
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