

GROUNDS OF APPEAL

APPELLANT: MR GERRY O'BRIEN, BLOW UP MEDIA UK LTD

APPEAL SITE: 43-45 PICCADILLY GARDENS, MANCHESTER M1 2AP

APPEAL PROPOSAL: TEMPORARY SCAFFOLD SHROUD SCREEN ADVERTISEMENT MEASURING 18M X 7M (EXTERNALLY-ILLUMINATED) SET WITHIN A BRICK MURAL IMAGE, FOR A PERIOD OF 12 MONTHS.

LPA REF: 134272/AOH/2022

DATE OF REFUSAL: 18 AUGUST 2022

1. INTRODUCTION

A similar proposal incorporating a larger inset area for advertising measuring 20 metres x 10 metres (200 m²) had been subject to 6 previous council refusals, all on visual amenity grounds. Each was subsequently allowed on appeal for temporary periods of around 12 months, and seen as an appropriate remedy to screen the unsightly scaffolding which had been erected by the council to shore up the building pending the site development which is getting ever closer.

The scaffold is rusty and unsightly and had been adapted to support the shroud screen which had also funded the tidying up of the site (land in front and building itself) and continued site maintenance.

The first advert consent was in 2013 following a local hearing, and this was followed by 5 subsequent appeal consents in 2016, 2017, 2018, 2019, and 2020.

All these appeal consents are attached.

It also has associated benefits of site maintenance and quarterly inspection reports to remove graffiti and restrict anti-social behaviour which was a feature of the site until the first consent. This was made a condition of the appeal consents.

In 2022, however, a further appeal was dismissed to extend the period for a further 12 months. Comments in the appeal report including stating the inset advertising area was overly large contrast with the previous appeal reports,

Therefore, this appeal application puts forward a reduced size of advertising area 18m x 7m (126m²) as against the previous size of 20m x 10m (200m²) and set within a brick mural surround which is considered to be proportionate to the whole shroud.

The owner has been having a constructive and continuing dialogue with the council including Historic England, the Design review panel, and local ward councillors through pre-application processes and Trafalgar Leisure Ltd have provided a letter giving the up to date position on the site development (copy attached to application/appeal documents). This confirmed detailed planning and listed building applications were submitted and validated for the site redevelopment for a 129 bed hotel within a multi-storey development. The application is likely to be considered by the planning committee in October.

One of the most recent appeal consents (August 2020) concluded as follows,

“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 conservation area SSAC than the exposed scaffolding would have.”

That was also the shared view of previous appeal decisions.

This is a major city centre site and the poster and mural display adds vibrancy to this corner in preference to ugly scaffolding and allows for management of the site pending the site redevelopment.

However, given the views of the recent appeal dismissal, the size of the advertising area now put forward has been reduced in order to overcome any objections.

2. SUMMARY of HISTORY

Express consent was first granted by the Planning Inspectorate on 26 November 2013 following an appeal hearing, for a temporary decorative scaffold shroud screen advertisement at the appeal site. This comprised a brick mural design with an inset advertising area measuring 20m x 10m. This was positioned so as to screen off an unsightly scaffold structure fronting Lever Street which was in place to support and shore up the poorly maintained listed building no.47 Piccadilly Gardens on the adjoining land.

This is shown below.

Advertising shroud 20m x 10m



The appeal site had originally contained a building but this was demolished by the council over 10 years ago as it was a dangerous structure. The council then erected the scaffolding along the Lever St frontage to support the adjacent building no. 47 Piccadilly Gardens.

The site was not in the current ownership at that time and the situation was inherited by the appellant. The appellant purchased the site following this action in order to facilitate a joint development along with his adjacent site 47 Piccadilly Gardens, which he is now doing via formal planning application for a hotel development.

The issue under consideration at the original 2013 appeal hearing related solely to the impact of the display on visual amenity following the Local planning Authority's refusal of consent on this ground. The appeal was allowed for the reasons stated in the decision letter where amenity was fully addressed.

