

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131236/AOH/2021
Date registered valid: 2 August 2021
Proposal: Retention of scaffold screen advertisement measuring 20m x 10m with external illumination and set within a brick mural surround for a further period of 12 months (17-08-22)
Address: 43-45 Piccadilly Gardens, Manchester, M1 2AP
Ward(s): Piccadilly Ward

Applicant: Mr Gerry O'Brien Blow Up Media UK Ltd 3-8 Carburton Street, London, W1W 5AJ
Agent (if any): Mr Philip Koscienski 21 First Avenue, Acton, London, W3 7JP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Refuse
Date of recommendation: 22 September 2021

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 17 August 2021

Standard consultations:

Printed: 16 August 2021 Expired: 6 September 2021

Neighbour notifications

Printed: 16 August 2021 Expired: 6 September 2021

Site notice

Posted: 17 August 2021 Expired: 7 September 2021

Press advert

Published: 24 August 2021 Expired: 14 September 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The application relates to a site at the corner of Lever Street and Piccadilly and a Grade II Listed Building at 47 Piccadilly.

The building that formally occupied the site at 43-45 Piccadilly was demolished in 2007 following the issue of a Dangerous Structure Notice. The site currently remains vacant pending redevelopment and has done so since the demolition in 2007.

A scaffold is located on the site at 43-45 Piccadilly and is required to support the listed building at 47 Piccadilly. An existing plain shroud is located on the scaffold and a plain black site hoarding surrounds the vacant site.

Site History

Advertisement consent was granted on 26th November 2013 by an appeal decision (referenced APP/B4215/H/13/2202566) against the City Council's decision (referenced 101927/AOH/2013/C2). This appeal allowed the display of an advertisement on the scaffold for a temporary period of two years subject the following conditions:

- 1) At the end of two years from the date of this decision the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have firstly been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Existing Elevation Drawing No: BU-TRAF-003, Proposed Elevation Drawing No: BU-TRAF-004/B, New Visuals for Revised Drawing No: BU-TRAF-004/B, Scaled Location Plan 1:1250 Drawing No: BU-TRAF-001/B, Additional Site Plan Drawing No: BU-TRAF-002/B, document entitled 'Banner Specification', document entitled 'Lighting Information' and document entitled 'Photographs of Existing Support Scaffold'.
- 3) The advertisement hereby approved shall not be installed until a scheme providing details for the regular maintenance of the site and inspection of the listed building to which the scaffold is attached has been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented.
- 4) The maximum luminance of the display shall not exceed 600cd/m2.

Following this an application for the proposed retention of the advertisement was refused on 30th November 2015 (ref 110212/AOH/2015/C2), and subsequently allowed at appeal on 15th

February 2016 (ref APP/B4215/Z/15/3140692) for a period of 12 months subject to the following conditions:

- 1) At the end of 12 months from the date of this decision the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The advertisement hereby permitted shall accord with the following approved plans, drawings and documents: Location Plan Drawing No: BU-TRAF-001/B, Existing Elevation Drawing No: BU-TRAF-003, Proposed Elevation Drawing No: BU-TRAF-004/B, New Visuals for Revised Drawing No: BU-TRAF- 004/B, Additional Site Plan Drawing No: BU-TRAF-002/B, document entitled 'Banner Specification', Document entitled 'Lighting Information' and document entitled 'photographs of Existing Support Scaffold'.
- 3) The advertisement hereby approved shall, for the duration of the 12 months it is permitted for, be subject to the established scheme for periodically providing details to the local planning authority of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached. The scheme shall continue to be implemented as approved.
- 4) The maximum luminance of the display shall not exceed 600cd/m².

Following this, a further application for the proposed retention of the advertisement was refused on 13th March 2017 (ref 114865/AOH/2016), and subsequently allowed at appeal on 15th February 2016 (ref APP/B4215/Z/17/3172441) for a period of 12 months subject to the following conditions:

- 1) After 15 February 2018 the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Existing Elevation Drawing No: BU-TRAF-003, Proposed Elevation Drawing No: BU-TRAF-004/B, New Visuals for Revised Drawing No: BU-TRAF-004/B, Scaled Location Plan 1:1250 Drawing No: BU-TRAF-001/B, Additional Site Plan Drawing No: BU-TRAF-002/B, document entitled 'Banner Specification', and document entitled 'Lighting Information'.
- 3) The advertisement hereby approved shall, for the duration it is permitted for, be subject to the established scheme for periodically providing details to the local planning authority of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached. The scheme shall continue to be implemented as approved.
- 4) The maximum luminance of the display shall not exceed 600cd/m².

