TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) (ENGLAND) REGULATIONS 2007

APPEAL BY METIER PROPERTY HOLDINGS LTD

APPLICATION REF: 099980/A0H/2012/C1

1 X INTERNALLY ILLUMINATED 96SHEET (3.3M (HEIGHT) X 12.3M (LENGTH)) - CORNER OF GT BRIDGEWATER ST AND ALBION ST 1 X INTERNALLY ILLUMINATED 48SHEET (3.3M (HEIGHT) X 6.3M (LENGTH)) - FRONTING GT BRIDGEWATER ST, FOR A TEMPORARY TWO YEAR PERIOD ONLY – SITE ADJACENT TO THE BRITONS PROTECTION PUBLIC HOUSE, AT THE JUNCTION OF ALBION STREET AND GREAT BRIDGEWATER STREET, MANCHESTER

WRITTEN STATEMENT BY

GERAINT JOHN PLANNING LTD ON BEHALF OF THE APPELLANTS

FEBRUARY 2013

Geraint John Planning

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1.0 INTRODUCTION

Scope and Purpose of Statement

1.1 This Statement documents the appellants (Metier Property Holdings Ltd) case in relation to an appeal lodged under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

1.2 This appeal is submitted against both the time limit given and the requirement to remove imposed by condition 1 of the advertisement consent granted by Manchester City Council for two internally illuminated advertisement billboards at the site adjacent to the Britons Protection Public House and at the junction of Albion Street and Great Bridgewater Street, Manchester (application ref no. 099980/AOH/2012/C1).

1.3 The full description of development to which the appeal relates is as follows:

"1 x Internally Illuminated 96Sheet (3.3m (height) x 12.3m (length)- Corner of Gt Bridgewater St and Albion St
1 x Internally Illuminated 48Sheet (3.3m (height) x 6.3m (length) – Fronting Gt Bridgewater St".

1.4 The full wording of Condition 1 attached to the permission is as follows:

"1) The advertisement shall not be displayed beyond a period of 24 months from the date of this consent. The advertisements and any supporting structures shall be removed on that date.

1.5 A site location plan of the proposed site is enclosed at Appendix A.

Reasons for Appeal

1.6 The application to which this appeal relates (application 099980/AOH/2012/C1) for the development of two internally illuminated advertisement billboards was submitted to Manchester City Council on 11th July 2012 and subsequently validated on the 19th October 2011.

1.7 The application was approved on the 18th December 2012. The Delegated Officer Report for the application is enclosed at Appendix B.

1.8 An imposed 24 month time limit was attached to the application for advertisement consent (which was added to the application/description by the Council without the applicant's consent).

1.9 The appeal is submitted against the provisions of Condition 1 which sets a 'non-standard' time period for consent and requires the removal of the advertisements and any supporting structures beyond a period of 24 months from the date of the consent.

1.10 It is not considered that the imposition of a 24 month time limit is necessary or required, nor is the requirement to remove the advertisements and any supporting structures at the same time.

Changes sought by this appeal

1.11 It is requested in light of the above that Condition 1 is: (a) revised to specify a longer period for display of the advertisements; and (b) to delete the requirement to remove.

1.12 In terms of these changes, and as evidenced in this submission, it is considered that there are no sound reasons to impose a lesser time period for display of the advertisements than the statutory 'norm' (5 year time period).

1.13 The appellant's position is therefore that the lesser time period for display is deleted altogether. That said, and for the avoidance of doubt, the minimum time period for display that is sought is 36 months.

1.14 It is considered that these two scenarios provide maximum flexibility on appeal - with two alternatives being proposed: a minimum and a maximum.

1.15 In either scenario the requirement to remove the hoardings and associated fixings etc - by the end of the 24 months or an alternative period prescribed remains constant i.e. is sought to be deleted irrespective of any decision on the time period for display.

1.16 In practice, the outcome sought in this appeal is to either:

a) delete condition 1 in its entirety and by default revert to the 5 year time limit for advertisement consent (deleting any lesser time period for display and the requirement to remove); or
b) vary condition 1, to substitute 36 months for 24 months and delete the requirement to remove.

