
Appeal Decision

Site visit made on 27 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/B4215/Z/17/3172441

43-45 Piccadilly Gardens, Manchester, M1 1HP

- 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 against the decision of Manchester City Council.
 - The application Ref 114865/AOH/2016, dated 20 December 2016, was refused by notice dated 13 March 2017.
 - The advertisement proposed is retention of temporary scaffold shroud screen advertisement measuring 20M X 10M with external illumination & set within a brick mural image for a further period of 12 months until 15 February 2018 following the expiry of the previous consent granted at appeal on 15 February 2016 until 15 February 2017 (ref APP/ B4215/Z/15/3140692).
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Decision

1. The appeal is allowed and express consent is granted for the display of the temporary scaffold shroud screen advertisement measuring 20M X 10M with external illumination & set within a brick mural image as applied for. The consent is until 15 February 2018 and is subject to the five standard conditions set out in the Regulations and the following additional 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.

Procedural Matters

2. The appeal concerns an advertisement that has already been erected following the previous grant of express consents at appeal¹, 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 12 month period. That 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.
4. The drawing originally considered by the Council (ref BU-TRAF-004) was for a larger advertisement than currently exists. Subsequently, the appellant submitted revised drawings (ref BU-TRAF-004/B and 'New Visuals for Revised Drawing No: BU-TRAF-004/B') at the appeal stage, which reflect the dimensions of the existing advertisement. In this regard, I note that the application is described as being for the retention of the existing advert. Moreover, the previous appeal decisions relating to this site refer to the revised drawings. Accordingly, I have considered the appeal in the light of the revised drawing and visuals.

Application for costs

5. An application for costs was made by Mr Gerry O'Brien against Manchester City Council. This application will be the subject of a separate Decision.

Main Issue

6. The main issue is the effect of the proposed advertisement on the character and appearance of the area including the Stevenson Square Conservation Area and the adjacent listed building at No 47 Piccadilly.

Reasons

7. 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. The listed building dates to the late 18th Century, and is considerably smaller than the surrounding buildings. It has a narrow, decorative, three window façade fronting onto Piccadilly.
8. The appeal site is within the Stevenson Square Conservation Area. 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.
9. As set out above, the advertisement has been subject to 2 previous appeal decisions. I have considered the reasoning of both of my colleagues in relation to the designated heritage assets, and I see no reason to depart from their analysis. The scaffold to which the advertisement is attached is a necessary, if

¹ APP/B4215/H/13/2202566 and APP/B4215/Z/15/3140692

- 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.
10. 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 an application is expected shortly. 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 colleague 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.
 11. 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.
 12. Whilst it is clearly preferable that the site be developed to a suitably high standard, progress towards that is clearly being made. Both previous decisions were temporary consents, and I note that my colleague in the latter 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. In these circumstances an extension of the temporary consent for a further period of 12 months is not unreasonable.
 13. 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.
 14. The Council has drawn my 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 Policies T1, EN1, CC9, EN3, DM1, SP1 and EN12 of the Core Strategy, policies DC15.1, DC15.2, DC18.1, DC19.1, E3.3, and RC7 of the UDP and paragraphs 2.6 and 11.45 of the SPD 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.
 15. The proposed advertisement would conform to the principles of the National Planning Policy Framework (the Framework) requiring good design and conserving and enhancing the historic environment. It would also accord with advice at paragraph 67 to avoid poorly placed advertisements that have a negative impact on the appearance of the built and natural environment.

Conditions

16. The four conditions attached by both previous Inspectors remain necessary, for the reasons set out in those Decisions. However, I have made some adjustments to these to reflect the current circumstances.

Conclusion

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

Thomas Hatfield

INSPECTOR