After this, a further application for the proposed retention of the advertisement was refused on 22nd May 2018 (ref 119081/AOH/2018), and subsequently allowed at appeal on 18 September 2018 (ref APP/B4215/Z/18/3203357) for a period of 12 months subject to the following conditions:

The consent was until 15 February 2019 and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

- 1) After 15 February 2019 the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Existing Elevation Drawing No: BU-TRAF-003, Proposed Elevation Drawing No: BU-TRAF-004/B, New Visuals for Revised Drawing No: BU-TRAF-004/B, Scaled Location Plan 1:1250, Drawing No: BU-TRAF-001/B, Additional Site Plan Drawing No: BU-TRAF-002/B, document entitled 'Banner Specification', and document entitled 'Lighting Information'.
- 3) The advertisement hereby approved shall, for the duration it is permitted for, be subject to the established scheme for periodically providing details to the local planning authority of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached. The scheme shall continue to be implemented as approved. Appeal Decision APP/B4215/Z/18/3203357
- 4) The maximum luminance of the display shall not exceed 600cd/m². The site is within the Stevenson Square Conservation Area and is in a highly prominent location on the route between Piccadilly Train Station and the Arndale Centre and opposite Piccadilly Gardens. It is also located opposite a number of bus stops on Lever Street. Piccadilly and Lever Street are major radial entry routes into and through the City Centre.

Following this, a further application for the proposed retention of the advertisement was refused on 8th April 2019 (ref 122524/AOH/2019), and subsequently allowed at appeal on 2nd July 2019 (ref APP/B4215/Z/19/3226642) for a period of 12 months subject to the following conditions:

The consent is until 15 February 2020 and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

- 1) After 15 February 2020 the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The development hereby permitted shall be carried out in accordance with the submitted plans and documents.
- 3) The advertisement hereby approved shall, for the duration it is permitted for, be subject to the established scheme for periodically providing details to the local planning authority of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached. The scheme shall continue to be implemented as approved.
- 4) The maximum luminance of the display shall not exceed 600cd/m².

The applicant has in the duration of the 7 years in which the advertisement has been in place maintained the vacant site and cleared it of invasive species and overgrowth and provided security measures to prevent intruders gaining access to the site and the listed building. Monitoring reports as agreed by condition have been submitted to the LPA periodically since 2014. The most recent report submitted January 2020 notes that condition of the listed building generally is poor and is 'slowly deteriorating', with 'loose masonry' noted as well as 'the growth of invasive species re-establishing and damaging the fabric'. The latest report also notes that the installation of movement monitors has been consistently recommended in previous reports but not done. The latest report also notes that plant growth is likely to loosen masonry over the public realm, whilst loose slates remain a risk to the public and workers.

In January 2020 a further application ref no 126075/AOH/2020 was submitted which sought consent for a further period of 12 months until 15 February 2021. This was refused on 25th March 2020 and subsequently allowed at appeal on 17th August 2020 (ref APP/B4215/Z/20/3250177) for a period of 12 months subject to the following conditions:

- 1) At the end of 12 months from the date of this decision the advertisement hereby granted consent shall be removed and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued and the land/building shall be reinstated in accordance with a scheme, the details of which shall have first been submitted to and approved in writing by the local planning authority. The approved scheme shall include the timescale for implementation.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Scaled Location Plan Drawing No: BU-TRAF-001/B, Site Plan Drawing No: BU-TRAF-002, Proposed Elevation Drawing No: BU-TRAF-004/B, New Visuals for Revised Drawing No: BU-TRAF-004/B, document entitled 'Banner Specification', document entitled 'Installation and Fixing', and document entitled 'Lighting Information'.
- 3) The advertisement hereby approved shall, for the duration it is permitted for, be subject to the established scheme for periodically providing details to the local planning authority of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached. The scheme shall continue to be implemented as approved.
- 4) The maximum luminance of the display shall not exceed 600cd/m².

The display of the advertisement continues to be unrelated to works taking place on site and the scaffold is only required to stabilise the listed building. The approval of this application would result in the advertisement being in place for a total of close to nine years.