Following on from the original grant of consent, the site had to be brought back from its then highly deteriorated condition of being overgrown with dense foliage and occupied by drug addicts and anti- social behaviour and cleaned of all the associated paraphernalia contaminating the site. This included replacing the boundary hoarding which was adorned with fly posted bills and posters and graffiti and modifying the scaffolding structure itself. This was a major social and visual improvement to this high profile city centre site.

A full document is attached to the appeal application illustrating its original condition and staged improvements.

The consent was granted for a temporary 2 year period from the date of the decision, envisaging progress on the sites re-development by then. The consent thus expired on 26 November 2015.

The approved advert consent was finally implemented belatedly on 16 June 2014 and thus the 2 year consent period granted had been eaten into and foreshortened by 6 months by these preliminary works to the site condition.

Further temporary consents were granted (all at appeal following the councils refusals) in 2016, 2017, 2018, 2019, 2020.

The advert consent granted has generated considerable improvements to the sites overall condition from its original state, and refusal of consent at this point would achieve no visual amenity improvement, and simply reveal the ugly support scaffolding for the listed building which it was designed to screen away, and ensure that no proper management of the site itself is in place which is currently funded by the shroud development.

Regular monitoring reports are submitted on a quarterly basis as part of the advert consent conditions regarding the site condition and listed building condition.

In June 2022, a further application to extend the period was dismissed at appeal.

However, when the Inspector went to the site the scaffold was covered in a shroud screen (brickwork designed mural) but no advertising was in place. The Inspector stated as follows (para 4 of decision letter),

“I saw at my site visit that the scaffold shroud was in place, although no advertisement was being displayed. I have considered the appeal on this basis.”

And furthermore, it states as follows,

“The scaffold shroud with its brickwork design is fairly unobtrusive in the street scene. However the proposed advertisement which would occupy most of the shroud along the Lever street frontage would form a highly prominent feature in the street scene.”

However, the scaffold screen which was in place was part of the site management of the shroud company and would only have been in place whilst the shroud consent was live/extant and in place. To explain; if there is no shroud consent the rusty scaffold would be exposed to the street scene and not covered by a screen.

The fallback position therefore if consent for the shroud is refused is not a screen as the Inspector saw but bare scaffolding. That is the comparison to make.

The whole concept which had been supported by all the previous appeal decisions was to screen the unsightly scaffolding within a vibrant city centre location until the scaffold was removed and re-development begun on site.

This is a vibrant city centre location in a shopping district and the shroud had been supported by previous appeal decisions which had balanced the negative impact of the scaffolding in the street scene with the benefits of the temporary shroud.

The basis of the last appeal dismissal that the shroud was becoming a semi-permanent feature should not have been an issue given that the whole basis of the shroud was to screen the temporary scaffolding which is still in place. The whole situation with the scaffolding structure and shroud is temporary pending site redevelopment (the owner currently has an application to develop the site in the council). It is not logical in my view to take away the shroud screen in this way given its main function is to screen the unsightly scaffold with some colour and interest. The two go together and are still temporary features pending redevelopment.

3. THE APPEAL SITE LOCATION

The appeal site is located in Manchester city centre on the corner of Lever Street and Piccadilly Gardens.

The shroud the subject of this appeal is on the Lever Street frontage.

The former buildings on the site were demolished around 10 years ago by the council following a dangerous structure notice and the site is vacant except for an existing scaffold structure which is required to support the adjacent Grade 11 listed building at 47 Piccadilly Gardens (and which currently holds the decorative shroud the subject of this appeal), and a plain black hoarding approximately 3m high which surrounds the site.

This listed building, a late 18th century three storey building, has a narrow and decorative three window façade fronting onto Piccadilly, and is considerably smaller than the surrounding buildings.

The site is within the Stevenson Square Conservation area which is characterised by large warehouses and workshops related to the cotton industry, although the buildings on the Piccadilly Gardens frontage are smaller and more decorative.

The wider part of the city centre within which the appeal site is located comprises a mix of typical town centre uses including shops, offices, hotels, restaurants, bars and apartments and includes the Arndale shopping centre and Piccadilly train station.

