



Appeal Decision

Site visit made on 14 June 2019

by David Storrie DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 July 2019

Appeal Ref: APP/B4215/Z/19/3226642

43-45 Piccadilly Gardens, Manchester, M1 2AP

- 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 BLOW UP MEDIA UK Ltd against the decision of Manchester City Council.
 - The application Ref 122524/AOH/2019 is dated 28 January 2019 was refused by notice dated 8 April 2019.
 - The advertisement proposed is described as retention of temporary scaffold shroud screen advertisement measuring 20m x 10m with external illumination and set within a brick mural image for a further period of 12 months to expire 15 February 2020.
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Decision

1. The appeal is allowed and express consent is granted for the display of a temporary scaffold shroud screen advertisement measuring 20m x 10m with external illumination and set within a brick mural image as applied for. 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.

Procedural Matters

2. The appeal concerns an advertisement that has already been erected following the previous grant of express consents at appeal, subject to the five standard

conditions set out in the Regulations and four additional conditions. Additional Condition 1) required the removal of the advertisement and associated development at the end of a specified period. That period has now expired without the advertisement having been removed and I therefore treat the appeal on its merits as an application for retrospective consent.

Main Issue

3. The main issue is the effect of the advertisement on the visual amenity of the area having particular regard to the effect on the character and appearance of the Stevenson Square Conservation Area and on the adjacent Listed Building at No 47 Piccadilly Gardens.

Reasons

4. The advertisement occupies a prominent position on the corner of Lever Street and Piccadilly. It is attached to an existing scaffold structure that is required to support the adjacent Grade II listed building at No 47 Piccadilly Gardens. The appeal site lies towards the south-western edge of the Stevenson Square Conservation Area (CA), facing Piccadilly Gardens. The CA is characterised by large warehouses and workshops related to the cotton industry, including a significant number of listed buildings. The appeal site and the adjacent No 47 relate most closely to the Piccadilly Gardens frontage, along which there is a range of building types, designs and sizes.
5. The advertisement has been the subject of 4 previous appeal decisions dating back to 2013. I have noted the reasoning of the previous Inspectors on the main issue and see no reason to depart from their analysis of the matter. The appeal advertisement is currently concealing the scaffolding from sight and on balance has less of a detrimental impact on visual amenity, the setting of the listed building, and the character and appearance of the conservation area than the bare scaffolding would have.
6. The Council are concerned that the *temporary* advertisement has been in situ for over 5 years and, if this appeal were to be allowed, would extend this period to over 6 years. 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. Nevertheless, I am informed that following an extensive period of pre-application discussions, a planning application has now been submitted to redevelop the site. Under these circumstances I consider that an extension to the temporary consent would not be unreasonable.
7. In reaching this conclusion the fact that the proposed advertisement would preserve the setting of the listed building and the character and appearance of the CA is given significant weight. It would not detract from the visual amenity of the surrounding area.
8. My attention has been drawn to policies in the City of Manchester Unitary Development Plan (1995), the Core Strategy for the City of Manchester (2012) and advice in Section 12 and 16 of the National Planning Policy Framework that the Council consider are material to this appeal. I consider that the proposed advertisement would not conflict with these in so far as they are relevant to this appeal. However, I must have regard to powers under Regulations 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 Council's policies and national guidance have not, therefore, of themselves been decisive, but are material considerations.

Conditions

9. I consider that the four conditions attached in respect of the previous appeal decisions remain necessary for the reasons set out in those Decisions.

Conclusion

10. For the reasons set out above, I conclude that the proposed advertisement would not be detrimental to the interests of visual amenity.

David Storrie

INSPECTOR