
Appeal Decision

Site visit made on 9 September 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2019

Appeal Ref: APP/B4215/Z/19/3232594
67 Piccadilly, Manchester M1 2BS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Keith Miller on behalf of Blow Up Media UK Ltd against the decision of Manchester City Council.
 - The application Ref 123346/AOH/2019, dated 16 April 2019, was refused by notice dated 11 June 2019.
 - The advertisement proposed is a scaffold shroud screen.
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Decision

1. The appeal is allowed and express consent is granted for the display of the scaffold shroud screen as applied for. The consent is for two years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The advertisement permitted by this consent shall be removed from the site no later than 2 years from the date of this decision.
 - 2) Details of the external lighting shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented within 2 months from the date of this decision and shall remain as such thereafter.

Procedural Matter

2. At the time of my site visit, the scaffold shroud screen that is the subject of this appeal was already in situ. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the visual amenity of the area, with particular regard to the host building, the nearby listed buildings and the Stevenson Square Conservation Area (CA).

Reasons

4. The site lies within the CA, which comprises a mix of substantial historical and contemporary buildings that vary in their design and scale. Many of the historical buildings on Newton Street and Piccadilly, within the vicinity of the site, are Grade II listed buildings. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest. Section 72(1) of the Act also requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5. The appeal site is a five-storey building located within a busy part of the city centre that comprises buildings of a similar size. As the building is almost entirely shrouded by the scaffolding and shroud screen, I was not able to see much of the building during my site visit. Nevertheless, it is clearly apparent that the historical building has some architectural merit, although it is not listed. The appellant confirms that the building is classified as a 'dangerous structure' and the scaffolding has been in place around the building since 2007 and it is expected to be demolished in the near future. The Council does not dispute this.
6. Given the commercial nature of the area, there are a number of advertisements within the locality. These vary in style and design, with the use of various materials and forms of illumination, and are predominantly found at ground floor level, with the upper floors largely free from advertisements.
7. The building is located on the junction of Newton Street and Piccadilly, which are very busy routes for road users and pedestrians. Given the size of the advertisement, it is a very dominant feature in the street scene and is clearly visible to both passers-by and the occupants of neighbouring buildings. By itself, I consider that the advertisement detracts from the character and appearance of the historical setting and the adjacent listed buildings, although this harm would only be temporary and would be repairable.
8. However, were I minded to dismiss the appeal and the advertisement was removed, given the condition of the building, it is likely that the scaffolding would have to remain in situ with a shroud or net of some description. Given that this would likely be of a similar size to the advertisement, it would have a similar effect on the character and appearance of the listed buildings and the CA as the proposal. I have also had regard to the Planning Practice Guidance, which 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 building¹.
9. The scaffolding has been in situ for a significant amount of time. However, the advertisement shroud has only been in place since May 2018, despite consent being granted on appeal² for it in July 2017. The appellant seeks consent for the advertisement to be displayed for a further 2 years. There is no substantive evidence that the advertisement would further delay the redevelopment of the site. Indeed, the appellant states that a planning application for the site is to be submitted imminently.
10. I have also had regard to the 2004 appeal decision³. I note, and indeed share, the previous Inspector's concern that a further temporary consent could fairly be regarded as an arbitrary and open-ended issue in amenity terms. However, based on the evidence presented to me, the appellant has made a persuasive

¹ Paragraph: 005 Reference ID: 18b-005-20140306

² Appeal Ref APP/B4215/Z/17/3172680

³ Appeal Ref: APP/B4215/H/04/1153055

case that the advertisement would only be temporary as plans to redevelop the site are progressing. Therefore, it is a realistic proposition that the advertisement would only be displayed for a further 2 years, by which point the scaffolding shroud may not be required. As such, in this instance, I do not consider that it is an open-ended issue in amenity terms.

11. In isolation, the advertisement fails to respect the historical character and appearance of the CA and the significance of the nearby listed buildings. However, having regard to the current circumstances that surround the site, I find that overall, the proposal would preserve the character and appearance of the CA and the listed buildings. Therefore, I find no conflict with Policies EN1, EN3, EN12, CC9, DM1 and SP1 of the Council's Core Strategy Development Plan Document (CS); saved Policies DC15.1, DC15.2, DC18.1, DC19.1 and E3.3 of the Unitary Development Plan for the City of Manchester; and, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, insofar as they seek to protect amenity, including the presence of historic and architectural interests. Furthermore, it would also comply with the National Planning Policy Framework, which seeks to prevent the negative impact of poorly placed advertisements and promotes conservation and enhancement of the historic environment and heritage assets.
12. The Council also refer to Policy T.1 of the CS. However, this does not relate to visual amenity and therefore I find no conflict with it.

Conditions

13. I have had regard to the Council's suggested condition regarding external lighting. In the interests of the living conditions of the occupants of neighbouring properties, I consider that a condition controlling glare and overspill is necessary. However, merely requiring the control of the glare and overspill is insufficient to prevent harm to the living conditions of these occupants. Accordingly, I consider that it is necessary that the details of the external lighting are to be submitted to and agreed in writing by the local planning authority.
14. I have also had regard to the condition set out in the previous appeal decision requiring the advertisement to be removed from the site no later than 2 years from the date of this decision. Whilst this has again not been suggested by the Council, given the sensitivity of the surrounding area to the advertisement in the long-term, I have also imposed this condition.

Conclusion

15. For the reasons given above I conclude that the display of the advertisement would not be detrimental to the interests of amenity.

Alexander Walker

INSPECTOR