

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132240/AOH/2021

Date registered valid: 25 November 2021

Proposal: Erection of 1 no. 96 sheet display and the removal of 1 no. 96 sheet, 2 no. 48 sheet advertisement hoardings, 2 no. car park signs and replacement of existing boundary fence

Address: Ecp Car Park , Aytoun Street, Manchester

Ward(s): Piccadilly Ward

Applicant: Mr Stephen Smith City Outdoor Media Ltd Edward House, North Mersey Business Centre, Woodward Road, Liverpool, L33 7UY

Agent (if any): Mrs Susan Jones Susan Jones Consultancy Birch Bank, Waste Lane, Cuddington, CW8 2TD

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

Recommendation: Refuse

Date of recommendation: 13 January 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 30 November 2021

Expired: 21 December 2021

Neighbour notifications

Printed: 30 November 2021

Expired: 21 December 2021

Site notice

Posted:

Expired:

Press advert

Published: 7 December 2021

Expired: 28 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

This application relates to an existing surface car park bounded by Auburn Street, Aytoun Street and Minshull Street. The site isn't within a conservation area, but is adjacent to the Grade II* Listed Manchester Crown Courts located to the North West of the site.

Within the car park there are 2no. 48 sheet (6.1m (h) x 3m (w) and 1no. 96 sheet (12.3m (h) x 3.1m (w) static backlit advertising hoardings and 2no. non illuminated advertising panels with car park signage (1.2 (h) x 3.7 (w) and 2.1 (h) x 2.2 (w). There are also 3no. non illuminated advertising panels on the rear of the 3no. hoardings. The height of the advertisements including their support structures from pavement level ranges between 4.6m and 5.8m and the distance of the existing advertisements from the boundary between the car park and the pavement ranges from 0.2m to 2.8m. The applicant states that these hoardings benefit from deemed consent and has provided some information to support this statement.

Description of Development

The submitted application seeks advertisement consent for the erection of 1 no. 96 sheet display and the removal of 1 no. 96 sheet, 2 no. 48 sheet advertisement hoardings, 2 no. car park signs and replacement of existing boundary fence.

Relevant Planning History

106884/AOH/2014/C2 – Proposal: Display of 1no. backlit 'Mega 96 sheet' advertising hoarding measuring 18.6m x 4.65m x 0.265m following the removal of 3no. existing advertising hoardings and 2no. car park signs together with replacement of existing boundary treatment. Temporarily

Approved for 39 months starting on 18th December 2014 expiring on 19th March 2018.
Decision date: 15 December 2014

112034/FO/2016/C2 - Proposal: Creation of approximately 478 residential units (160 x 1 bed and 318 x 2 bed) and commercial space comprising
(a) Conversion and extension of existing 12 storey building to 15 storeys (The Tower) comprising residential accommodation (Class C3 123 units) above ground and first floor (Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1(Non-residential Institutions creche, nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure - Gymnasium, indoor sport and recreation only),
(b) Erection of 2 x 14-16 storey buildings (Blocks C and F comprising residential accommodation (Class C3 -136 units (C) and 209 units (F)) above ground and first floor (Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1(Non-residential Institutions creche,nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure - Gymnasium, indoor sport and recreation only), Building F and Tower to be linked by podium; and (c) change of use of existing 1 storey building on stilts (The Bungalow) to (Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1(Non-residential Institutions creche, nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure - Gymnasium, indoor sport and recreation only) and hard and soft landscaping comprising central public square, commercial and retail terraces, private residents terrace and public/ private roof top gardens with car parking for 69 vehicles located at ground and first floor levels and associated works to facilitate servicing and access following demolition to existing teaching and library buildings. Approved with 37 conditions on 28 September 2016

Consultations & Notification Responses

Highways -

The proposed digital advertising display 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 advertising display is not considered to generate any adverse impact for vehicles travelling along Aytoun Street.

The proposed luminance of the digital advert is noted as 600cd/m² which is considered to be in line MCC recommended maximum of 600cd/m².

