



Appeal Decision

Site visit made on 22 August 2018

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2018

Appeal Ref: APP/B4215/Z/18/3203357

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 119081/AOH/2018, dated 12 February 2018, was refused by notice dated 22 May 2018.
 - The advertisement proposed is described as the retention of a 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 until 15 February 2019.
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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 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.

- 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.
3. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. The omitted text references a previous appeal decision on the site, and relevant dates, and as such it does not describe acts of development.

Main Issue

4. The main issue in this case is the effect of the advertisement on the character and appearance of the Stevenson Square Conservation Area and on the adjacent Listed Building at No 47 Piccadilly Gardens.

Reasons

5. The appeal sign 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. No 47 has a narrow, decorative, three window façade fronting onto Piccadilly Gardens. It is considerably smaller than the surrounding buildings and its scale is largely reflected in the scale of the advertisement screen and hoarding. The scaffold structure and shroud screen advertisement also has a narrow frontage onto Piccadilly Gardens and is largely screened by semi-mature trees on the pavement. Its main visual impact, therefore, is limited chiefly to views of its Lever Street frontage, and from only a very restricted distance.
6. The appeal site lies towards the south-western edge of the Stevenson Square Conservation Area, facing Piccadilly Gardens. The significance of the conservation area stems from its large number of well-preserved buildings that reflect the growth of Manchester as an industrial city. In this regard, the area 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.
7. The advertisement has been subject to 3 previous appeal decisions. I have considered the reasoning of my colleagues in relation to the designated heritage assets, and I see no reason to depart from their basic analysis. The scaffold to which the advertisement is attached is a necessary, if unsightly, mechanism to support the Grade II listed building until a permanent redevelopment of the site is secured. The appeal advertisement is currently concealing this scaffolding from sight. In my view, it has a less 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.

8. The Council express concern that the revenue generated by the advertisement will result in the site remaining vacant and undeveloped, causing the listed building to deteriorate. However, the appellant has provided evidence of the progress that has been made towards a positive redevelopment of the site, and a planning application has apparently recently been submitted. Given its prime location, it seems unlikely that the owner would indefinitely forgo the opportunity to develop the site in order to maintain an income stream from the advertisement. I note that my colleagues came to a similar view on this matter. Whilst the Council may have had unfortunate experiences on other sites, there is no specific evidence that the proposal would lead to a significant delay in the development of this site.
9. The Council state that the listed building has deteriorated since the advertisement was first allowed. However, I note that the Council has powers to address this if necessary, which are unrelated to the acceptability of the appeal advertisement in the meantime.
10. The Council notes that a costs decision associated with an earlier 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". The Council goes on to contend that approving this current application would effectively result in a cumulative consent of 5.5 years, which is an extensive period for something deemed temporary, and according to the inspectors comments above would not be in accordance with the long term interests of the area.
11. Whilst it is clearly preferable that the site be developed to a suitably high standard, progress towards that is apparently being made. All previous decisions were temporary consents, and I note that my colleague in an earlier appeal concluded that the advertisement *"does seem to me to be a necessary and acceptable expedient in the short term"*. The appeal before me is also for a temporary period. 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. Nevertheless, in the current circumstances where it would appear that proposals for development of the site are now at a relatively advanced stage, an extension of the temporary consent for a further period of 12 months is not unreasonable.
12. I conclude that the proposed advertisement would preserve the setting of the listed building and the character and appearance of the Stevenson Square Conservation Area, and would not otherwise detract from the visual amenity of the surrounding area.
13. The Council has drawn attention to policies in the Unitary Development Plan for the City of Manchester (1995) (UDP), the Core Strategy for the City of Manchester (2012) and the Guide to Development in Manchester Supplementary Planning Document (SPD), which it considers material to this appeal. The proposed advertisement would not conflict with those Policies and Guidance in so far as they are relevant to the appeal. However, 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 have not, therefore, of themselves been decisive, but are material considerations.

14. The proposed advertisement would conform to the principles of the National Planning Policy Framework requiring good design and conserving and enhancing the historic environment. It would also accord with advice at paragraph 132 to avoid poor siting and design of advertisements.

Conditions

15. The four conditions attached by the previous Inspectors remain necessary, for the reasons set out in those Decisions.

Conclusion

16. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

J D Westbrook

INSPECTOR