4. THE PROPOSAL

The advertising shroud the subject of this appeal would be attached to scaffolding and occupy the Lever Street frontage.

This is depicted on the submitted visuals

This appeal application puts forward a reduced size of advertising area 18m x 7m (126m²) as against the previous size of 20m x 10m (200m²) centrally positioned within a brick mural surround.

This is shown below.

VIEW WITH PROPOSED SHROUD



VIEW OF SCAFFOLD WITHOUT SHROUD



The poster advertisements change at 2 week intervals.

When the advertising area remains unsold the whole scaffold will be screened by the brick mural to hide the scaffolding. The scaffolding is very old and rusty and has been adapted to hold the shroud.

The shroud is externally lit by downlights (maximum luminance not exceeding 300 candelas per square metre) as conditioned by the previous consents.

Thus, part of the decorative design replicates the brickwork on the background wall with the inset advertising area displaying coloured poster designs contextual to the city centre

shopping and business areas. The inset advertising area is used for commercial advertising and public information with designs changing every 2 weeks. Should there be no advertisement design then the whole mural design reverts to the brick wall design.

It is a temporary expedient only to hide away the scaffold structure supporting the adjacent building but importantly it has funded significant environmental improvements to the site as a whole which was suffering from dilapidation and anti- social activities behind the street hoarding.

Regular quarterly reports have been submitted by surveyors Jubb and Jubb to the LPA setting out the conditions and improvements done to the site and its regular maintenance, as was a requirement of each of the appeal consents.

5. NATIONAL POLICY

National Policy on advertising is contained within the *National Planning Policy Framework (NPPF)*, *Planning Practice Guidance (PPG)* and the *Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (The Regulations)*. All confirm that adverts are to be controlled with reference to their effect on amenity (and where necessary public safety). That factors relevant to amenity include the general characteristics of the locality including the presence of any features of historic, architectural, cultural or similar interest.

The National Planning Practice Guidance makes specific reference to shroud advertisements. The guidance states that

“Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large ‘wrap’ advertisements covering the face, or part of the face, of the building.”

I make reference to this because whilst the site is not yet a building site per se the site holds scaffolding to support the adjoining listed building which itself has a similar impact on the street scene and the principles associated with this guidance are comparable.

6. THE REFUSAL NOTICE

The LPA have refused consent in their decision letter for 3 reasons which relate to visual amenity.

These are set out in full on the decision notice.

There are no public safety issues.

7. THE MAIN ISSUES

Visual amenity is the main issue.

The council have not suggested that there is a public safety issue and this has not been an issue in any of the previous 6 appeal consents.

Six recent previous appeal Inspectors reports stretching back to 2013 have addressed the amenity issue before on the same proposal which included a larger inset advertising area and the findings are a relevant material consideration. I refer to the key amenity issues below including the findings and conclusions of the appeal reports on such matters.

National Policy

The LPA have stated in their reasons for refusal that the proposal is contrary to National Policy.

Yet the 2020 appeal report states as follows in relation to National Policy,

“I consider that the proposed advertisement would not conflict with these (National Planning Policy Framework) in so far as they are relevant to this appeal.

Earlier the 2013 appeal report (para 14) concluded as follows in relation to National Policy,

“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 as well as the advice in paragraph 67 of the Framework to avoid poorly placed advertisements that have a negative impact on the appearance of the built and natural environment.”

One of the most recent appeal decision letter of 2018, confirms the 2013 approach when it concluded as follows,

“The proposed advertisement would conform to the principles of the National Planning Policy Framework requiring good design and conserving and enhancing the historic environment. It would also accord with advice at paragraph 132 to avoid poor siting and design of advertisements.”

The National Planning Practice Guidance makes specific reference to shroud and large ‘wrap’ advertisements of the kind proposed. The guidance states that

“Buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large ‘wrap’ advertisements covering the face, or part of the face, of the building.”

Whilst the site is not yet a building site per se the site holds scaffolding to support the adjoining listed building which itself has a similar impact on the street scene and the principles associated with this guidance are comparable.