The proposed digital advertising display will comply with headroom and carriageway clearance requirements.

The applicant should be advised that all boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines. All gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

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

Condition

- (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
- (f) 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: 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

Points a) to d) have been covered in the information submitted. Point e) has been partly covered as they have said the screen will go blank but this does not specify if the screen will be black. Point f) has not been specifically covered in the information submitted so further information is required

Policy

The main issues for consideration relate to the impact of the proposals on visual amenity and public safety. The main policies that relate to the proposal are Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2021)

The Adopted Core Strategy for the City of Manchester

The following Core Strategy Policies are relevant to this application:

Policy EN1 (Design Principles and Strategic Character Areas) states that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy CC9 (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.

Policy EN3 (Heritage) states that 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, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy DM1 (Development Management) states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail, the affects on amenity including road safety and the character of the surrounding area.

Policy SP1 (Spatial Principles) states that all development must make a positive contribution to areas of choice including creating well designed places that enhance or create character and protect and enhance the built environment.

Aytoun Street Strategic Framework (2015)

This SRF has been prepared to guide the future redevelopment of the Manchester Metropolitan University ("MMU") Aytoun Street Campus in Manchester city centre ("the Site") – a site whose potential in terms of creating a new residential led neighbourhood as a key location at Piccadilly Gateway and the focus of future major regeneration renewal through the delivery of HS2 renders it a strategic regeneration priority in the context of the economic growth objectives of the Manchester City Region.

Issues

Principle of Development

A previous advertisement consent was granted on the site for the installation of 1no. backlit 'Mega 96 sheet' and the removal of 5 no. signs. The delegated report concluded that the proposals would significantly improve the appearance of the site, by removing the current advertisement clutter and replacing the existing fence with one that is a more neutral colour.

The report also concludes that whilst proposed hoarding would be within the setting of the Grade II* Listed Manchester Crown Court, but would be located further from the building than two of the existing double sided hoardings and the car park signage. The removal of the existing advertisements would also open up views of the listed building and remove the clutter currently affecting its setting.

The report goes onto state that, the City Council doesn't consider this acceptable as a permanent feature given the continuing improvements and investment likely to be made in the locality and its location within views of the Grade II* Listed Manchester Crown Court, which would be improved by alternative development. Given this, a temporary consent of three years would be applied to the approval.

Since this application was approved, it does not appear that the consent was ever implemented as the existing advertisements remain on the site.

The application site lies within the Aytoun Street Strategic Regeneration Framework (SRF) 2015 –The SRF seeks to craft a new neighbourhood within the city- a sustainable, exciting and deliverable development which would nestle into this emergent and vibrant part of Manchester City Centre, Based on the above aspiration, the SRF requires the redevelopment of the area to come forward in a form which would deliver a high quality development which would create a new sustainable neighbourhood with a distinctive sense of place functionally and physically connected to the wider area. The SRF sets out a series of Core Development Principles for the site and the proposed which include:

- The Redevelopment of the site should seek to improve the setting and appearance of the Listed buildings
- New developments must be of a high quality in terms of buildings and public spaces to match and signify the importance of this gateway site.

The Aytoun Street SRF has an overarching objective to improve the attractiveness of the area to investment and improve physical connections and permeability. Within this current context it is considered that this scheme is unacceptable in this instance as the proposal appears to create a significant and harmful in terms of visual amenity and appearance and would have a negative impact upon regeneration efforts and improvements to the environment taking place within the area, and as a consequence would have a detrimental impact on the overall image of the City Centre.

The surrounding area has undergone significant investment with the development of surrounding area, which includes the Kampus development adjacent to the proposal site, that can be seen on The street view captures (Figures 1 and 2) which are taken 5 years apart.

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.

Visual Amenity

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 due this elevated and highly visible location a greater visual impact on The surrounding high quality developments and Grade II* Listed Manchester Crown Courts. 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.