Structure of this Submission

1.17 This Statement sets out the Appellant's Statement of case. The Statement is structured as follows:

- Section 2: provides a description of the site, as existing.
- Section 3: sets out the planning policy context and the key planning policies of relevance to the determination of the appeal.
- Section 4: An account of the consideration of the Application by the Council
- Section 5: provides a consideration of the key issues associated with the appeal.
- Section 6: provides an overview of the 'baseline' position – i.e. what exists on-site and present and what can take place irrespective of the appeal proposals
- Section 7: provides relevant factors and considerations in relation to the Application
- Section's 8 and 9: specifically addresses each material consideration in turn.
- Section 10: provides a summary of the key issues set out in the Statement, and draws together conclusions and recommendations.

2.0 SITE AND SURROUNDINGS

2.1 The appeal site is located within the city centre of Manchester, located at the junction of Albion Street and Great Bridgewater Street. The extent of the site to which the application relates is shown on the Site Location Plan (attached at Appendix A).

2.2 The existing advertisement hoardings comprise the following:

- Four hoardings are located on the corner of Great Bridge Water Street and Albion Street and are mounted along the boundary of a car park which is situated to the rear; and
- One hoarding is located on Great Bridgewater Street, located between The Britons Protection Pub and Jury's Hotel.

2.3 The surrounding area is comprised of a predominately commercial area, it being within Manchester City Centre, with a public house, hotel, concert venue, convention complex, and elevated tram line within the immediate vicinity of the site.

2.4 The Britons Protection Pub is Grade II listed.

2.5 A full account of the existing site context is contained within Chapter 6 - Baseline Position, which provides an overview of the existing development, and considers the surrounding area / local context.

3.0 PLANNING POLICY CONTEXT

3.1 The relevant planning policy context (at the national and local level) of relevance to the determination of the appeal is set out below.

3.2 Identification of, and a brief account of the key planning policies that will most directly determine the acceptability of the scheme proposals are set out below. A full account of the policies themselves (at all levels – national and local) are included in an Appendix C.

3.3 An account of the specific wording of the key planning policies that will most directly determine the acceptability of the scheme are set out at the 'head' of each key issue section later in this statement. This includes a detailed assessment of the policies in the context of the proposed development.

National Planning Policy

3.4 The policy / guidance documents prepared at the national level, and their key objectives of relevance to the determination of the application, are considered to be as follows:

National Planning Policy Framework (NPPF)

3.5 Paragraph 67 of the NPPF states that "*poorly placed advertisements can have a negative impact on the appearance of the built and natural environment*" and "*advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*."

3.6 The policies of relevance to the appeal at the local level are summarised below.

Local Policy Context

3.7 A number of policy documents at the local level, and their associated provisions, will be relevant to a consideration of the acceptability of the proposals. These are as follows:

Policy Document	**Status**	**Key provisions / references**
Manchester Unitary Development Plan – Citywide Development Control Policies	Extant Policies	Policy DC15.1 of the UDP states that application for advertisements be considered only in the interests of amenity and public safety. For free standing hoardings the policy provides a number of criteria which are required to be assessed.
		Policy DC15.2 of the UDP provides that criteria used by the Council to assess the interests of amenity and safety.
		Area 5 – City Centre - Policy RC20 (Area 21 - Oxford Street/Lower Mosley Street/Railway) of the UDP provides the general aims and objectives of the Plan.
Core Strategy Development Plan Document (Adopted 11th July 2012)	Adopted Policies	Policy SP1 of the Core Strategy provides the key spatial principles which aim to guide strategic development.
		Policy H1 of the Core Strategy relates to

		the overall housing provision.
		Policy DM1 of the Core Strategy relates to development management and states that development should have regard to a number of criteria.
		Policy CC9 of the Core Strategy relates to design and heritage states that development in Manchester City Centre should preserve or enhance the heritage assets including listed buildings.

3.8 The above policies are considered to be the key and central policy provisions to the determination of the appeal.

3.9 A full and detailed assessment of each of the above key policies (in the context of the development proposals to which the appeal relates) is provided as part of the consideration of key issues set out within the following section of this Statement, whilst a full account of their provisions is included in Appendix C.

3.10 In addition, the site and locality is within the Petersfield Regeneration Area, details of which are included in Appendix D.

3.11 The implications of this are considered in the Consideration of Key Issues section to this statement.

4.0 CONSIDERATION OF THE APPLICATION BY THE COUNCIL

4.1 Although not material to the acceptability of the proposals themselves, it is considered by the appellants that they have been in receipt of a poor service in relation to the proposed advertisement application. This is considered relevant to the negotiation over and reasonableness of the time periods for display and any requirement to remove.