This is a major city centre location where the advertisement is contextual and adds vibrancy in preference to the negative impact from ugly old scaffolding.

Council development plan policies

Powers under the 2007 Advertisements Regulations may be exercised only in the interests of amenity and public safety, taking account of any material factors. Council development plan policies cannot therefore be decisive, although may be taken into account.

The 2020 appeal decision letter confirmed that the proposed advertisement would not conflict with these policies (para 16)

Earlier, the 2013 appeal report concluded as follows in relation to the LPA policies put forward against the proposal,

“The council has drawn my attention to policies of the UDP, the Core Strategy for the city of Manchester, and the guide to development in Manchester (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, and E3.3 of the UDP and paragraphs 2.6 and 11.45 of the SPD in so far as they are relevant to this appeal....”

The appeal decision of 2018 similarly concluded as follows,

“The proposed advertisement would not conflict with those policies and guidance in so far as they are relevant to the appeal.”

The same policies have now been quoted in the LPA refusal to support its refusal of the application under appeal.

The councils advert control Policy DC 15 (Advertisements, hoardings and posters) of the UDP supports this kind of proposal in its requirements as follows,

- *The scope for posters and hoardings to make a positive contribution to the locality*
- *The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities.*

Impact on the amenity and character of the area

The 2007 Regulations states that factors relevant to amenity include the general characteristics of the locality, including the presence of any features of historic, architectural, cultural or similar interest.

The LPA have stated in their reasons for refusal that the proposed advertisement would have a detrimental effect on visual amenity and the character of the area.

Yet the 2020 appeal report concluded that,

“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.”

Previously, the 2013 appeal report (para 11) concluded as follows in relation to the impact on the amenity and character and appearance of the area,

“The appeal site is located on a busy pedestrian thoroughfare between the central shopping and business area and Piccadilly Station as well as at the junction of two major radial entry routes. However, views of the proposed advertisement, other than from immediately at the junction of Lever Street and Piccadilly and along Lever Street, would be restricted and limited to the pedestrian environment. There would be no clear long distance views of it and views from Market Street at its junction with Piccadilly and Piccadilly Gardens would be somewhat broken and restricted by the trees on the Piccadilly frontage. Therefore, it would not appear prominent within the wider street scene.”

This is a busy and vibrant town centre location. The scaffold shroud screen serves a useful purpose as a temporary expedient. In recent years scaffold shrouds have become a typical part of a busy urban area and provide colour and interest to what would otherwise be ugly scaffolding. They offer a screening benefit adding colour and interest as an alternative to unaesthetic scaffolding.

In this case the display siting is generally at street level where other commercial elements and advertisements are positioned, and not at high level with unusual impact.

Not allowing an extension of the previous temporary consent would simply create a blot on this corner site again by revealing the eyesore of the scaffold support it was designed to hide and create unmanaged conditions such as flyposting on the boundary hoarding anti-social behaviour and an overgrown and litter strewn site. All these issues which surfaced a few years ago have been effectively eradicated and controlled by this controlled advertising location as has the management of the site.

A controlled poster advertising location, effectively managed would be environmentally preferable to an uncontrolled flyposted location.

Moreover, it is considered that any decision maker should consider any positive (as well as negative) aspects associated with such advert proposals in a balancing act, and in applying the expression “in the interests of amenity” to any particular application or appeal, account should be taken not only of factors which may be detrimental to amenity but also of factors which may be to the advantage of the amenity of a locality, such as adding appropriate colour and interest, or screening an eyesore, both of which apply in this case.

Impact on the Steventon Square Conservation area and listed building no 47 Piccadilly Gardens

The LPA have stated in their reasons for refusal that the proposal would have a detrimental impact on the character and appearance of the conservation area and listed building.

Yet the 2020 appeal report concluded that,

“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.”