It is noted that the costs decision associated with the 2017 appeal decision (ref: APP/B4215/Z/17/3172441) stated that "it is clearly not in the long term interests of the area for the site to remain in its current condition indefinitely". Meanwhile in the 2018 appeal decision the inspector noted: "I have some sympathy with the Council's concerns that a succession of temporary extensions would be undesirable were it to lead to a situation where such extensions began to give the appearance of a long-term "fix" to the issue of regenerating the site and the wider area. " The 2019 appeal decision made similar comments as follows "I have sympathy with the Council in their concerns that a series of temporary consents would be undesirable, and that redevelopment and regeneration of the site has not advanced at a pace that provides a degree of certainty that the advertisement would be removed." These comments were again echoed by the Inspector in the 2020 appeal decision which agreed 'with a previous Inspector's comments in a Costs Decision that 'it is clearly not in the long term interests of the area for the site to remain in its current condition indefinitely'

The above comments from various inspector decisions reflect the reality that what was hoped would be a temporary feature, is now, in all but name only, a permanent feature. Approving this current application would effectively result in a cumulative consent of close to 9 years, which is an extensive period for something deemed 'temporary', and according to the inspector's comments above would not be in accordance with the long term interests of the area.

The City Council has been in discussions with the site owner about bringing forward an appropriate form of development on the site over a number of years.

Applications in relation to the redevelopment of the site are currently under consideration as follows:

Application ref no: 124544/FO/2019Erection of 12/13 storey building above basement following demolition of rear of 47 Piccadilly (Back Piccadilly warehouse façade and 3 storey Town House to Piccadilly retained) to create a new 129 bed hotel (Use Class C1) and associated restaurant (Use Class A3 and A4 (1st floor)) above a retail unit (flexible within Use Classes A1 (Shop), A2 (Financial) and Professional Services, A3 (Café and Restaurant), A4 (Drinking Establishment, A5 (Hot Food Take Away, B1 (Office) and D2 (Assembly and Leisure) to the ground floor and basement, ancillary facilities within ground floor and the refurbishment of the 3 storey townhouse at 47 Piccadilly; and

Application ref no : 124545/LO/2019Listed Building Consent for internal and external works associated with erection of 12/13 storey building above basement following demolition of rear of 47 Piccadilly (Back Piccadilly warehouse façade and 3 storey Town House to Piccadilly retained) to create a new 129 bed hotel (Use Class C1) and associated restaurant (Use Class A3 and A4 (1st floor)) above a retail unit (flexible within Use Classes A1 (Shop), A2 (Financial) and Professional Services, A3 (Café and Restaurant), A4 (Drinking Establishment, A5 (Hot Food Take Away, B1 (Office) and D2 (Assembly and Leisure) to the ground floor and basement, ancillary facilities within ground floor and the refurbishment of the 3 storey townhouse at 47 Piccadilly.

A previous scheme for an office development was submitted in 2018 (application ref no's 119559/FO/2018 and 119560/LO/2018) and is currently on hold pending consideration of the above.

The City Council has significant reservations about the design of both proposals and the amount of historic listed fabric which would be lost as a consequence of the plans and are not currently in a position where they can support the plans.

Description of development

This current proposal seeks advertisement consent for the installation of an advertisement shroud for a further temporary 12 month period as detailed above. The previous application for an advertising hoarding to the shroud on the same site was refused by the local planning authority on the 25th March 2020, and allowed at appeal on 17th August 2020.

The proposed advertising hoarding would be externally illuminated and would measure 20 metres in width and 10 metres in height.

Consultations & Notification Responses

Publicity – The application was advertised as affecting a listed building and the setting of a conservation area and occupiers of neighbouring properties were notified about the proposals.. 1 letter of support has been received from the site owner. This states the following:

As owners of the land at 43-45 Piccadilly Gardens, Manchester, M1 1HP have been seeking ways to bring this derelict land back into useful service in this prominent position in the heart of the city of Manchester.

This has involved a lot of work with our architects and professional team as well as proactive and constructive consultation with the planning authority and other consultees and I am pleased to say that a detailed planning and listed building applications were submitted and validated on 21st May 2021 (application numbers: 124544/FO/2019 and 124545/LO/2019).

The applications have the support of the planning authority and we are hopeful of approvals in due course, upon which the long awaited development of this site will be significantly closer. We feel the above demonstrates our commitment to developing the site and also make the point that as well as the benefits associated with the smartening up and improvement of visual impact at the site, the income we have derived from it has been used in the preparation of the current planning application and many detailed reports required. We would continue to use that income towards the further development of the site.

Consultation was made regarding the application to the following bodies:

Highway services - no objection, made same comments as previously received (app ref. 110212, 114865 and 122524).

Environmental Health -no objections subject to the level of illumination for the banner will need to be reduced to not exceed 300cd/m² and we will also require the hours of illumination.

