

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133135/AOH/2022

Date registered valid: 7 March 2022

Proposal: Installation of a 48 sheet digital LED hoarding

Address: Land At Corner Of Wyre Street And Fairfield Street, Manchester, M1 2PW

Ward(s): Piccadilly Ward

Applicant: Network Rail C/o Agent

Agent (if any): Mr Sam Beresford Tetra Tech Quay West, Media City, Trafford Wharf Road, Manchester, M17 1HH

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 27 April 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 21 March 2022 Expired: 11 April 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site and Area

The application site relates to a section of the Grade II Manchester South Junction and Altrincham Railway Viaduct. The site is located close to Piccadilly Railway station which is located on the opposite side of Fairfield Street.

The site is located within the Mayfield SRF area of Manchester City centre, the vision for Mayfield is to deliver a world class, transformational, distinctive and imaginative commercially led neighbourhood, anchored by Mayfield Park, which will become a powerhouse of socio-economic productivity.

The Mayfield site is also part of the 'Manchester Piccadilly Strategic Regeneration Framework (Piccadilly SRF)', which was endorsed by the Council in 2014 with an update endorsed in June 2018. This followed the UK Government's announcement, in January 2013 of their commitment to Phase 2 of High Speed 2 (HS2).

Description of Development

The submitted application seeks advertisement consent for the installation of a 48-sheet digital LED hoarding.

It is noted that an application for Listed Building Consent has not been submitted however this would be required in this instance.

Consultations & Notification Responses

Highways

The proposed digital LED hoarding is not located on and will not project over the adopted highway network. As such, a Projection over License will not be required.

The location of the digital LED hoarding is not considered to generate any adverse impact for vehicles travelling along Wyre Street And Fairfield Street. Clarification is sought to confirm the proposed luminance of the digital LED hoarding. The luminance will be acceptable if it is in line with the MCC recommended maximum of 600cd/m2.

Whilst Highways have no objections, given that the digital LED hoarding will be located on private land, permissions will be required from the landowner. Detail is sought on proposed installation arrangements from a highways perspective. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

It is recommended that the following planning condition should be applied:-

- (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
- (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours / inclement weather. Or for signs less than 10m2
- (g) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m2 during non-daylight/ inclement weather

Environmental Health

Recommendation of the following condition:

- No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- No individual advertisements shall be displayed for duration of less than 10 seconds.
- Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours / inclement weather

HS2

No objection to the application in planning terms but the applicant is advised of the implications of the site being located immediately adjacent to limits of land subject to formal HS2

Safeguarding Directions. Recommendation of an informative should the council be minded to approve.

Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

(1) The Local planning authority would exercise its powers under these regulations in the interests of amenity and public safety, taking into account:

(a) The provisions of the development plan, so far as they are material; and

(b) Any other relevant factors.

(2) Without prejudice to the generality of paragraph (1) (b);

(a) Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) Factors relevant to public safety include'

(i) The safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed;

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements would not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Policies

National Planning Policy Framework (2021)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The following sections are considered to be particularly relevant to the proposed development:

Section 12 'Achieving well-designed places' refers to the need for good design.

Section 16 'Conserving and enhancing the historic environment' refers to the great weight that should be given to preserving heritage assets.

Manchester Core Strategy

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies within the Core Strategy are considered relevant:

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy EN 3 (Heritage) states Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy CC 9 (Design and Heritage) States that Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Paragraph 8.53 of the supporting text states that The City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC15 relates to advertisement hoardings and posters. The main matters to be considered in the context of this application are:

- The general location of the proposed advertisements and the effect of visual amenity;
- The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting.

DC19C states the council would not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character.

Policy E3.3 refers to the Council looking to upgrade the appearance of the city's major radial routes

Issues

Visual Amenity and Regeneration

The proposal would replace an existing paper advertisement hoarding which does not benefit from advertisement consent. Whilst the applicant argues the proposal benefits from deemed consent due to being in place for over 10 years, the proposal will be considered on the basis of current relevant planning policy and other material considerations.

The proposed illuminated hoarding would be located on Fairfield Street which a major arterial route connecting the City Centre to East Manchester. The location would be most visible to vehicle/ pedestrian traffic travelling out of the City Centre Eastwards and this section is particularly heavily trafficked due to the proximity to Piccadilly Station short stay car park.

The continued display of the advertisement would not represent an upgrade in appearance of a major radial entry route as it would screen the side elevation of a listed building, and diminish the legibility of the listed building and is consider to be incompatible with the regeneration aspirations of the wider Mayfield area.