4.2 In particular, and over and above little or no communication by and from the Council, the development description has been amended, by adding an imposed time limit (for a temporary two year period only), without dialogue with the client. This background context of the processing of the application is considered contrary to Paragraph 30 of PPG 19 (Outdoor Advertisement Control) which states that "the advertisement control system must operate speedily and efficiently."

4.3 Due to the poor service and lack of consistency, the client submitted a letter to the Head of Planning on the 27th November 2012 (attached in Appendix E). Attached to the letter is a communication diary (attached in Appendix F) which documents the dialogue between the clients and Council between the 23rd July 2012 and the 14th November 2012. The communication diary documents the dialogue / lack of response and inconsistent approach received by the Council.

4.4 To date, no response has been received from the Head of Planning. The clients have been left frustrated with the Council for a proposal seeking to improve the overall appearance of the site and improve natural surveillance.

5.0 CONSIDERATION OF KEY ISSUES

5.1 As previously outlined, advertisement consent was granted by Manchester City Council for the proposal on the 18th December 2012.

5.2 The grounds for the appeal relate to Condition 1 and (a) seek to delete or revise this Condition to specify a longer period for display of the advertisements; and (b) to delete the requirement to remove.

5.3 Although other material factors may be taken into account in determining the appeal, the Control of Advertisements Regulations require that powers of control shall only be exercised in :

1. the interests of amenity (which means the visual amenity of the neighbourhood where the poster is to be displayed); and
2. the interests of public safety (which means the safety of people using any form of travel likely to be affected by the poster display).

5.4 It is therefore considered that the issues of amenity and public safety will need to be considered acceptable to justify the variation of Condition 1 (and any associated time limit on the display of the adverts other than the default time limit of 5 years as set out in the regulations).

5.5 In order to appreciate the existing baseline position the following Chapter (Chapter 6) will provide an overview of the existing position, and considers the surrounding area / local context. Following this, the two key issues i.e. 'interest of amenity', and 'interest of public safety' are considered.

6.0 BASELINE POSITION

6.1 Under the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, advertisement consents for the display of advertisements have a default time limit of 5 years. Unless the planning authority impose a condition stating the advertisement and associated structures must be removed after their consent expires, the applicant may continue to display the advertisement without making any further application. However, the Council may serve a 'discontinuance notice' against it, albeit only if they consider that an advertisement, or the use of an advertisement site, is causing substantial injury to amenity or endangering public safety.

6.2 The existing hoardings, which occupy the site, fall under 'deemed consent' under Class 13 of the 2007 Advertisement Regulations, as the hoardings have been displayed on the site that has been used for that purpose for more than ten years. It is considered that the hoardings have been onsite for 20 plus years.

6.3 Accordingly as the existing hoardings benefit from deemed consent they are a 'permanent' structure in the area, unless the Council have grounds to serve a 'discontinuance notice'.

6.4 Given that the existing hoardings have been onsite for 20 plus years it is considered that the current structures are dated. In particular the type and form of hoardings are not to the latest industry standard and specification – which the appeal proposals are and seek consent for. Furthermore the hoardings could be seen to have a negative impact on the area in terms of amenity and public safety.

6.5 The hoardings, which front Albion Street, are: mounted directly adjacent to the rear of the footpath – making the public realm appear and feel oppressive; and subsequently restrict natural surveillance into and out of the car park – which regularly experiences instances of crime; screen The Britons Protection (which is Grade II listed); and dominate the immediate streetscene.

6.6 It is considered that the proposals for the upgrading and re-siting of the existing hoardings represent appropriate and much needed improvement to the site. The proposals represent an improvement to the visual amenity of the area which will de-clutter the area, improve public safety and increase natural surveillance.

7.0 OTHER RELEVANT FACTORS AND CONSIDERATIONS

7.1 Acknowledging that each application has to be dealt with on its individual merits, it is considered that a number of similar appeal proposals and decisions have been dealt with in the vicinity of the site for similar proposals.

7.2 In particular, an appeal at 63-65 Baring Street, Ardwick (appeal reference APP/B4215/H/11/2163828) provides, in our view, considerable context to any evaluation of this particular proposal. The Baring Street proposal was for consent to replace two existing advertisement hoardings with hoardings of a similar size (with one being larger and in a higher position). Similarly to this appeal proposal the existing hoardings on-site benefit from deemed consent as they have been displayed on the site for that purpose for more than 10 years.