The proposed advertisement, whilst it would result in the removal of a number of existing advertisements, is not considered to preserve or enhance the heritage asset identified and has been sited, and designed in a manner which negatively affects it's setting and views of the this significant heritage asset.

Figure 1 (Google Maps, 2015)

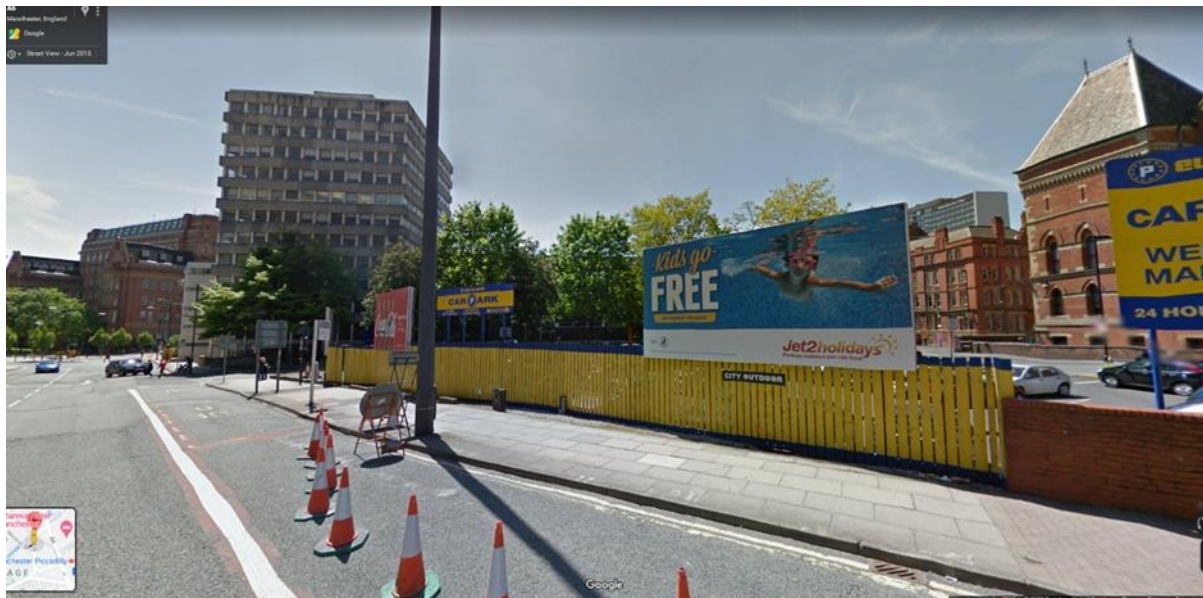
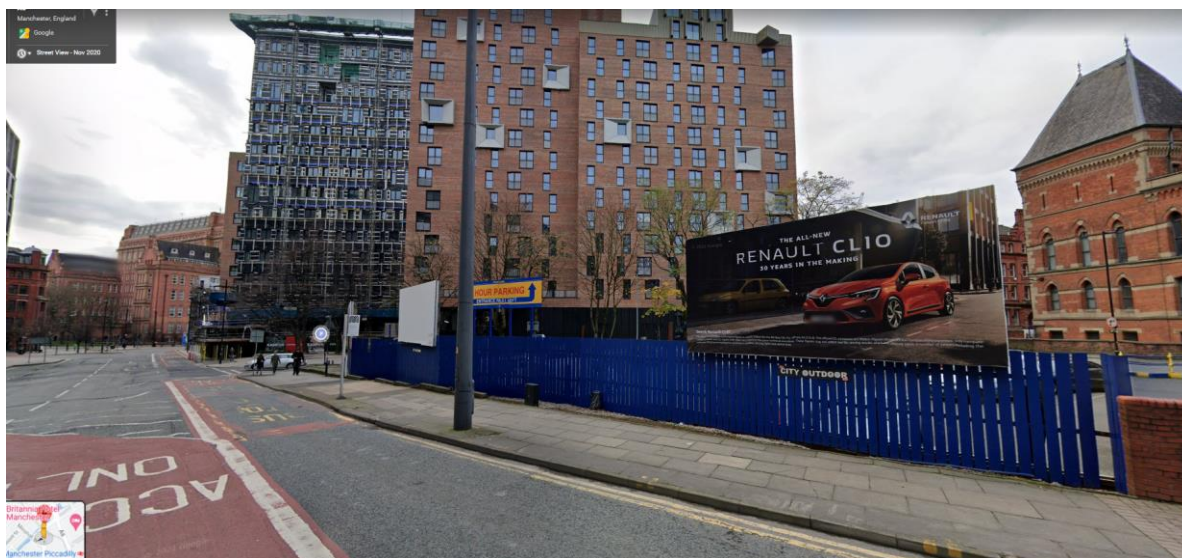