Previously, the 2013 appeal report (paras 10 and 12) stated as follows in relation to the impact on the conservation area and listed building,

“The proposed advertisement would be seen in the context of the surrounding urban setting which is characterised by tall and large scale buildings. Therefore, it would not appear overly dominant or incongruous when viewed against either the listed building or the surrounding buildings. Moreover, in so far as it would screen the existing side elevation of no. 47 which is somewhat overgrown and untidy, it would improve the appearance of the site within the conservation area. I note in this respect that the council has received complaints about the overgrowing bushes and vegetation on the site and has requested the landowner to address the issue.”

The appeal report concluded,

To conclude, therefore, the appeal proposal would preserve the setting of the listed building and the character and appearance of the Steventon Square Conservation Area and would not otherwise detract from the visual amenity of the surrounding area.”

In relation to the listed building, the appeal report said,

“There would be no advertisement display on the scaffold shroud facing onto Piccadilly. Consequently, it would have little impact on the decorative front elevation of the listed building.”

The 2018 appeal decision letter confirmed this view again and stated as follows,

“The advertisement has been subject to 3 previous appeal decisions. I have considered the reasoning of my colleagues in relation to the designated heritage assets and I see no reason to depart from their basic analysis. The scaffold to which the advertisement is attached is a necessary, if unsightly mechanism to support the grade 11 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.”

Regular maintenance of the site including the adjacent listed building 47 Piccadilly Gardens

It was made a condition (condition 3) of the 2013 appeal consent and the subsequent appeal consents that regular 3 month inspections would be carried out by Chartered Surveyors who specialise in historic and listed buildings.

Their regular quarterly reports on the listed building (submitted to the dedicated council officer Emily Booth) have been extremely detailed and include a very thorough photographic record of the ongoing condition of the building. Indeed, whenever, their report has flagged up something that might be detrimental to the listed building about which something could be done (such as the attempt by nature to re- take over the site) then swift action has been taken to attend to this.

These reports have been regularly passed on without fail to the responsible planning officer at Manchester City Council planning department.

Indeed, the officer’s report on the previous appeal application states as follows,

“The applicant has in the duration of the two years in which the advertisement has been in place maintained the vacant site and cleared it of invasive species and overgrowth and provided security measures to prevent intruders gaining access to the site and the listed building. They have also carried out minimal works to the listed building.....”

Impact on regeneration of the area

The LPA have stated in their reasons for refusal that the proposed advertisement would have a detrimental effect on the ongoing regeneration of the area by delaying the re-development of a site in a highly prominent location.

The latest appeal decision of 2020 stated on this as follows,

“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...”

It also went onto say that the current Covid-19 pandemic would inevitably have delayed any scheme for the site redevelopment, but nevertheless Trafalgar Leisure have confirmed submission of detailed planning and listed building applications for the site redevelopment.

A previous appeal decision letter of 2018 endorsed this view, and stated as follows,

“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 a planning application has apparently recently been submitted. 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 colleagues 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 the site.”

The period of consent

The period of consent requested is a further 12 months.

This is not proposed as a permanent display and is a temporary expedient screening ugly scaffolding which is in place to shore up the listed building.

There is no reason why a 12 month extension should not be granted as the proposal was devised as a temporary expedient to not only screen the scaffolding in the street scene but remove the flyposting on the boundary hoarding and unsightly appearance of the site as a

whole and associated security and anti-social behaviour. The general site appearance has been improved and is now maintained and managed. Removal of the scaffold shroud would thus serve no useful purpose as the scaffold it was designed to screen would still be in place as an eyesore and the detailed management of the site lost.

On the specific period, the 2013 appeal report commented as follows,

“I have been informed of no local planning policy that specifically restricts temporary shroud advertisements on scaffolding to a period of 9 months, even if this is normal practice in the local authority area. Nor can I see that any material harm would be caused to visual amenity by the temporary period proposed.”

Development of the site

The owner has been having a constructive and continuing dialogue with the council over the last few years including Historic England, the Design review panel, and local ward councillors through pre-application processes culminating in the submission of a comprehensive formal planning and listed building application in 2021.

The pandemic has had an impact on the progress of the site development.