7.3 A copy of the appeal decision for this other proposal is included in Appendix G.

7.4 The Baring Street proposal sought consent for display of the advertisements for a period of 24 months (initially 36 months was sought) and sought to "challenge" the requirement to remove the hoardings after a period of two years. The latter issue was considered to be the main issue in that appeal i.e. whether it was reasonable and necessary to require removal (Paragraph 5 of the appeal decision).

7.5 Similarly to this appeal proposal, the appellants in that case made representations that it would be unlikely that the consent would be implemented if the requirement to remove the display after only two years was upheld (paragraph 9 of the appeal decision). This is the case in this appeal proposal - in that the 'loss' of the existing position, and the investment required to replace the existing hoardings etc would outweigh the benefit (commercially and environmentally) brought about by the proposals.

7.6 The appeal decision recognised that, in such circumstances, the existing displays would likely continue (which were unsightly and would not bring about other proposed site improvements). It was considered in such circumstances that the outcome "would appear to be of less benefit in terms of visual amenity than the appeal scheme".

7.7 Similarly to this appeal proposal, which lies in a regeneration area, the Baring Street proposals sat with a regeneration area - the Mayfield Regeneration Framework (forming part of the Eastern Gateway scheme). The Baring Street site is actively being promoted by the Council for a large-scale mixed use regeneration scheme. Unlike that regeneration proposals, this appeal site sits within a more broad and less specific regeneration area - where no specific proposals are, to our knowledge, been currently pursued by the Council. No specific reason is given by the Council in the decision notice to refer to such an initiative, and possible prejudice to it. This appeal site is therefore an undeveloped site (which would bring about regeneration) as opposed to being an integral part of a wider regeneration proposal - which would be prejudiced in some way if the appeal proposals were allowed.

7.8 In the Baring Street case it was held that the requirement to remove the hoardings after two years was unnecessarily short in order to ensure that they do not become an impediment to regeneration. Given the differences in circumstance in this case it is considered that there is even less need to stipulate a 24 month period.

7.9 In addition, the Baring Street proposals also factored in the consideration that the advertising contractor in that case had a contractual arrangement with the landowner, which included a termination clause in the event of the development of the site. It can be confirmed that such an arrangement is in place in this particular appeal case. Moreover and in any event, the appellants (who are also the site owners and intended developers for the site as and when market conditions improve) have direct control over the continued presence of the advertisement hoardings (and their display) and accordingly the redevelopment of the site - such that the advertisements will not prejudice this. The advertisements are however considered to be essential to the viability of funding the site "holding costs" in the interim. For this reason the advertisements are therefore seen as facilitating, as opposed to prejudicing, the redevelopment of the site.

7.10 It is considered that the Baring Street appeal decision accordingly has considerable parallels to this particular appeal case. As stated above however, the merits of the appeal proposals need to be evaluated on their individual circumstances and the following sections consider the acceptability of the proposals in public safety and public amenity terms.

8.0 INTEREST OF PUBLIC SAFETY (Key Issue 1)

Key Relevant Planning Policy, Guidance & Provisions

8.1 It should be noted that the Officer's Report on the application (attached at Appendix B) does not include reference to the issue of public safety. The Authority's Highways Services Department are listed as a consultee – however, no reference is made to any consultation response. As highway safety is not raised as an issue in the Officer's assessment of the application nor is it given as a 'reason' for imposition of a lesser time period for display / removal of any structures, it is assumed that no objection has been raised on highways safety grounds. The proposal is therefore acceptable in terms of its impact on the interests of public safety. Notwithstanding this, and for completeness, the following representations are made.

8.2 The key relevant planning policy, in relation to public safety, are Policies DC15.1 and DC15.2 (Advertisements, hoardings and posters) of the Unitary Development Plan for Manchester City Council (adopted 21st July 1995). The full wording of these policies are as follows:

"Policy DC15.1
The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining applications for free standing hoardings and wall mounted posters the Council will take account of the following matters in assessing these interests:
a. the general location of the proposed development and the effect on visual amenity;
b. the scope for posters and hoardings to make a positive contribution to the locality;
c. the design of the structures, and the relationship with any premises on which they are located;
d. the effect of the proposal on permanent redevelopment of the land;
e. public safety resulting from the positioning of the design of the display;
f. the ease with which the structure is capable of being satisfactorily maintained;
g. the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent;
h. the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development;
i. the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
j. the number of advertisements in the locality and their cumulative effect on visual amenity."

