
Appeal Decision

Site visit made on 10 January 2022

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 9 February 2023

Appeal Ref: APP/B4215/Z/22/3305629

The corner of London Road and Store Street, Manchester M1 2PF

- 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 Network Rail against the decision of Manchester City Council.
 - The application Ref 133244/AOH/2022, dated 15 March 2022, was refused by notice dated 28 June 2022.
 - The advertisement proposed is 48 sheet LED digital billboard.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to the National Planning Policy Framework's (the Framework) policy on balancing any less than substantial harm to a heritage asset's significance with any public benefits. In response the appellant has described what they consider to be public benefits of the proposal. However, whilst I have taken any matters relevant to amenity into account, this is not relevant to this appeal under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) as that Framework policy only applies to the heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990¹.
3. Any disagreement about the legal status of the existing advertisement is a matter for the main parties and it is not an issue for me to reach a finding on its lawfulness in determining this appeal for a proposed advertisement. The reason for refusal does not indicate that public safety would be harmed.

Main Issue

4. Therefore, the main issue raised by this appeal is the effect the proposal would have on amenity, having regard to the grade II listed status of the Piccadilly Station Trainshed and Undercroft on which it would be situated and the setting of the grade II* listed London Road Police and Fire Station.

Reasons

Effect on amenity, including Piccadilly Station Trainshed and Undercroft

5. The proposed sign would occupy a prominent location on the corner of Store Street at the point at which it enters a tunnel underneath the railway station

¹ Framework paragraph 189, footnote 67.

concourse. The listed building is a large and complex structure. The advertisement would be seen against the backdrop of the Western Undercroft's brick retaining walls and in the context of the brick pier and rounded arch close by around the corner, mentioned in the list entry. The hoarding would cover up part of the retaining wall where it is most visible under the metal overbridge and outside the darker vaulted tunnel section.

6. Notwithstanding the large scale of the Undercroft element of the listed building, by occupying a significant part of the height of the wall between footway and overbridge it would appear out of scale with that part of the building. Its conspicuous situation within the cityscape would render it a discordant feature. Although it would not cover or obscure the particular architectural details cited in the list description, it would add an intrusive feature adjacent to the more articulated elements on the London Road frontage which would be visible together with the advertisement from across the road.
7. Even though the Undercroft's external appearance is distinct from that of the Trainshed above, part of the significance of the listed building is derived from the massive and relatively unadorned form of the Undercroft element where it presents solid walls to surrounding streets. The proposal's size, materials, appearance and situation on the listed building would result in a harmful contrast to the appearance of the plain and robust engineering and architecture of that part of the listed building and hence amenity.
8. Whilst the site's surroundings have a busy, commercial city centre character, on a busy street with tramline, large commercial hoardings are not an overly conspicuous part of that character where signage is typically more restrained. Its immediate locality on the east side of London Road is one with important historic, architectural and cultural features, and the advertisement would not be in scale or in keeping with those features. In this context the proposal's effects would also harm the amenity of the area.
9. Whilst its situation means that it would not be visible from that part of London Road and its surroundings beyond the tunnel entrance to the south, this would not affect the visual intrusion experienced from the north part of that street.
10. I have taken into account Core Strategy² Policies CC 9, DM 1 and SP 1. Together, and amongst other requirements, these seek to preserve or enhance the City's listed buildings, have regard to siting, scale, form and appearance, and create well designed places that enhance or create character. I have also taken into account saved UDP³ Policies DC15.1, DC15.2 and DC19.1 which, amongst other criteria, seeks unobtrusive, in scale advertisements which do not harm a building's architectural features, and avoiding adverse effects on listed buildings' architectural and historic character. Given that I have concluded that the advertisement would harm amenity, the proposal would conflict with these policies.
11. However, Core Strategy Policies EN 1's and EN 3's specific City Centre Character Area and heritage development requirements are less pertinent to this proposal. As the site is not in a conservation area, UDP Policy DC18.1, and the highlighted paragraphs in the Guide to Development⁴, are not applicable.

² Manchester's Local Development Framework - Core Strategy Development Plan Document, 2012.

³ The Manchester Plan – The Unitary Development Plan for the City of Manchester, 1995.

⁴ Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, 2007.

12. I have taken into account the relevant factor that the Framework⁵ recognises that the quality and character of places can suffer when advertisements are poorly sited and designed, and that would be the case with this proposal.

