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## Appeal Decision

Site visit made on 20 July 2020

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 August 2020**

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**Appeal Ref: APP/B4215/Z/20/3250177**

**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 Mr Gerry O'Brien, on behalf of BLOW UP MEDIA UK Ltd against the decision of Manchester City Council.
  - The application Ref: 126075/AOH/2020, dated 31 January 2020, was refused by notice dated 25 March 2020.
  - The advertisement proposed is described as 'retention of scaffold screen advertisement measuring 20m x 10m with external illumination and set within a brick mural for a further period of 12 months.'
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### Decision

1. The appeal is allowed and express consent is granted for the display of the scaffold screen advertisement measuring 20m x 10m with external illumination and set within a brick mural as applied for. The consent is for 12 months from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional 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/m<sup>2</sup>.

## **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. At the time of my site visit I noted that no advertisement was in place but the scaffold and plain brick mural screen were still in-situ. Therefore and for the avoidance of doubt, I treat the appeal on its merits and on the basis that the proposal has, in part, already occurred.
3. The application form states that the period of time for which consent is sought for the advertisement is from 15 February 2020 to 15 February 2021. However, in the grounds of appeal the appellant requests, were I minded to allow the appeal, for the consent to run a further 12 months from the date of the decision. Given that an advertisement is not currently in place on the brick mural screen and mindful of the issues of procedural delays caused by the Covid-19 pandemic, I consider this request reasonable and have therefore determined the appeal on this basis.

## **Main Issue**

4. The main issue is the effect of the proposed advertisement on the visual amenity of the surrounding area, with particular regard to the adjacent listed building, No 47 Piccadilly, and the Stevenson Square Conservation Area.

## **Reasons**

5. The Regulations and the Framework state that advertisements should be subject to control only in the interests of amenity and public safety. Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest<sup>1</sup>.
6. The appeal site occupies a prominent position on the corner of Lever Street and Piccadilly. The building that previously occupied the plot was demolished in 2007, following which a scaffold was erected within the site to support the adjacent building, No 47 Piccadilly (No 47), which is Grade II listed. No 47 dates from the late 18th century. It was originally a townhouse and is notably smaller than the surrounding buildings. It has a narrow, decorative, three window façade fronting onto Piccadilly.
7. The appeal site lies within the Stevenson Square Conservation Area (SSCA). The special interest and significance of the SSCA is mainly derived from the many well-preserved buildings that reflect the development of Manchester as an industrial city. It is characterised by large warehouses and workshops, related to the City's cotton industry, although the buildings on the Piccadilly frontage are smaller and more decorative.
8. On my site visit I observed a scaffold frame which was covered with a plain brick mural screen with no advertisement present. A black hoarding heavily marked with graffiti surrounded the vacant site. The proposal is to retain the

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<sup>1</sup> Regulation 3(2) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- scaffold and the plain brick mural screen upon which a 20m x 10m advertisement would be located for a further period of 12 months.
9. The proposed advertisement has been subject to five previous appeal decisions dating back to 2013. I have had regard to the reasoning of the previous Inspectors in relation to the designated heritage assets and the visual amenity of the surrounding area and I see no reason to depart from their assessment and conclusions.
  10. Although large, the proposed advertisement would be seen in the context of its wider urban setting which is characterised by tall and large buildings. The overtly functional and unattractive scaffold is required to shore up No 47 until the site is redeveloped. The brick mural screen and proposed advertisement would obscure the scaffold from view. On balance, I consider that the proposed advertisement would have less of an adverse impact on the visual amenity of the surrounding area, the setting of the listed building, and the character and appearance of the SSCA than the exposed scaffold would have.
  11. The Council raises significant concerns that what was initially deemed to be a 'temporary' advertisement has now been in place for over six years and highlight that this could be having a negative impact on bringing forth potential development on the site. I note the Council's experiences of this issue on other sites within the City and agree 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'<sup>2</sup>.
  12. 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<sup>3</sup>.
  13. Moreover, Trafalgar Leisure has confirmed that along with the continued maintenance of the site secured by condition as part of any consent, the income generated from the proposal would be used in the preparation of the revised application and reports. Taking the above into account and mindful of the current Covid-19 pandemic, which will have inevitably delayed any scheme for the site's redevelopment to some degree, I consider that an extension to the temporary consent would not be unreasonable.
  14. 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.
  15. Drawing all of the above together, I conclude that, the proposed advertisement would not detract from the visual amenity of the surrounding area and, as such, it would preserve the setting of the adjacent listed building, No 47 Piccadilly and the character and appearance of the SSCA.

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<sup>2</sup> Appeal Ref: Costs Decision APP/B4215/Z/17/3172441.

<sup>3</sup> Letter from Trafalgar Leisure dated 6 March 2020.

16. The Council's decision notice cites policies of the Core Strategy for the City of Manchester 2012; saved policies of the Unitary Development Plan for the City of Manchester 1995; guidance within the Guide to Development in Manchester Supplementary Planning Document; and provisions in Sections 12 and 16 of the National Planning Policy Framework, all of which it considers material to this appeal. I consider that the proposed advertisement would not conflict with these insofar as they are relevant to this appeal. However, I am cognisant that 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 saved policies, policies and guidance along with national guidance have not therefore, of themselves, been decisive but are material considerations.

### **Conditions**

17. I consider that the four conditions attached by the previous Inspectors remain necessary for the reasons set out in those Decisions.

### **Conclusion**

18. For the reasons given above, I conclude that the appeal should be allowed.

*F Cullen*

INSPECTOR