Issues

The following policies are of relevance to this application:

National Planning Policy Framework

Section 12 (Achieving well designed places) - paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

The proposed advertisement is considered to have been poorly placed having no relation to the character and appearance of the conservation area and the scale and design of surrounding buildings. The shroud also entirely masks the side elevation of a listed building and the advertisement is far larger than any other feature of the building, as displayed in the submitted photo-montages. This runs contrary to the assumption made in the original appeal decision (referenced APP/B4215/H/13/2202566) to allow the proposal which stated that: 'Although the shroud would be slightly higher than the existing scaffold, the ridgeline of the roof of no. 47 would be visible above it. Consequently, some views of the roofscape of the listed building would be retained.' (Paragraph 9). The following appeal decisions both saw no reason to depart from this original analysis.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development" (NPPF Paragraph 8). In order to meet this key planning objective, in this instance the development should sustain and contribute to the stimulation of a thriving historic environment. Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF states the following:

states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The proposed advertisement is considered to have an unacceptable detrimental impact on the setting of the listed building on which it is located and character of the Stevenson Square Conservation Area within which it is also located. It would continue to cause less than substantial harm to the heritage assets through continued neglect of the listed building and through allowing further deterioration in order to generate profit through advertising. The further deterioration has been evidenced in the aforementioned monitoring reports submitted to the LPA.

Paragraph 196 states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 199 states that: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states that: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The advertisement is over large as a feature of a building in comparison to the smaller scale features of the listed building and surrounding buildings and the shroud would be an over dominant feature obscuring the whole side elevation, including significant elements of the roofscape and ridge line of the listed building. The advertisement would also draw attention away from the decorative façade that fronts onto Piccadilly and draw attention to the vacant site surrounded by construction hoardings rather than allowing the decorative frontage to appear as the most prominent feature of the site.

The advertisement would continue to have no relationship with the character and appearance of the Conservation Area appearing as an obtrusive and over dominant feature.

There is no public benefit associated with the display of the advertisement that justifies the ongoing harm to the character and appearance of the listed building and the conservation area. Indeed the City Council considers that the continued approvals for the advert could delay potential development due to the income generated from the advertisement, which would cause the site to remain vacant and undeveloped and cause the listed building to further deteriorate and prevent the public benefits (including heritage, economic and social benefits) from the sites redevelopment being realised.

The Adopted Core Strategy for the City of Manchester

The following Core Strategy Policies are relevant to this application:

Policy T1 (Sustainable Transport) states that the Council will support proposals that improve pedestrian routes and the pedestrian environment.

Policy EN1 (Design Principles and Strategic Character Areas) states that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy CC9 (Design and Heritage) states that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Policy EN3 (Heritage) states that throughout the city, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy DM1 (Development Management) states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail, the affects on amenity including road safety and the character of the surrounding area.

Policy SP1 (Spatial Principles) states that all development must make a positive contribution to areas of choice including creating well designed places that enhance or create character and protect and enhance the built environment.

Policy EN12 (Area priorities for Open Space, Sport and Recreation) states that the quality of existing areas of open space in the City Centre should be enhanced.

The advertisement is considered to be inconsistent with Core Strategy Policies SP1, DM1 and EN1. These policies seek to enhance the visual amenity of prominent access corridors and character areas and seek to achieve high standards of development and environmental treatment on sites adjoining radial entry routes into and through the City Centre. The continued display of the proposed advertisement is considered to be inconsistent with these policies, as it has an unacceptable detrimental impact on the visual amenity of an area next to two major radial entry routes and principal corridor of movement through the City Centre due to its size, design, location and appearance remaining in place for a long period of time - namely four and a half years to date. The submitted photo montages show that the proposed advertisement and shroud entirely masks the side elevation of the listed building including the ridgeline and the roofscape.

Policy SP1 of the Core Strategy also encourages regeneration and confirms that the quality of the built environment and appropriate development can contribute to regeneration. The proposals would work against these aims by continuing to be incompatible with the character and appearance of the locality and the surrounding conservation area as described above and by the proposed location on a development site.

The advertisement could delay potential development due to the income that would be generated from the advertisement, which would cause the site to remain vacant and undeveloped and cause the listed building to further deteriorate. Previous appeal decisions have noted that there is no evidence for this claim. However, it is noted that in the inspectors first appeal report dated 26th November 2013 the inspector stated that "I do not doubt that the proposal would only be a temporary measure to improve the aesthetic appearance of the site". The advert in question has now been in place for over seven and a half years, and if this application were to be approved this would reach a total of nearly nine, which is significantly more than the 'temporary measure' that was approved for two years under the original appeal decision (ref: APP/B4215/H/13/2202566). The length of time the advert has remained in place suggests that it could be having a negative impact on bringing forth potential development. Furthermore, in the 2018 (and mirrored in subsequent appeal decisions), the inspector noted that "I have some sympathy with the Council's concerns that a succession of temporary extensions would be undesirable were it to lead to a situation where such extensions began to give the appearance of a long-term "fix" to the issue of regenerating the site and the wider area." The presence of an advert on this site for a total of nearly nine years would certainly give the appearance of a long term fix and in accordance with the inspector's sympathies, the continuance of the succession of temporary extensions is undesirable for the site and the wider area and for incentivising the site regeneration and evidently the preservation of the listed building.