"Policy DC15.2
In assessing the interests of amenity and safety the Council will take account of the following criteria:
a. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
b. they should be in scale with the locality and relate properly to the site on which they stand;
c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted."

8.3 The following sections consider and confirm the proposals compliance with the requirements of this policy.

Assessment of Impact on Interests of Public Safety

8.4 The proposals seek to upgrade / regularise the existing advertisement hoardings and it is considered that the proposals represent an improvement on the current advertisement arrangement.

8.5 The existing advertising hoardings fronting Albion Street consists of four advertisement hoardings which are attached to the fencing which effectively forms the boundary treatment between the footpath and car park. The existing advertising is therefore very prominent in their siting and visible from the road and the junction.

8.6 The proposed advertising billboard, to front Albion Street, is set back from the pavement line (as indicated in drawing ref no: A(10)-00 Rev A). It is considered that this position will attract attention without causing a distraction and has been designed and sited in accordance with the criteria set out at Paragraph 2 of Annex B of Circular 03/2007. This is considered to be particularly important as the site is located adjacent to the junction at Albion Street and Great Bridgewater Street. As such the proposed advertisement billboard will not impact on the function of the transport link and will represent an improvement in comparison to the existing.

8.7 As indicated in drawing ref no: A(10)-00 Rev A 'Site Plan as Proposed' the direction of the advertisement billboard will ensure the billboard will be seen in long views of the site. This will mean that the advertisement billboard will not appear suddenly to drivers or pedestrians (as with the current arrangement) or require drivers or pedestrians to divert their attention entirely and will therefore be less likely to create a hazard or endanger people in the vicinity. The advertising billboard fronting Albion Street will therefore improve the existing level of highway safety.

8.8 The proposal fronting Albion Street represents a significant de-cluttering of the site resulting from the removal of the existing four advertisement hoardings to the single advertisement billboard. It is considered that the proposed siting and size of the advertising billboard (96Sheet (3.3m (height) x 12.3m (length) raised 2.5m above ground level) will be more in-keeping with the surrounding buildings and represent an appropriate scale.

8.9 Currently the advertisement hoardings fronting Albion Street act as a barrier between the public domain and car park situated to the rear. It is considered that the removal of the existing and the replacement with the one advertisement billboard would increase natural surveillance and therefore reduce the risk of anti-social activities occurring in or adjacent to the site. The hard landscaping and bollards proposed will also improve the appearance of the area and have a positive visual impact.

Conclusion and Implications for Variation of Condition 1

8.10 It is considered that the proposed development represents advertisement billboards which de-clutter the site, are sited to ensure that they do not appear suddenly to drivers and pedestrians and improve natural surveillance. Therefore the proposals improve public safety and comply with policies DC15.1 and DC15.2.

8.11 The appeal seeks either the deletion of Condition 1 or its variation to allow for a 36 month time limit to apply. The application is considered acceptable by the Local Authority for a time period of 24 months. No reasonable justification is provided by the Local Authority as to why

the advertisements will no longer be acceptable in terms of the interests of public safety for a period over 24 months. It is therefore considered acceptable that either no time limit should apply, or a 36 month limit should apply.

9.0 INTERESTS OF PUBLIC AMENITY (Key Issue 2)

Key Relevant Planning Policy, Guidance & Provisions

9.1 The key relevant planning policy, in relation to public amenity is Policy DC15.2 (Advertisements, hoardings and posters) of the Unitary Development Plan (adopted 21st July 1995) and Policy CC9 of the Core Strategy - Development Plan Document (Adopted 11th July 2012). The full wording of these policies are as follows:

"Policy DC15.2

In assessing the interests of amenity and safety the Council will take account of the following criteria:
a. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
b. they should be in scale with the locality and relate properly to the site on which they stand;
c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted."

"Policy CC 9 - Design and Heritage

Design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment."

9.2 The following sections consider and confirm the proposals compliance with the requirements of this policy.

Assessment of Impact on Public Amenity

9.3 The proposals have been carefully proposed and specified, taking into account the character of the wider surrounding area.

9.4 It is considered that the immediate area predominantly consists of a commercial nature including a five lane highway link at Albion Street and a two lane highway link at Great Bridgewater Street. There are large advertisement hoardings and signage located at intervals along the highway (of various scales). The existing advertisement hoardings along Albion

Street are very prominent in their siting and appear to be an 'add-on' rather than sympathetic to its setting. The Officers Report states that the current advertisement hoardings "currently mask the unkempt vacant site which they shroud". However, as these advertising hoardings have been in situ for circa 20 years it is considered that the hoardings represent part of the character of the highly commercial area.