Figure 2 (Google Maps, 2020)



Enforcement

Notwithstanding the status of the current advertisements, the proposal is not considered acceptable given the ongoing regeneration of the area 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.

Appeal Decisions

The examples below are most recent dismissed appeal decisions. The examples are similar to the advertisement application proposed.

Appeal Ref:

APP/B4215/Z/19/3238 92

Dismissed 21 November 2019

124060/AOH/2019- 133A, Cheetham Hill Road Manchester, M8 8LY

Paragraph 8 'As Cheetham Hill Road has many retail and commercial premises along it, advertisements are an expected feature of the street scene, some of which would be illuminated. Even so, I observed that existing advertisements are generally smaller and set a lower level than the proposal. As such, they would have a less harmful impact on the visual amenity of the local area than would be the case with the appeal scheme. While I saw some advertisements on gable walls of existing buildings, none were directly comparable with the proposal before me in terms of design, size, illumination and prominence within the local street scene'

Appeal Ref: 3248230 - Appeal Dismissed 15 June 20
125208/AOH/2019 - 661 Stockport Road, Manchester

Advertisement Consent for the replacement of the existing externally illuminated 48 sheet poster advert with a internally illuminated 48 sheet LED digital advertisement REFUSED 3/2/20
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Paragraphs 6, 7 and 10 of the Planning Inspector's decision states the following:-

Paragraph 6 "The scale and positioning of the proposal would be similar to the existing poster advertisement, however it would vary significantly as it would display digital images. Whilst the images would be static, they would change on a sequential rotation. Although the rate of change would be no more than once every ten seconds, the images would nevertheless be significantly sharper than those currently displayed. All these factors would cause the proposal to be more apparent and overly dominant in the street scene than the existing advertisement."

Paragraph 7 "...Therefore, due to its elevated position, scale and method of display, the proposed advertisement would be highly prominent in the locality. It would be a visually incongruous and overly dominant addition to the street scene and would erode the character of the area..."

Paragraph 10 "...the proposal would result in unacceptable harm to the visual amenity of the area..."

The Planning Inspector clearly has identified issues in relation to the digital images, changing on a sequential rotation within the character of the street scene and existing advertisement. The Inspector has also recognised that the proposed advertisement would be highly prominent within the street scene and erode the character of the area and furthermore

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

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 adjacent listed building, and the character and appearance of the surrounding area constituting an unduly obtrusive and incongruous feature within the street scene, potentially delaying the redevelopment of the site. 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), 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 - by delaying the redevelopment of a site in a highly prominent location and having a poor appearance within the street scene. 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

Second Floor, 4 Piccadilly Place, Manchester, M1 3BN
First Floor, 4 Piccadilly Place, Manchester, M1 3BN
BARCLAYS BANK PLC, Third To Seventh Floors, 4 Piccadilly Place, Manchester, M1 3BN
Simply Fresh, 4D Piccadilly Place, Manchester, M1 3BN
4C Piccadilly Place, Manchester, M1 3BN
4B Piccadilly Place, Manchester, M1 3BN
4 Piccadilly Place, Manchester, M1 3BN

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