The history of other sites in Manchester City Centre has resulted in the long term display of advertising shrouds on scaffolds that are unrelated to works taking place on site and the city council's approach to prevent this involves resisting the display of advertisements where, as in

this case, they are unrelated to works taking place on site. Approval of an advertisement such as this leads to the site remaining undeveloped for lengthy periods negatively affecting the regeneration of the area. As has been demonstrated by the cumulative period of over 7 and a half years (and counting) that this advert has been in place.

Policies EN3 and CC9 of the core strategy seek to preserve and enhance the historic environment including listed buildings and conservation areas. The proposals would not preserve and enhance the listed building and the surrounding conservation area. The advertisement is over large as a feature of a building in comparison to the smaller scale features of the listed building and surrounding buildings and an over dominant feature being taller than the existing building. The shroud almost entirely masks the side elevation of the listed building including the vast majority of the roofscape and ridge line. The advertisement also serves to draw attention away from the decorative façade of this Grade II listed heritage asset that fronts onto Piccadilly and draws attention to the area of the vacant site that would remain in front of the advertisement. As a result, the proposed advertisement has a negative impact on the visual amenity in the area.

The proposed advertisement has no relationship with the character and appearance of the Conservation Area appearing as an obtrusive and over dominant feature.

The advertisement would continue to be attached to a scaffold that must remain in place to support the listed building. An additional 12 month consent in addition to the previous cumulative consents could lead to the further deterioration of the listed building during a further year awaiting refurbishment. It is noted that although applications for the site redevelopment are under consideration currently the case to support the level of intervention in terms of proposed demolition of the listed building is not considered to be acceptable and as such the proposals are not currently in a form that the City Council can support. The prospects of something positive happening with the listed building to improve its current condition are therefore in the short term unclear and uncertain and arguably the building is currently in a stage of managed decline.

The improvements to site security and the removal of invasive species carried out represent the minimum expected of a responsible site owner as does the proper maintenance of the listed building on their site, which has been neglected for at least the past seven and a half years despite the landowner being aware of the poor and deteriorating condition of the listed building. This is clearly shown in the inspection report submitted January 2020 which shows that recommended works have not been adhered to.

Policy T1 seeks improvement of pedestrian routes and the pedestrian environment. The advertisement is of detriment to the adjacent pedestrian routes as it is out of scale in the locality and masks an elevation of a listed building, including roofscape and ridge line. As stated above, the continued display would also facilitate the retention of the scaffold and delay redevelopment of the vacant site and refurbishment of the listed building by at least another year.

Policy EN12 requires the enhancement of the City Centre's open spaces. The advertisement does not enhance the setting of Piccadilly Gardens due to its size, design and appearance and the detrimental impact that it has on the listed building and surrounding conservation area as described above.

The Guide to Development in Manchester SPD -

The following paragraphs are considered relevant to this application:

Paragraph 2.6 states that the rich urban heritage of Manchester and the distinctive qualities of its different neighbourhoods and buildings help to create a strong sense of place and should be respected in new development, to promote high quality environments that combine good design with the best architectural traditions of the City. New developments should acknowledge the character of the City's conservation areas and will only be acceptable if they preserve or enhance the special nature of these varied parts of the City.

And;

Paragraph 11.45 states that the overriding criteria in these documents is that proposals should preserve or enhance the character of the conservation area. It is important that new developments in conservation areas or elsewhere are not designed in isolation. This does not prevent or inhibit creative design. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

The advertisement does not help to create a strong sense of place, constitute good design or enhance or preserve the character of the City's Conservation Areas for the reasons detailed above.

The proposed advertisement would have no relationship with the character and appearance of the Conservation Area appearing as an obtrusive and over dominant feature.

Saved Policies of the Unitary Development Plan for Manchester -

The following saved policies that are of relevance to this application:

E3.3 (Environmental Improvement and Protection) which encourages upgrades to the appearance of the City's major radial and orbital routes.

The continued display of the advertisement would not represent an upgrade in appearance of a major radial entry route as it would screen the side elevation of a listed building, be out of scale in the locality and the Piccadilly elevation of the listed building and incompatible with the character of the surrounding conservation area. This would have a negative impact on visual amenity on two of the city's major radial routes.

Policy DC 15 (Advertisements, Hoardings and Posters) - in particular paragraphs DC15.1 and 15.2, in Part 2 of the UDP set out City Council policy in relation to advertisements, hoardings and posters. The primary issue addressed by this policy is that of visual amenity. Thus the main matters to be considered for this appeal in the context of Policy DC15 are:

- (i) The general location of the proposed development and the effect on visual amenity;
- (ii) The scope for posters and hoardings to make a positive contribution to the locality;
- (iii) The design of the structures and the relationship with any premises on which they are located;
- (iv) The effect of the proposal on permanent redevelopment of the land;
- (v) The use of the hoardings to screen vacant sites or buildings during development, or where development is known to be imminent;
- (vi) The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
- (vii) Public safety resulting from the positioning of the design of the display;
- (viii) The scale of the advertisement in relation to the surrounding locality and the site on which it would stand.

- (ix) Whether the advertisement would be obtrusive and whether it would intrude into an area of high amenity value;
- (x) Whether the advertisement would be injurious to public safety or would adversely affect the flow of traffic, by reason of its position, size, or design.
- (xi) The number of advertisements in the locality and their cumulative effect on visual amenity.

The advertisement is considered to be inconsistent with these policies due to the following:

- The general location of the advertisement and its effect on visual amenity would continue to be unacceptable and would not make a positive contribution to visual amenity within the locality due to its size, location appearance and design and would have a detrimental impact on the listed building and surrounding conservation area;
- The advertisement would continue to represent an obtrusive feature on two major radial entry routes into and through the City Centre due to its size, location appearance and design;
- The advertisement is not in scale with its surroundings being overly large and obtrusive in comparison to the features of the adjacent listed building, the nearby buildings and within the adjacent Stevenson Square Conservation Area;
- The shroud is not screening a vacant site or building during development and instead entirely screens the side elevation of a listed building, including the roof line. The vacant site is adequately screened by the site hoarding and the side elevation of the listed building does not require screening;
- The advertisement may impact on the future redevelopment of the existing building through the revenue generated by the retention of the banner. With the grant of consent being unrelated to works taking place on the existing building and therefore being potentially open ended. Furthermore, the scaffold is attached to a listed building that requires support to stabilise it and which is likely to further deteriorate in the year that the banner is intended to remain in place and the building and adjacent site remain undeveloped. We have records of its deterioration during the four and a half years that the shroud has already been in place;
- The advertisement is not screening a vacant site but screens the side elevation of a listed building. Screening in the way proposed is not considered to be acceptable for the reasons detailed above. There are as advised above no building works taking place on site for which the scaffold is required.

DC18.1.e (Conservation Areas) states that development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area.

The continued display of the advertisement would not preserve or enhance the character and appearance of the Stevenson Square Conservation Area due to its size, design, location and appearance. The advertisement would be over large as a feature of an elevation in comparison to the smaller scale features of the surrounding buildings and an over dominant feature being taller than the elevation of the listed building. The shroud would also entirely screen the side elevation of the listed building including the roofscape. It is noted that the original appeal allowed the advertisement for two years in 2013, approving this current application would effectively create a cumulative consent of approximately 9 years for the 'temporary' advert. Furthermore, the costs decision associated with the 2017 appeal decision (ref:

APP/B4215/Z/17/3172441) stated that "it is clearly not in the long term interests of the area for the site to remain in its current condition indefinitely". Once again, approving this current application would effectively result in a cumulative consent of approximately 9 years, which is an extensive period and according to the inspector's comments above would not be in accordance with the long term interests of the area. The continued location of this advert for an extended period has harmed, and would continue to harm, the character and appearance of the Stevenson Square conservation area, having a negative impact on visual amenity in the area.

DC19.1.d (Listed Buildings) states that the City Council will seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity.

The continued display of the advertisement is considered to have an unacceptable detrimental impact on the setting of the listed building on which it is located and the Stevenson Square Conservation Area within which it is also located. It would continue to obscure views of the listed building. It would allow the continued neglect of the listed building and allowing further deterioration in order to generate profit through advertising.

The advertisement is over large as a feature of a building in comparison to the smaller scale features of the listed building and surrounding buildings and the shroud would be an over dominant feature being taller than the existing building and obscuring the whole side elevation and roof of the listed building. The advertisement also draws attention away from the decorative façade that fronts onto Piccadilly and draws attention to the vacant site surrounded by construction hoardings rather than allowing the decorative frontage to appear as the most prominent feature of the site.

