



Appeal Decision

Site visit made on 11 May 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/B4215/Z/21/3283911

43-45 PICCADILLY GARDENS, MANCHESTER, M1 2AP

- 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 Gerry O'Brien of Blow Up Media UK Ltd against the decision of Manchester City Council.
 - The application Ref 131236/AOH/2021, dated 2 August 2021, was refused by notice dated 23 September 2021.
 - The advertisement proposed is retention of scaffold screen advertisement measuring 20m x 10m with external illumination and set within a brick mural surround for a further period of 12 months.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This case follows six previous appeals for similar temporary advertisements at the site, all of which were allowed. The most recent appeal decision was APP/B4215/Z/20/3250177, which granted express consent for a 12 month period. That period has now expired.
3. I saw at my site visit that the scaffold shroud was in place, although no advertisement was being displayed. I have considered the proposal on this basis.
4. As the appeal site is within a conservation area, I have paid special attention to the desirability or preserving or enhancing its character or appearance, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is the effect of the advertisement on the visual amenity of the area, including the Stevenson Square Conservation Area (SQCA) and nearby listed buildings.

Reasons

6. The appeal site is in a busy, city centre location on the corner of Piccadilly and Lever Street, within the SQCA. The surrounding area is predominately commercial, and is characterised by a wide variety of modern and historic buildings, which are generally large in scale. Older buildings within the SQCA vary in scale and style, but together reflect the commercial and industrial

development of Manchester, and make a positive contribution to the character of the area and SQCA.

7. The appeal site is located at the end of a row of substantial and grand listed buildings fronting onto Piccadilly, which display elaborate detailing on the upper floors. Most of the group are large buildings of at least 5 storeys, but the immediately adjacent building, 47 Piccadilly (No. 47), is notably smaller and narrower than its neighbours. The grade II listed former townhouse with rear warehouse at No. 47 is now in poor condition, and is supported by a scaffold.
8. The scaffold structure occupies a significant proportion of the appeal site, the former buildings on the site having previously been demolished. A scaffold shroud with a decorative brickwork effect has previously been erected along the Lever Street and Piccadilly frontages, surrounded by a black painted hoarding. The shroud has the effect of almost completely screening the side elevation of No. 47.
9. The site is located in a very busy part of the city, with high pedestrian footfall, close to the main shopping areas. As is to be expected in this busy commercial area, there are a wide range of signs and advertisements in the locality. The majority are associated with surrounding businesses and are predominately on shop frontages at street level. Whilst there are other examples nearby, large signs on the upper floors of buildings are not a common feature in this area.
10. The scaffold shroud, with its brickwork design, is fairly unobtrusive in the streetscene. However, the proposed advertisement, which would occupy most of the shroud along the Lever Street frontage, would form a highly prominent feature in the streetscene. Although it would not be readily apparent in longer distant views, the sign would be clearly visible from nearby, and would be particularly noticeable from across the road in Piccadilly Gardens.
11. The sign would appear overly large within the streetscene and would visually dwarf the adjoining listed building at No. 47. It would appear out of scale in relation to the smaller scale features of both No. 47 and the adjacent listed terrace of former townhouses at 8-14 Lever Street. As a result of its scale and prominent appearance, the advertisement would therefore cause harm to the character and appearance of the wider SQCA, as well as to the nearby listed buildings.
12. The proposed use of the site for the display of advertisements has been the subject of six previous appeal decisions dating back to 2013, each of which granted temporary consent. Previous Inspectors have found that on balance, the brick mural screen and proposed advertisement would have less of an adverse impact on the visual amenity of the surrounding area, including the adjacent listed buildings and wider SQCA, than the exposed scaffold would have.
13. I note the appellant's comments that nothing has changed in terms of the visual impact, but previous appeal and cost decisions have also recognised that it is not in the long term interests of the site to remain in its current condition indefinitely. Allowing the display of advertisements for a further 12 months at this site would create a cumulative consent of around 9 years. This would be an excessive period of time for something which was originally intended to be a short term measure, to the extent which it would start to become a something of a permanent feature in the streetscene.

14. Since the last appeal decision was issued, a planning application has been submitted for the redevelopment of the site, which indicates that progress is being made. However, given the reservations about the proposed scheme expressed by the Council, there is significant uncertainty as to when any development on the site will commence. From the information provided, it seems unlikely that work will start within the next 12 months. Therefore, were I to allow the appeal, there is a distinct possibility that there would be a further application to extend the advertisement in the future, with no end currently in sight to the existing situation. As such, its temporary nature would become increasingly permanent, to the detriment of the site and the surrounding area.
15. When the scaffold shroud advertisement was originally erected, the site was cleared and tidied up with vegetation removed. I have no doubt that this resulted in an improvement to the appearance of the site and would have been an initial benefit of the scheme. The appellant has asserted that the shroud advertisement provides ongoing funding for the proper management of the site, with quarterly monitoring reports. However, I saw on my site visit that graffiti and fly posters on the hoarding have not been removed, and there appeared to be vegetation growing on the listed building. Given the condition of the site, the ongoing justification of the scheme to fund site maintenance is therefore questionable. In any event, the costs of ongoing site management, including the maintenance of the listed building, are a necessary cost associated with ownership of the land.
16. According to the Council, the listed building at No. 47 has deteriorated over the past few years. The building needs support, but the continued presence of the advertisement on the scaffolding may serve to restrict access to the site as well as providing a visual screen, and therefore could be acting as a disincentive to undertaking essential repairs and maintenance to the building. I share the Council's concern that, continuation of the current situation, with the retention of the scaffold shroud and associated advertising revenue, may be contributing to long term harm to the listed building, to the detriment of the SQCA.
17. Taking the above considerations into account, I conclude that the benefit that the advertisement provides in terms of screening the scaffolding is no longer sufficient to outweigh the harm caused, even for a temporary period. I acknowledge that the removal of the shroud would expose unsightly scaffolding, but that would be partly screened by the existing black hoarding. In any case, although not particularly attractive it would be less prominent in the streetscene than the proposed advertisement.
18. No objections have been raised in relation to public safety, and I have no reason to suppose that the proposal would cause harm in that regard. However, the proposal would cause harm to the visual amenity of the area. In addition, it would fail to preserve the character or appearance of the SQCA, contrary to s72(1) of the 1990 Act.
19. The Council has drawn attention to a number of development plan policies. Powers under Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not, therefore, of themselves been decisive, but are a material consideration.
20. Of particular relevance to this appeal are Saved Policies DC15.1 and 15.2 of the Unitary Development Plan for the City of Manchester 1995 (UDP), which are

concerned with advertisements. Saved UDP Policy DC18.1 and Policy EN3 of the Manchester Core Strategy 2012, both relate to development proposals within conservation areas, and are also material. As I have concluded the proposal would harm to visual amenity, including the character and appearance of the SQCA, it conflicts with these policies.

Conclusion

21. For the reasons given, the appeal is dismissed.

R Morgan

INSPECTOR