Existing hoarding on site

13. Although the Council's delegated report makes generalised reference to enforcement options, there is no information before me that they have served, or intend to serve, a discontinuance notice in respect of the existing externally illuminated hoarding that occupies the site. Nor is there any indication that there is a reasonable likelihood that it would be removed. The existing advertisement on the site is therefore a consideration that carries some weight in support of the proposal given the similarity in situation and size between existing and proposed.
14. Many of the adverse effects on visual amenity that would occur with the proposal would be shared with the existing sign on the site. The proposal would consequently have a neutral effect in those particular respects given its presence. However, the appearance of both the advertisements that would be displayed and the hoarding structure itself would be materially different.
15. The current arrangement displays paper advertisements externally illuminated by downlights. The differences would be particularly due to the qualities of the paper material and the distinct effect of the lighting which washes down the sign. By contrast the proposed LED sign would have a constant and consistent illumination with a more strident appearance that would catch the eye in a more noticeable manner in both daylight and hours of darkness.
16. The existing hoarding is situated relatively flush to the wall. The proposal would consist of a materially more substantial construction which would project farther from the wall and be noticeably more bulky and prominent from the sides, which in turn would have a more pronounced visual effect. These effects would have a harmful effect on amenity both in terms of the appearance of the listed building and its appearance within the streetscape.
17. Therefore, whilst the existing arrangement shares many of the proposal's harmful effects, they are not so all encompassing and extensive as to make the proposal acceptable in its context. Any advantages in terms of maintenance and management the proposal may have would largely be benefits for the operator given the maintenance and amenity requirements of the standard condition that any grant of express consent would be subject to⁶.

London Road Police and Fire Station

18. The proposed advertisement would not be visible from the handsome and imposing Edwardian listed building itself. It would be visible in limited views of the listed building from farther up London Road and framed views from the exit from Store Street. This is part of the sensitive townscape setting in which that building's significance can be appreciated and understood. However, unlike its effect on the listed Station complex, the presence of the existing sign would result in the setting, and hence significance, of the Police and Fire Station being effectively preserved by the proposal. In this particular respect, amenity would

⁵ Paragraph 136.

⁶ Schedule 2, paragraph 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

not be materially harmed, albeit this would not alter the findings of harm above.

Piccadilly Central regeneration

19. The Manchester Piccadilly Strategic Regeneration Framework (SRF) establishes a vision and guiding principles for the redevelopment of the station and its environs, but the Council have not directed me to any specific proposals associated with the vicinity of the advertisement. Although they refer to a proposed boulevard, the SRF shows this meeting London Road/Piccadilly some way to the north of the site. Furthermore, in the absence of detailed proposals it is not possible to conclude how the advertisement's adverse effect on amenity now would necessarily adversely affect the implementation of the regeneration scheme in the future. In any event the Regulations and Framework make it clear that advertisements should be subject to control only in the interests of amenity and public safety. Therefore, this does not carry any weight against the proposal.

Removal of advertisement hoarding opposite

20. The proposal includes the removal of a similar advertisement hoarding on the opposite side of Store Street. However, there is no mechanism before me that would secure its removal, make good that site or prevent reinstallation of other signage in the future. Furthermore, I have only very limited information about that advertisement's ownership, planning status and the Council's attitude towards it. I have considered whether its removal could be achieved by way of a negatively worded condition. However, there is insufficient information before me to conclude that such a condition would meet the Framework tests⁷. Consequently, this element of the scheme cannot carry any weight in support of the proposal in the circumstances.

Other matters

21. The applicant has referred me to a number of other advertisements in support of their appeal. The pair of hoardings on the corner of Fairfield Street are free standing and have a different relationship to historic railway structures to that of the proposal. I noted the hoarding affixed to the Undercroft wall opposite Whitworth Street. Given its angle of projection from the wall there are few vantage points where displays on both that and the proposed sign would be seen together and it has not created a situation where there is a prevalence of such signage in the vicinity. Notably, this did not appear to be an illuminated hoarding, unlike the proposal. In any event I have no information about its status and its presence would not alter the effects of the proposed sign.
22. The LED advertisement on the corner of Dulcie Street has a very different setting against a predominantly glazed post war building. Similarly, the sign farther along London Road is adjacent to a motorway flyover in a location where modern buildings appear as isolated structures rather than a contiguous streetscape.
23. As well as being some distance from the city centre, those on Waterloo Road would be in a very different setting adjacent to screening to an industrial area. The sign across Mancunian Way bridges a dual carriage way in a cutting and the Deansgate Interchange sign is located on a traffic island with a backdrop of

⁷ Paragraph 56.

C20 tower blocks. None of these other examples are comparable to the site and situation proposed, none are affixed to historic buildings and, having considered the proposal on its own merits, they do not lead me to conclude that the proposal would be otherwise acceptable.

24. Indeed, the appearance of the LED displays on the Dulcie Street and London Road billboards illustrate the differences in visual qualities of LED displays compared to that of the existing hoarding on site.
25. Proposed measures to limit levels of illumination, avoid moving images, ensuring instantaneous display changes and a minimum length of image display would not alleviate the harm that would arise to amenity.

Conclusion

26. For the above reasons, the proposal would harm amenity and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR