



Appeal Decision

Site visit made on 7 October 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/B4215/Z/22/3294291

ECP Car Park, Aytoun Street, Manchester

- 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 Stephen Smith of City Outdoor Media Ltd against the decision of Manchester City Council.
 - The application Ref 132240/AOH/2021, dated 16 November 2021, was refused by notice dated 14 January 2022.
 - The advertisement proposed is 1 no. digital display.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal varies throughout the appeal documentation. Therefore, the description of the proposed advertisement set out in the heading above is taken from the original application form. The appellant's submission suggests that the proposal includes alterations to the existing boundary fencing and opportunities for feature paving/public artwork. However, as these works could involve independent acts of development, these elements are beyond the scope of the advertisement consent regime.
3. The Local Planning Authority (LPA) has drawn my attention to the development plan policies it considers to be relevant to this appeal, and I have taken them into account as a material consideration. Nevertheless, powers under the Regulations¹ to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal the LPA's policies have not therefore, by themselves, been decisive.
4. The LPA's reason for refusal includes reference to the heritage chapter of the National Planning Policy Framework (the Framework). However, the policies in that chapter apply only to the heritage related consent regimes as set out by the Planning (Listed Buildings and Conservation Areas) Act 1990, and therefore are of no relevance to the appeal proposal.

Main Issue

5. The main issue is the effect of the proposed digital advertisement on the visual amenity of the surrounding area, with particular regard to the setting of the City Police Courts, a Grade II* listed building.

Reasons

6. The appeal site is essentially a narrow strip of land along the eastern boundary of a private car park on Aytoun Street, a busy road that forms a main route through

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Manchester City centre. The surrounding area is characterised by a mix of modern contemporary high-rise buildings, reflecting recent efforts to regenerate this part of the city, interspersed by a variety of historic buildings.

7. The site's immediate context is dominated by the Grade II* listed City Police Courts, which sits to the northwest of the appeal site. Dating from circa 1868, the building is formed of several tall gables, a Gothic tower and a tall ornate chimney stack. Its exceptional design quality and architectural significance is evident in its highly decorative elevations which utilise redbrick and sandstone dressings executed in an Italian Gothic style. Its historic and architectural significance can be appreciated in public views from the surrounding streets, including in views from Aytoun Street over the appeal site. Therefore, owing to its proximity and positioning in relation to the listed building, the appeal site forms an integral part of the setting of the listed building.
8. The proposal seeks advertisement consent for a digital display measuring 18.6 metres by 4.65 metres by 0.265 metres, facing east over Aytoun Street. The proposed digital display would be internally illuminated with a maximum illumination level of 600cd/m², and would sit 1.3 metres from ground level to the base of the advertisement. It would display static digital images on a 10 second sequential rotation. The display would be set back from the pavement and replace one 96 sheet and two 48 sheet backlit advertisement hoardings along with two car park signs which are currently positioned along the eastern boundary of the car park.
9. Travelling north along Aytoun Street, there are good views of the side elevation of the City Police Courts and its distinctive architectural composition. However, owing to their size and positioning, the existing advertisements within the appeal site already dominate the foreground, harmfully interrupting public views of the listed building. Therefore, I consider that the scale and positioning of the existing advertisements have a detrimental effect on the visual amenity of the area, particularly in relation to the setting of the Grade II* listed City Police Courts. Far from setting a desirable precedent for the appeal proposal, these pre-existing advertisements carry very limited weight in support of the appeal.
10. The removal of the existing advertisements would improve views of the listed building, thereby enabling a greater appreciation of the designated heritage asset. The proposal would also result in a net reduction in the total area of advertising on display at the site. Furthermore, open views of the listed building would remain possible from within the car park. Nevertheless, as a result of its size, positioning and method of illumination, and in the absence of other digital advertisement units of similar scale or appearance, the proposed digital display would result in a highly prominent and visually obtrusive feature.
11. Its digital LED method of illumination, while below recommended standards for brightness and not comprising moving or flashing images, would provide much clearer and vivid visuals compared to the existing static displays. These factors would cause the proposed advertisement to be much more apparent and dominant in the street scene. This impact would be compounded by the intermittent changing of the illuminated display that would significantly draw the eye, further accentuating its visual presence and harmful effect on the amenity of the area. Accordingly, the proposed digital display would appear overly prominent and visually obtrusive in public views of the listed building on the approach along Aytoun Street. This would have a significant adverse visual effect on the setting of the listed building.

12. The appellant is of the view that the setting of the listed building is already compromised to a degree by the introduction of high-rise modern development and the loss of other historic buildings. However, this does not justify further harm to the setting of the listed building.
13. The appellant has indicated that they would accept a condition to provide a hard landscaping scheme to improve the area around the proposed advertisement, including a public art installation. Nevertheless, as referred to in my preliminary matters, these works could amount to development and therefore would go beyond the act of simply displaying an advertisement or facilitating the display of an advertisement. In any case, I am not convinced that such improvements would outweigh the harm I have identified.
14. I acknowledge that the LPA has raised no issues in relation to public safety. Whilst I have no reason to depart from this view, this is a neutral consideration that does not add weight in favour of the appeal. Advertisement consent was granted in 2014² for a similar advertisement, but I understand that this was never implemented, and I do not have the full details of that scheme before me. I am also referred to the approval of a LED digital display at Rochdale Road³ and an appeal decision for a LED display at Corporation Street⁴. However, these cases are of some age and the spatial context in those cases differs considerably from the case before me. Therefore, I have reached my own conclusion on the appeal proposal on the basis of the evidence before me.
15. The appellant relies heavily on extracts from a heritage statement⁵ prepared in 2016 and submitted as part of a planning application⁶ to support the development of a neighbouring site. However, that assessment was made to support a proposal for 478 residential units and commercial space. Therefore, given its age and purpose, it is of little relevance to the appeal before me.
16. Bringing all of these points together, due to its size, positioning and method of illumination, I conclude that the proposed digital advertisement would result in significant harm to the visual amenity of the surrounding area, with particular regard to the setting of the City Police Courts, a Grade II* listed building.
17. Whilst not decisive, the proposal would also be contrary to policies EN1, CC9, EN3, DM1 and SP1 of Manchester's local Development Framework Core Strategy Development Plan Document (2012) and saved policies DC15.1, DC15.2 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), in so far as these policies collectively seek to protect the amenity of the surrounding area, including the historic environment.

Conclusion

18. I have found the proposal to be harmful to the visual amenity of the surrounding area. For this reason, and having regard to all other matters raised, the appeal is dismissed.

J M Tweddle

INSPECTOR

² LPA Ref. 106884/AOH/2014/C2

³ LPA Ref. 112693/AOH/201/N1

⁴ Appeal Ref. APP/B4215/H/13/2201015

⁵ Heritage Statement: Significance and Impact by Stephen Levrant Heritage Architecture Ltd, dated 28 April 2016

⁶ LPA Ref. 112034/FO/2016/C