The improvements to site security and the removal of invasive species carried out represent the minimum expected of a responsible site owner as does the proper maintenance of the listed building on their site, which has been neglected for at least the past three years despite the landowner being aware of the poor and deteriorating condition of the listed building.

Further comments

We maintain that the advertisement has a detrimental impact on the listed building, surrounding conservation area and street scene contrary to the above policies.

Compliance with the above policies is also considered further as follows:

There were assumptions within previous appeal decisions that contributed to the appeals being allowed as follows:

'It was evident from the discussion at the hearing that pre-application discussions have taken place between the Council and the landowner regarding the redevelopment of the site. Therefore, I do not doubt that the proposal would only be a temporary measure to improve the aesthetic appearance of the site whilst a redevelopment scheme is agreed. I see no reason why the display of the advertisement for a period of two years, as proposed, would affect the regeneration of surrounding areas and it would seem to me unlikely that the commercial revenue gained from the proposed advertisement would be such as to act as a barrier to progressing with a redevelopment scheme on the appeal site and cause the listed building to deteriorate further.' (Paragraph 16 2019 Appeal)

"However, there is no substantive evidence before me that the proposed advertisement would cause significant delay in the redevelopment of the site. Indeed, it appears that active discussions between the owners, Trafalgar Leisure, and relevant stakeholders to progress the

redevelopment of the site have taken place, most recently in January 2020, with the intention that a detailed planning application would be submitted in May 2020 (Paragraph 12 2020 Appeal)”

The site owners comments detailed above state that they been seeking ways to bring this derelict land back into useful service through proactive and constructive consultation with the planning authority and other consultees. They state that they have the support of the planning authority and are hopeful of approvals in due course, upon which the long awaited development of this site will be significantly closer. However as set out above, the applications for the site redevelopment currently under consideration are not progressing as the case to support the level of intervention in terms of proposed demolition of the listed building is not considered to be acceptable and as such the proposals are not currently in a form that the City Council can support.

In the 2019 Appeal the Inspector noted : 'I consider that provision could be made by a suitably worded condition to ensure that the site is regularly maintained to preserve the setting of the listed building and the appearance of the conservation area and to ensure that the listed building is inspected in order to detect and prevent any further deterioration of it.' (Paragraph 16 2019 appeal)

In the 2020 Appeal the Inspector stated that:

“I am aware of the concerns of the Council regarding the condition of No 47 Piccadilly which is stated to be generally poor and ‘slowly deteriorating’ in the most recent inspection report submitted in January 2020. Nonetheless, the Council has powers to address this if necessary, which are unrelated to the acceptability of the proposed advertisement in the meantime” (paragraph 14).

The City Council does have powers which would potentially have significant cost implications for the City Council and principally, for this reason, would be a last resort and we would always seeks to negotiate with the owner to ensure ongoing building maintenance to prevent further deterioration. It is noted that no details have been provided from the applicant as required by condition 3 of the previous consent of the regular maintenance of the site and inspection of the listed building to which the scaffolding is attached so evidence of their commitment to preventing further deterioration of the building and the consequential impact on its external appearance, overall condition and structural integrity and the impacts of this in the character of the conservation area is currently not evidenced. There is no evidence therefore that the income being received from the advert is providing a public benefit pending the sites redevelopment,by positively contributing to maintaining the condition of the listed building.

It is noted that although applications for the site redevelopment are under consideration currently the case to support the level of intervention in terms of proposed demolition of the listed building is not considered to be acceptable and as such the proposals are not currently in a form that the City Council can support. The prospects of something positive happening with the listed building to improve its current condition are therefore in the short term unclear and uncertain and the building is currently in a state of managed decline.

The applicant proposes to display the advertisement for a further year after stating at a previous appeal hearing that this was only a temporary measure and that the redevelopment of the site would commence within 2 years. Whilst it is noted that a letter of support detailing submission of an application, nearly eight years on from the submission of the original application, there is still no approved application for redevelopment of the site. The original measure to display the advert has far exceeded its apparent temporary nature and is having a sustained negative impact on visual amenity.

Should this application be approved there is nothing to stop the applicant continually applying to extend the advertisement consent and consent repeatedly being granted and the display becoming permanent and preventing the redevelopment of site and the stabilising, enhancement and maintenance of the listed building. This is because the scaffold is unrelated to works taking place on site and unless the site is redeveloped or the listed building stabilised or lost (as it is currently deteriorating) the scaffold that has already been in place since 2007 would continue to provide a location to display advertisements to the detriment of the listed building and the surrounding conservation area and street scene.