However, the latest position is that it is likely the application to develop the site will be presented to the planning committee on 20th October according to the owner letter to the appellant, as follows,

Gerry,

The case officer in our hotel application (current / live) is Angela Leckie

My understanding is that the application will be determined by the planning committee on 20th October 2022. I am waiting for an answer as to whether the application will be recommended for approval or refusal - as soon as I have this I will let you know.

The appeal consents of 2017 and 2018 and 2019 and 2020

These consents generally endorsed the findings of previous Inspectors on the amenity issue.

With some of the most applicable comments as follows,

“As set out above, the advertisement has been subject to 2 previous appeal decisions. I have considered the reasoning of both 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 unsightly mechanism to support the grade 11 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.”

“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.”

“The council express concern that the revenue generated by the advertisement will result in the site remaining vacant and undeveloped.....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 my colleague came to a similar view on the matter.”

The most recent appeal consent of 2020 came to similar conclusions. This is a major city centre site and the poster and mural display adds vibrancy to this corner in preference to ugly scaffolding and allows for management of the site.

8. THE APPEAL DECISION OF 2022 (21/3283911)

The amenity findings of the appeal decision to refuse consent contrast with the earlier appeal consents.

In particular, it stated that the sign would appear overly large within the streetscene and thus cause harm. Whilst such a view contrasts with earlier appeal conclusions, for that reason the inset advertising area on this appeal application has been reduced from 20m x 10m (200m²) to 18m x 7m (126m²) with a consequent increase in the surrounding neutral brick mural which looks proportionate notwithstanding previous appeal consents did not see this as an amenity issue.

The report referred to the brickwork design which was in place at the site visit as unobtrusive yet this would not be in place if consent for the shroud were refused and the proper fallback position would be bare scaffold unscreened.

The report suggests that the proposal was only intended to be a short term measure and thus shouldn't be prolonged any more. Yet the shroud was there for a purpose to screen an eyesore, the scaffolding. Both are temporary and clearly not permanent features but removing the screening does not serve a clear planning purpose whilst the scaffold is in place.

The report acknowledges that the removal of the shroud would expose unsightly scaffolding but that would be partly screened by the black hoarding. As the photos show, the black hoarding does not significantly screen the impact of the scaffolding in the streetscene.

The report concludes that the scaffold would be less prominent in the streetscene than the proposed advertisement. This contrasts with previous appeal reports. This is a vibrant city centre location. The inset advertising area is not at a high level but a low almost pedestrian level in the street.

Whilst some of these conclusions appear to contrast with the earlier appeal consents, the size of the advertising area has been reduced and consequently the size of the neutral brick mural surround increased in order to extract a more favourable view.

Finally the appeal report refers to the condition of the hoarding at the site visit. The appellant company faced with a refusal and no consent were awaiting the outcome of the appeal in order to address the site appearance which does suffer from anti social activity and require continual maintenance but could not invest in an overhaul following the refusal until a further consent were granted all due to uncertainty surrounding the future of the shroud consent.

9. CONCLUSION

In an attempt to seek a further consent the appeal proposal seeks a reduction in size of the inset advertising area previously approved between 2013 and 2020 but refused in 2022.

The nature of this area remains the same as a vibrant city centre location.

The shroud not only conceals an old and no doubt rusty eyesore of unsightly scaffolding supporting the building but enables effective overall improvements and continuing management to this site as a whole pending its proper re-development. It thus provides amenity benefits on a temporary basis. It is therefore not seen how refusal of consent serves a clear planning purpose.

This is a complex site for development delayed by the pandemic but the owner has had substantial pre application discussions with the council regarding the site development and has now made formal planning and listed building applications for a 129 bed hotel within a multi-storey development, and so has made a significant step towards the main site development.

The application is due to be considered next month by the planning committee.

Clearly the council are frustrated by the lack of a permanent development on the site but this should not be a reason not to grant an extension of the previous consent which had fully explored the amenity issues of the advertisement as a suitable temporary expedient and was determined on its visual amenity impact.

CONDITIONS

All conditions of the previous 6 earlier appeal consents should apply. Regarding the period of consent it is requested that the 12 months period runs from the date of any decision.