

Appendix 2:

Application 114372/AOH/2016 Decision Notice & Appeal
APP/B4215/H/17/3166591 Decision

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning (Control of Advertisements) (England) Regulations 2007

Advertisement Consent

Applicant

Mr Richard Page
Insite Poster Properties Ltd
Barton Hall
29 Gloucester Street
Cirencester
GL7 2DJ

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Replacement of existing 48 sheet advertising display with a 48 sheet digital internally illuminated LED display sign

Location: Land Adjacent To Osborne House, 78 Rochdale Road, Manchester, M4 4AF

Date of application: 2 November 2016

Application number: 114372/AOH/2016

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **granted** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 35 Declaration

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) (a) The express advertisement consent hereby granted is limited to a period of 5 years starting on the date of the consent hereby approved.

(b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) 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 previously approved.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding(s) at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality, in order to comply with saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester, and policies SP1 and DM1 of the Core Strategy.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Application form, received 1/11/16

Location plan ref. T4076A4050, received 1/11/16

Proposed Site Plan ref. T4076A4051, received 1/11/16

Existing and Proposed Elevations ref. T4076A4060, received 1/11/16

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies E3.3 and DC15 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Manchester Core Strategy, and the Town and Country Planning (Control of Advertisements) Regulations 2007.

4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

5) a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs or traffic signs.

(b) No individual advertisements shall be displayed for a duration of less than 10 seconds.

(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.

(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.

(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.

(f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2.

Reason - In the interests of amenity, pedestrian and highway safety, pursuant to saved policies E3.3 and DC15 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Manchester Core Strategy, and the Town and Country Planning (Control of Advertisements) Regulations 2007.

Informatives

There are no informatives attached to this decision.

Date: 28 December 2016

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This consent refers only to that required under the Town and Country (Control of Advertisements) (England) Regulations 2007 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent or approval for the proposed development, or to grant consent or approval subject to conditions, he may appeal to the First Secretary of State in accordance with section 78 of the Act as amended by the Regulations within eight weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

Appeal Decision

Site visit made on 25 April 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 26 May 2017

Appeal Ref: APP/B4215/H/17/3166591

Land Adjacent To Osborne House, 78 Rochdale Road, Manchester M4 4AF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against conditions imposed when granting express consent.
 - The appeal is made by Mr Richard Page, Insite Poster Properties Ltd against the decision of Manchester City Council.
 - The application Ref 114372/AOH/2016 is dated 11 October 2016. The condition in dispute is No 2 which states that: *'(a) The express advertisement consent hereby granted is limited to a period of 5 years starting on the date of the consent hereby approved. (b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) 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 previously approved'*.
 - The reason given for the condition is: *'To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding(s) at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality, in order to comply with saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester, and policies SP1 and DM1 of the Core Strategy'*.
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Decision

1. The appeal is allowed and the advertisement consent Ref 114372/AOH/2016 for Replacement of existing 48 sheet advertising display with a 48 sheet digital internally illuminated LED display sign at Land Adjacent To Osborne House, 78 Rochdale Road, Manchester M4 4AF granted on 28 December 2016 by Manchester City Council is varied by deleting condition 2.

Procedural Matters

2. There is an inconsistency between the site address given on the application form and that given on the Council decision notice. I have used the latter in my decision to ensure consistency with the terms of the express consent.
3. The appellant's statement confirms that the condition in dispute is number 2 on advertisement consent Ref 114372/AOH/2016. In his final comments (dated 28 March 2017) the appellant also raised concerns, which had not been raised in the earlier appeal documents, about condition 1. The Planning Inspectorate's published guidance¹ confirms that the latter stage should not be

¹ 'Procedural Guide Planning appeals – England', The Planning Inspectorate, 2016 – paragraph 8.1

used to introduce new material. I have therefore dealt with the appeal on the basis that it relates to condition 2 only.

Main issue

4. The main issue is whether condition 2 on express consent 114372/AOH/2016 is necessary in the interests of amenity, having regard to the Council's aspirations for the regeneration of the area.