Page 28 of the Mayfield SRF sets out the objectives for the area which include 'Place Making'. The SRF sets out that this objective seeks 'to offer exceptional design which respects and restores the Mayfield area's heritage assets, to create well-used and well-loved public spaces and a brand new park, and to strive for an exemplar sustainable development, in order to achieve a vital and viable new city centre district'. It is considered that the proposed advertisement would not be consistent the strategic regeneration objectives for Mayfield and would hinder regeneration efforts and investment to improve visual amenity in the area.

It is considered that the proposed advertisement hoarding would conflict with the ongoing regeneration and continuing improvements in the appearance of the area and the route, by virtue of its size, location, design, appearance and means of illumination and the adverse visual impact that it would have on the surrounding area.

Policy SP1 of the Core Strategy also encourages regeneration and confirms that the quality of the built environment and appropriate development can contribute to regeneration. The proposals would work against these aims by continuing to be incompatible with the character and appearance of the locality.

Impact on Listed Building

Paragraph 200 of the NPPF states that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The listing description states that the Viaduct is designated for the following reasons:

Date: it is an early example of a railway viaduct dating from the second phase of railway development - the period from 1841-50 often referred to as 'railway mania' - in which commercial speculation and competition for routes led to the rapid construction of lines and expansion of the railway network;

Historic interest: the viaduct forms an important and integral component of the Manchester South Junction & Altrincham Railway, which was one of the country's earliest suburban railways, and Manchester's first; helping to bring this form of transport to the hinterlands;

Group value: the viaduct has strong group value with neighbouring railway structures (both contemporary and later), including two other railway bridges crossing the River Irwell (the 1830 Grade I listed stone bridge and the 1869 Grade II listed girder bridge) and their associated viaducts, the Grade II listed Castlefield Viaduct (c1880), the Grade II listed stations of Manchester Oxford Road (1958-60) and Deansgate (1896), and the Grade II listed former goods offices (c1850-60) and train shed (c1881) at Manchester Piccadilly Station.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In this instance it is considered that the existing unauthorised advertisement causes less than substantial harm to the designated heritage asset by obscuring part of its elevation diminishing the ability to read its historic interest and group value with surrounding railway structures that it connects to. It is considered that any benefits from the installation of the proposed digital advertisement would not outweigh the harm as identified.

Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. The proposed advertisement is considered to have been poorly placed on a listed building and in a highly sensitive location close to Piccadilly Station. Taking into account all material considerations, it is considered that on balance, the proposed sign is poorly placed and would have a significant, negative impact on the visual amenity of the surrounding area and continuing regeneration efforts.

Given the above, the proposals are considered to be contrary to sections 12 and 16 of the NPPF, policies CC9, EN3, DM1, SP1, T1, EN1 and EN12 of the Core Strategy, paragraphs 2.6 and 11.45 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan.

Enforcement

Notwithstanding the status of the existing advertisement, neither the existing or proposed advertisements are considered acceptable and the right to display an advertisement that enjoys deemed consent is subject to the LPA's power to issue a Discontinuance Notice withdrawing that deemed consent and requiring the person to stop displaying the advertisement in circumstances where the LPA considers that it is necessary to do so.

Public Safety

The proposed advertisement hoarding complies with headroom and carriageway clearance requirements. However, the proposed luminance of the advertisement hoarding is noted as 600cd/m² which is in line with MCC recommended maximum of 600cd/m² and therefore there are not considered to be any public safety issues associated with the proposal.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Refuse

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan, national policy and saved policies and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed advertisement would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity, in particular, on the character, appearance and condition of the listed viaduct, and the character and appearance of the surrounding area constituting an unduly obtrusive, incongruous and overly dominant feature on the building on which it would be located and within the street scene. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area and constitute unjustifiable harm to a listed building contrary to Government Guidance contained in Section 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in

particular policies EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage), EN3 (Heritage), DM1 (Development Management) and SP1 (Spatial Principles), the Guide to Development in Manchester, in particular paragraphs 2.6 and 11.45 and saved policies DC15.1, and DC15.2 (Advertisements, Hoardings and Posters), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) of The Unitary Development Plan for the City of Manchester (UDP).

2) The proposed advertisement, due to its siting and appearance, including its size and design, would have a detrimental impact upon visual amenity and regeneration - including the ongoing regeneration of the area in a prominent location within an area of the City Centre, which has seen considerable financial investment and regeneration activity resulting in an area of increasingly high amenity value. It is therefore considered that the proposal would be inconsistent with the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail
High Speed Two (HS2) Limited

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CITY2