that the walkway was constructed. I am thus satisfied that those matters could be

² Application refs: 15/66806/FUL and 16/69267/NMA

³ Application ref: 17/69573/FUL

adequately addressed by means of a suitably-worded condition requiring the removal of the advertisement before that point.

20. However, such a condition would not mitigate or overcome the harm to the existing amenity of the site's wider surroundings that I have identified. Nor would that harm be overcome by a condition granting temporary consent until March 2021, since the harm to amenity I have identified is based on the character and appearance of the site's surroundings as they exist now. I note that consent was previously been granted for a similar advertisement until March 2021. However, I have considered this appeal on its own merits and based on those existing circumstances.
21. I observed an existing digital display on the opposite side of Trinity Way close to the site which, I understand, received consent around 2 years ago. However, as well as being notably smaller than the advertisement proposed in this case, from the limited evidence before me I cannot be certain of the exact context or circumstances in which it received consent, or that they were directly comparable in all respects to those in the appeal before me. I have considered the appeal on its own merits. That nearby sign is part of the site's surroundings. However, its presence does not alter my conclusions regarding the character and context of those surroundings overall or the harm that would arise from the particular proposal before me.
22. The Council has not raised specific concerns regarding the advertisement's effects on the safety of road users on Trinity Way or other nearby streets. From the evidence before me I have no reason to conclude otherwise. I am satisfied that concerns regarding the safety of users of the future riverside walkway could be addressed by means of a condition requiring the advertisement's removal at an appropriate point relative to the walkway's construction and future use. Therefore, I conclude that the proposal would not have an adverse effect on public safety.
23. However, for the reasons given I conclude that the advertisement would have a significant adverse effect on the amenity of the site's existing surroundings. It would therefore not accord with the Framework, which states that the quality and character of places can suffer when advertisements are poorly sited and designed. It would also conflict with Policy DEV2 of the City of Salford Unitary Development Plan, which requires advertisements to respect the sensitivity of the location and minimise any negative impact on residential areas, and with the aims of the Greengate – Salford Regeneration Strategy. I afford that policy and guidance significant weight as further material considerations.

Other Matters

24. The Council and an interested party have expressed concerns as to whether part of the riverside walkway could be constructed with the advertisement display in place. I have had regard to the appellant's submissions on this matter. However, notwithstanding those submissions, I have found the proposed advertisement unacceptable due to its effect on the existing amenity of the area. Therefore, I have not needed to consider the implications it might have for the construction of the riverside walkway in the future.
25. I acknowledge the effects of the Covid-19 pandemic on the appellant's business which have been brought to my attention. However, such matters do not outweigh the significant harm to amenity that I have identified in this case.

26. The application originally sought consent until March 2021. The appeal submissions suggest a longer period. However, as I have found that harm to existing amenity would arise in either event, I am satisfied that no party would be prejudiced by my having considered that longer suggested period in this case.

Conclusion

27. For the reasons given, I consider that the appeal should be dismissed.

Jillian Rann
INSPECTOR