The history of other sites in Manchester City Centre has resulted in the long term display of advertising shrouds on scaffold that are unrelated to works taking place on site and our approach to prevent this involves resisting the display of advertisements where, as in this case, they are unrelated to works taking place on site. The original consent to display an advertisement was resisted and the extended display of no benefit to the listed building also resisted.

Given the above, the proposals are considered to be contrary to sections 12 and 16 of the NPPF, policies CC9, EN3, DM1, SP1, T1, EN1 and EN12 of the Core Strategy, paragraphs 2.6 and 11.45 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan, national policy and saved policies and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed advertisement would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity, in particular constituting an unduly obtrusive, incongruous and over dominant feature located in a prominent location adjacent to radial entry routes into and throughout the City Centre and opposite quality open space. Continued temporary consents for large scale advertising hoardings on the site are not in the long term interests of the site, and a further approval would effectively grant approximately 9 years of cumulative consent, for what was originally considered a temporary measure. The current proposal would therefore have an unacceptable and detrimental impact on the amenity of the area which possesses high footfall/ pedestrian activity contrary to Government Guidance contained in Section 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies T.1 (Sustainable Transport), EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage), EN3 (Heritage), DM1 (Development Management), SP1 (Spatial Principles) and EN12 (Area priorities for Open Space, Sport and Recreation), the Guide to Development in Manchester, in particular paragraphs 2.6 and 11.45 and saved policies DC15.1, and DC15.2 (Advertisements, Hoardings and Posters), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) and E3.3 (Environmental Improvement and Protection) of The Unitary Development Plan for the City of Manchester (UDP).

2) The proposed advertisement would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity, in particular on the character, appearance and condition of the listed building at 47 Piccadilly and the character and appearance of the surrounding Stevenson Square conservation area constituting an unduly obtrusive, incongruous and overly dominant feature on the Grade II Listed Building on which it would be located and within the street scene, potentially delaying the redevelopment of the site and allowing the further deterioration of the listed building. A further approval would effectively grant approximately 9 years of cumulative consent for what was originally considered a temporary measure. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area and constitute unjustifiable harm to a listed building contrary to Government Guidance contained in Section 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage), EN3 (Heritage), DM1 (Development Management) and SP1 (Spatial Principles), the Guide to Development in Manchester, in particular paragraphs 2.6 and 11.45 and saved policies DC15.1, and DC15.2 (Advertisements, Hoardings and Posters), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) of The Unitary Development Plan for the City of Manchester (UDP).

3) The proposed advertisement, due to its siting and appearance, including its size and design, would have a detrimental impact upon visual amenity and regeneration - including the ongoing regeneration of the area in a prominent location within an area of the City Centre, which has seen considerable financial investment and regeneration activity resulting in an area of increasingly high amenity value - by delaying the redevelopment of a site in a highly prominent location and having a poor appearance within the street scene. It is therefore considered that the proposal would be inconsistent with the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
City Centre Renegeration

Third Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Second Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
First Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
DATASYS LIMITED, Fifth Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Ground Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Basement Nationwide Building Society, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Second Floor Rear, 47 Piccadilly, Manchester, M1 2AP
Second Floor Front, 47 Piccadilly, Manchester, M1 2AP
First Floor, 47 Piccadilly, Manchester, M1 2AP
Basement Expedia Travel Corp, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
47 Back Piccadilly, Manchester, M1 1HP
Wellington House, 39 Piccadilly, Manchester, M1 1LQ
8 Lever Street, Manchester, M1 1LN
Second Floor 12, 8 Lever Street, Manchester, M1 1LN
Second Floor 11 And 15, 8 Lever Street, Manchester, M1 1LN
Basement, 8 Lever Street, Manchester, M1 1LN
Second Floor 14, 8 Lever Street, Manchester, M1 1LN
Ground Floor Showrooms 1 And 4, 8 Lever Street, Manchester, M1 1LN
First Floor Store 1, 8 Lever Street, Manchester, M1 1LN
Second Floor Unit 13, 8 Lever Street, Manchester, M1 1LN
Ground Floor Showrooms 2 And 3, 8 Lever Street, Manchester, M1 1LN
First Floor Office 2, 8 Lever Street, Manchester, M1 1LN
47 Piccadilly, Manchester, M1 2AP
Fourth Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Ground Floor, 47 Piccadilly, Manchester, M1 2AP
Basement, 47 Piccadilly, Manchester, M1 2AP

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CITY2