The Planning Inspectorate

Appeal Decision

Site Visit made on 26 April 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/B4215/Z/20/3264956
71 Wellington Street, Manchester, M18 8BE

- 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 Wildstone Group Limited against the decision of Manchester City Council.
- The application Ref 128177/AO/2020, dated 18 September 2020, was refused by notice dated 26 November 2020.
- The advertisement proposed is removal of 2no. existing 48 sheet posters and upgrade of 2no. 48 sheet posters with "D-Posters" which will display digital and illuminated advertisements.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant has submitted amended plans with their appeal. These plans include additional planting, including a wildflower meadow and trees. I have been asked to determine this appeal on the basis of these plans.

4. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).

5. I have considered the revised drawing under the principles established by the Courts in Wheatcroft[1]. Interested parties would not be aware of the amended scheme and, for that reason, I consider that they would be prejudiced if I determined this appeal on the basis of those plans. Accordingly, I have determined this appeal on the basis of the plans originally submitted with the planning application, on which the Council made its decision.

[1] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

6. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations[2] to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework and the Planning Practice Guidance reiterates this approach.

Main Issue

7. The main issue is the effect of the advertisements on the visual amenity of the area.

Reasons for the Recommendation

8. There are four advertisement hoardings in situ at the junction of Wellington Road and Cross Lane. The proposal would replace two of the hoardings with digital posters and remove the central two.

9. Whilst the advertisements have been in place in this location for some time, the proposal before me would be distinctly different in terms of the digital features. The intermittent changing of the illuminated displays would significantly attract attention to them, accentuating their visual prominence. This would result in a prominent, incongruous form of advertising which would appear as a harmful and dominating feature in the street scene.

10. As a consequence, I find that they would have a harmful effect on the amenity of the area, irrespective of their location outside of a Conservation Area or relationship to heritage assets. Accordingly, any benefit gained from the reduction in the number of advertisements would be negated by the change in the appearance of them as proposed. I note that the level of luminance would accord with best practice guidance, however this would not mitigate the harm identified.

11. The appellant has indicated that they would accept a number of conditions in relation to the lighting levels and operational hours, in addition to wildflower and tree planting. However, none of the suggested conditions would overcome the harm I have identified.

12. I note the suggested benefits through the reduction in the amount of waste generated from replacing the existing paper and paste style advertising, opportunities to advertise charitable campaigns and public art. However, these are all matters outside the scope of the Regulations and have not been determinative in this case.

13. I therefore conclude that the proposed advertisements would result in unacceptable harm to the visual amenity of the area. In that respect the proposal is contrary to saved Policy DC15 of the Unitary Development Plan for the City of Manchester and Policies DM1 and EN1 of the Manchester Core Strategy, which although not decisive, seek in various ways to ensure that development does not harm the character of the area.

[2] The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Recommendation

14. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the proposed advertisements would be harmful to the visual amenity of the area. Accordingly, the appeal is dismissed.

R C Kirby

INSPECTOR