
Appeal Decision

Site visit made on 29 November 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/B4215/H/16/3154717

**Land bounded by Bond Street, Manor Street and Mancunian Way,
Manchester M12 6HN**

- 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 Alan Mottershead against the decision of Manchester City Council.
 - The application Ref: 112207/AOH/2016/C2 is dated 19 May 2016. The condition in dispute is No. 2 which states that:
 - (a) The express advertisement consent hereby granted is limited to a period of 12 months starting on the date of the commencement of the display of the advertisement hoarding hereby approved or 14th July 2016; if that is earlier. (b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) within 7 working days of that commencement. (c) On the date of the expiry of the express consent period as specified in (a) above or on the date of completion of the relevant works as detailed in the construction programme stamped as received by the City Council as local planning authority on 23rd February 2016; if that is earlier; the advertisement hoardings and all associated development shall be removed, any use of the land/building 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 hoardings 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 policies DM1, EN1, EN3, CC9, CC10, T1 and SP1 of the Adopted Core Strategy for the City of Manchester, paragraphs 2.10, 2.20, 12.6, 3.1 and 8.8 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, of the Unitary Development Plan for Manchester.
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Decision

1. The appeal is allowed and the advertisement consent Ref: 112207/AOH/2016/C2 for Conversion of existing 2 x backlit 96 sheet and 1 x Digital 48 sheet to 1 x backlit 48 sheet, 1 x digital 48 sheet and 1 x digital 96 sheet at Land bounded by Bond Street, Manor Street and Mancunian Way, Manchester M12 6HN, granted on 15 July 2016 by Manchester City Council is varied by deleting condition 2 and substituting the following condition:
 - (2) The consent is for a period expiring on 14 July 2021.
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Procedural Matter

2. Neither the description of the proposed advertisements on the application form nor that on the decision notice issued by the Council is entirely accurate. The application form describes the proposal as "Conversion of existing 48 and 96 sheet advertisements to digital 48 and 96 sheet advertisements" and the decision notice describes the proposal as "Conversion of existing 1 x static 48 sheet and 2 x 96 sheet advertisement displays to the installation of 1 x digital 96 sheet, 1 x digital 48 sheet and 1 x backlit 48 sheet advertisement displays for a temporary 12 month period only". Whilst the description on the decision notice more precisely defines the proposal, it is clear from the application form that express consent was sought for the standard period of five years and not a temporary 12 month period as stated on the decision notice. I note that the appellant has adopted a similar form of wording to that used on the decision notice on the appeal form, and therefore I have used this description in my formal decision without the reference to the temporary period.

Main Issue

3. The Town and Country Planning (Control of Advertisements) Regulations (England) 2007 (the Regulations) and the National Planning Policy Framework (the Framework) require that control over advertisements should only be in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors. It is common ground between the parties that the proposed advertisement display would not prejudice public safety. Therefore, the main issue in this appeal is whether condition 2 is necessary and reasonable in the interests of amenity.

Reasons

4. The consent granted by the Council seeks to limit the display of the advertisements until 14 July 2017 and requires that after that date they be removed, the use of the site for the display of advertisements discontinued and the land re-instated.
5. At present there are three advertisements on the site which would be replaced by the appeal proposal. These have either express consent or deemed consent under Class 14 of Schedule 3 of the Regulations. The Council suggest that the hoardings in locations 1 and 2 are unauthorised, however, whilst the express consent for these has expired, in the absence of a condition on that consent requiring their removal, they will benefit from deemed consent under Class 14 of the Regulations. Express consent has been granted by Council for the 48 sheet LED display at east end of site which is currently in place and express consent has been granted at appeal for a 48 sheet LED display in same location as Hoarding 2 in current proposal, although this has not been implemented. There is no evidence that these consents are time limited other than to the standard five years.
6. The statement of case submitted by the Council sets out the regeneration objectives for the area. Where planned regeneration is expected to change the character of a locality it may be appropriate to require the removal of advertisements at the end of the period specified in the consent, and before the deemed consent afforded by Class 14 of the Regulations comes into effect,

- if it is known that the display of the advertisement is unlikely to be acceptable beyond the period of express consent.
7. The Planning Practice Guidance requires that additional conditions imposed on advertisement consents over and above the standard conditions should be supported by specific and relevant planning reasons. There are clearly regeneration objectives for the area but no substantive evidence has been submitted of specific planning permissions in the vicinity of, or incorporating, the appeal site. At the time of my site visit there was nothing to indicate that redevelopment of the area was imminent.
 8. No evidence has been put to me in respect of the timescales for redevelopment of the area. I note that there is a masterplan for the regeneration of the area (The Mayfield Strategic Regeneration Framework) and that a preferred developer has been appointed. However, the evidence submitted by the Council states that once agreements are in place with a preferred development partner, the Strategic Regeneration Framework will be refreshed to reflect the changing dynamics of the city, the approach of the selected developer, and changes since the previous framework was published. This would be followed by a public consultation process on the revised version and detailed designs and planning applications will only be made once the revised Strategic Regeneration Framework has been agreed. This will necessarily take some time. Although a developer has been appointed, no timescales have been provided for the subsequent updating of the Strategic Regeneration Framework or consultation on this. Within this context, I consider that it is extremely unlikely that the appeal site would be required for redevelopment or would be adjacent to sites that were being redeveloped by July 2017.
 9. I have had regard to the Council's points in respect of the long term acceptability of advertisement display in this area. Nevertheless, in granting consent, albeit for a time limited period, it is implicit that the Council consider that the effect of the advertisements on visual amenity is acceptable in the short term. I saw on my site visit that the appeal site is located adjacent to busy dual carriageway and that there are a number of other large and prominent advertisements displayed in the near vicinity. The proposed advertisements would reduce the overall surface area of the advertisement displays on the appeal site. Hoardings 1 and 2 would be reduced in size from 96 sheet panels to 48 sheet panels.
 10. Although Hoarding 3, at the east end of the site, would be larger than the current 48 sheet LED display, this would mainly be viewed against a backdrop of trees when travelling east along Mancunian Way, with only limited views afforded of the rear of the panel from the west where it would be seen adjacent to a large advertisement display immediately to the east of the appeal site. Within this context I do not consider that the proposed advertisement display would cause harm to the visual amenity of the area at the present time.
 11. The reason given on the decision notice for condition 2 is to enable the Council to consider the acceptability of the continuance of the display of the advertisement hoardings at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality. Given the stated regeneration objectives for the area it is not unreasonable to wish to be able to re-assess the acceptability of the advertisement display at a future date. However, the wording of condition 2

and the requirement to remove the advertisements on 14 July 2017 and re-instate the land goes beyond the reason set out for imposing the condition. In order to consider the acceptability of the continuing display of advertisements it is not necessary to require that they be physically removed and the site re-instated.

12. In the absence of any compelling evidence that the circumstances in the locality will have materially changed by July 2017 such that the continued display of advertisements on the appeal site would be harmful to the amenity of the area, I find that it is neither reasonable nor necessary to require that the advertisement hoardings be removed from the site by that date.
13. The original application for express consent sought consent for the standard period of five years. Whilst there is evidence to suggest that the appeal site and the surrounding area may be redeveloped in the future, no timescales have been presented in evidence as to when this might occur. In the absence of a timescale for redevelopment of the area there are no specific and relevant planning reasons why consent should not be granted for the standard five year period.

Conclusion

14. For the above reasons, I conclude that the appeal should be allowed and the express consent varied to delete condition 2 and replaced with a condition granting consent for a period of five years from the original date consent was granted.

John Dowsett

INSPECTOR