



Appeal Decision

Site visit made on 26 July 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/B4215/Z/22/3300558

54-56 Swan Street, Manchester, M4 5JU

- 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 Chris Thomas (The Manchester Screen Holdings Ltd) against the decision of Manchester City Council.
 - The application Ref 133410/AOH/2022, dated 23 March 2022, was refused by notice dated 27 May 2022.
 - The advertisement proposed is to replace one internally illuminated 48-sheet poster panel with one digital, LED illuminated 48-sheet poster display unit; and replace banner to flank wall.
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Decision

1. The appeal is allowed and express consent is granted for the display of one digital, LED illuminated 48-sheet poster display unit and banner to flank wall as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions as set out in the annex to this Decision.

Main Issue

2. The main issue is the effect of the advertisement on the visual amenity of the area.

Reasons

3. The existing internally illuminated advertisement is on the side wall of the building, approximately aligned with its first floor and alongside a neighbouring building set back from the street. It would be visible on Swan Street, part of the inner ring road encircling Manchester city centre, to vehicles and pedestrians approaching from the south. The area is busy as a result of the high level of road traffic and at the time of my visit in the middle of a sunny weekday there was a moderate level of pedestrian use of pavements alongside the carriageway, less so on the side of the appeal site.
4. Although the area appears to be one of great change, based on the number of cranes and amount of activity I saw around the site, the poorly maintained condition of the immediate area around the appeal site and neighbouring buildings offer a run-down appearance. The proposed advertisement would be a like-for-like replacement in terms of its size and position, with the main difference being the type of illumination and its ability to cycle through static images.

5. Given the high level of building activity, the variance in buildings' form and height, and the trafficked road, the area is already visually cluttered. These conditions would result in vehicle users and pedestrians being alert to their surroundings. In this context, the replacement of the existing illuminated advertisement with a digital version of changing images would incrementally only increase this clutter to a small degree. The experience of road users and other viewers would not significantly change, and the advertisement would be neither overwhelming nor obtrusive within its environment.
6. I acknowledge the Council's concerns that this is an area of investment and regeneration, but do not consider that this affects the amenity considerations of the proposed advertisement. If the appeal and neighbouring buildings were to be improved as part of the regeneration of the surrounding area, there is a likelihood of the advertisement being removed or concealed.
7. Views from within and including the Smithfield Conservation Area and grade-II listed market hall and 29 Swan Street opposite are dominated by the high level of activity on the ring road. Accordingly, the advertisement would not have a significantly harmful impact on the heritage assets or their setting.
8. I therefore conclude that the proposed advertisement would not have a harmful impact on the amenity of the area. The Council has drawn my attention to its saved *Unitary Development Plan* (2005) Policies DC15.1, DC15.2 and its *Core Strategy Development Plan Document* (2012) Policies DM 1, EN 1 and SP 1, which it considers to be relevant to this appeal. Given my conclusion that the proposal would not harm amenity, the proposal does not conflict with these policies or the *National Planning Policy Framework* (2021).

Conditions

9. I have applied the five standard conditions specified in the Regulations, including the five-year period of consent, rather than the appellant's suggested three, as no reason was provided for the deviation. Further conditions suggested by the Council have been agreed by the appellant and are necessary in the interests of amenity and highway safety.

Conclusion

10. For the reasons given I conclude that the appeal should succeed.

G Rollings

INSPECTOR

(annex overleaf)

Annex: List of additional conditions

- 1) 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.
- 2) 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.
- 3) The maximum luminance of the advertisement shall not exceed 300cd/m² during darkness (dusk to dawn).
- 4) 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.
- 5) 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.
- 6) 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.
- 7) The advertisement shall include controls to ensure smooth uninterrupted transmission of images.
- 8) The sequencing of messages relating to the same product is not permitted.
- 9) If the installation breaks down or is not in use, it shall default to a plain, black screen.