9.5 In light of the site characteristics, the proposals are considered to improve the public/visual amenity of the area. The proposals seek to upgrade and enhance the dated (circa 20 year old) advertisement hoardings to provide two smaller up-to-date and modern internally illuminated advertisement billboards. As well as the two advertising billboards the proposals seek to improve the appearance of the site with hard landscaping and the introduction of bollards (as illustrated in drawing Ref Nos. A(10)-02 Rev A and A(10)-03). The proposed advertisement billboards will be sited and of a scale to not adversely affect the surrounding area, improve natural surveillance and have a positive visual impact. The Officers Report acknowledges the proposed improvements and states :

"The proposed hoardings are considered to be less obtrusive within the street scene as the current hoardings as they are set back from the pavement line and are significantly reduced in number. Therefore, on balance, it is considered that for the above reasons, the proposed hoardings would be acceptable for a temporary period and would not adversely affect visual amenity within the area."

Conclusion and Implications for the Variation of Condition 1

9.6 It is considered that the existing hoardings, which have been in situ for circa 20 years, represent part of the character of the area. However, due to the age and siting it is acknowledged that the existing hoardings have become dated and intrusive. The proposals seek to replace the five existing advertisement hoardings with two smaller and modern internally illuminated advertisement billboards with hard landscaping and the introduction of bollards.

9.7 The Officers Report therefore specifically sets out that the proposed hoardings: "would not affect visual amenity within the area"; "would be related to the future regeneration of the area"; and "would not be harmful to the appearance of the street scene". It is clearly acknowledged and accepted that the proposal will have no adverse impact in terms of interests on public amenity. It is not considered that any material change in circumstance will be brought about at any time over 24 months – as such, it is considered unreasonable to impose a 24 month time limit.

10.0 CONCLUSIONS

10.1 This appeal is lodged on behalf of Metier Property Holdings Ltd under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It relates to an application for advertisement consent for two internally illuminated advertisement billboards at the site adjacent to the Britons Protection Public House and at the junction of Albion Street and Great Bridgewater Street, Manchester (application ref 099980/AOH/2012/C1). The application was approved subject to conditions on 18th December 2012.

10.2 The appeal seeks either the deletion of or the variation of Condition 1 as attached to the permission. The wording of Condition 1 is as follows:

"The advertisement shall not be displayed beyond a period of 24 months from the date of this consent. The advertisements and any supporting structures shall be removed on that date".

10.3 This Statement has considered the reasons for imposition of the conditions, has reviewed the key planning policies of relevance to the determination of the appeal and accounted for considerable other factors that is relevant to the appeal proposals. It has demonstrated that the proposed development accords with the terms of the Development Plan.

10.4 It has been demonstrated within this Statement that the proposed advertisement billboards present no adverse impact in regards to the following two key issues:

- Interests of public safety
- Interests of public amenity

10.5 The Local Planning Authority, in its assessment of the application, commented on the proposals as follows:

- *"The proposed hoardings are considered to be less obtrusive within the street scene as the current hoardings as they are set back from the pavement line and are significantly reduced in number".*
- *"...the location of the proposed advertisement and its impact upon visual amenity is considered to be acceptable; it would be related to the future regeneration of the area and it would not be harmful to the appearance of the street scene".*

10.6 No account or mention is made of the proposed advertisements having any public safety objections.

10.7 The following has been clearly established and demonstrated within this Statement:

- The proposals represent a reduction in the amount of advertisement in the area.
- It has been established that the proposal represents an improvement to the appearance of the land and brings about other enhancements / benefits (landscaping and natural surveillance).
- The proposal has been designed to ensure an improvement to highway and public safety.

10.8 Notwithstanding the above, the Local Authority considers it prudent to impose a time limit on the permission – requiring that the advertisements are removed after a period of 24 months from the date of consent. However, in light of the fact that the advertisement proposals do

no exert any adverse impact in terms of both public safety and public amenity (as clearly demonstrated within this Statement – and recognised and accepted by the Local Authority), it is not considered necessary or reasonable that a time limit of 24 months is imposed, nor is a requirement to remove the advertisements at that time reasonable.

10.9 As such, we respectfully recommend that:

- The appeal is allowed ;
- Condition 1 (as currently worded) is either deleted, or revised – to specify a 36 month period for display and to delete the requirement to remove the hoardings.