Reasons

5. Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) (the 'Regulations') my decision must be limited to considerations of amenity and public safety.
6. At the time of my site visit the site contained an existing 48 sheet backlit advertisement display panel. Under express consent 114372/AOH/2016, this would be replaced by a 48 sheet digital illuminated LED display sign. Condition 2 of this consent requires in summary that the new advertisement is removed, any associated use of the land is discontinued and the land re-instated on the expiry of a period of 5 years from the date of consent.
7. Under the terms of the Regulations, if condition 2 is removed from express consent 114372/AOH/2016 the consent would still expire at the end of 5 years. Whilst the continued display of the advertisement after that period could, in those circumstances, benefit from deemed consent, this would depend on there being no successful pursuit of discontinuance action to secure its removal².
8. The Planning Practice Guidance confirms that if a local planning authority decides to impose conditions, such as condition 2, which are in addition to those specified in the Regulations these must be supported by '*...specific and relevant planning reasons*'³.
9. The appeal site is prominently located alongside the A664, Rochdale Road and falls within the area covered by the North Manchester Strategic Regeneration Framework. There is no dispute that the regeneration of the area is strongly supported by the relevant provisions of the development plan. I also agree that, having regard to the extract from the Collyhurst Spatial Master Plan which has been provided, the character of the area may in time change in a way which could render the continued display of the proposed advertisement harmful to amenity.
10. However, whilst the Council is in the process of appointing a Joint Venture Partner (JVP) to deliver future development, there is little detailed information to confirm the period over which such development may be completed. An ambitious master plan such as that proposed is likely to take a substantial number of years to implement and be subject to various factors outside the control of the Council which could affect these timescales.
11. In addition, the current advertisement within the site is not to my knowledge subject to any condition requiring its removal. There is insufficient evidence before me to demonstrate that the new advertisement would need to be removed for any reason on or before the expiry of 5 years. If the proposed

² This point is derived from the combined effect of Regulations 8 and 14 and Class 14 of Schedule 3 of the Regulations.

³ Paragraph: 034 Reference ID: 18b-034-20140306

advertisement does, after the expiry of this period, cause substantial injury to amenity or a danger to members of the public, the Council would be able in any event to address this by pursuing discontinuance action under the Regulations.

12. Taking all these points into account, I conclude that condition 2 on advertisement consent 114372/AOH/2016 is not necessary in the interests of amenity. No other matters have been brought to my attention which would justify its retention.

Conclusion

13. For the reasons given above I conclude that the appeal should succeed. I will vary the express consent by deleting the disputed condition.

Jonathan Clarke

INSPECTOR

Notes.
All details existing, unless marked proposed
Original drawing size A4
Scaled dimensions should not be taken from this
drawing unless authorised.
Licence number 100048623

Site Boundary
Advert Location

insite

Insite Poster Properties Ltd
Barton Hall
29 Gloucester Street
Cirencester
Gloucestershire, GL7 2DJ
Tel. 01285 658666 www.insite.co.uk

INSITE Ref:

15174

Project

Land adj to
72, Rochdale Road
Manchester
M40 7PN

Drawing Name

Location Plan -
Proposed

Drawing Status

PLANNING

Revision

- First Formal Issue RW

Date

21 October 2016

Drawing Scale @ A4

1:1250

Layout ID

Revision

T4076 A4 050



Ordnance Survey © Crown Copyright 2016. All rights reserved. Licence number 100022432. Plotted Scale - 1:1250

Application Site



Notes.
All details existing, unless marked proposed
Original drawing size A4
Scaled dimensions should not be taken from this
drawing unless authorised.
Licence number 100048623

Insite Poster Properties Ltd
Barton Hall
29 Gloucester Street
Cirencester
Gloucestershire, GL7 2DJ
Tel. 01285 658666 www.insite.co.uk

INSITE Ref:
15174

Project

Land adj to
72, Rochdale Road
Manchester
M40 7PN

Drawing Name
Elevations - Existing
and Proposed

Drawing Status
PLANNING

Revision
- First Formal Issue RW

Date
21 October 2016

Drawing Scale @ A4
1:100

Layout ID Revision
T4076 A4 060

