

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132086/AO/2021

Date registered valid: 29 October 2021

Proposal: Installation of an advertisement hoarding with illuminated digital display

Address: Fairfield Service Station , Fairfield Street, Manchester, Ardwick, M1 2AH

Ward(s): Piccadilly Ward

Applicant: Poster Property Limited 1 Bartholomew Lane, London, EC2N 2AX

Agent (if any): Miss Chloe Brown Carter Jonas One Chapel Place, London, W1G 0BG

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

Recommendation: Refuse

Date of recommendation: 22 December 2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 11 November 2021

Expired: 2 December 2021

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: Expired:

Press advert

Published: 16 November 2021

Expired: 7 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application site is situated within a mixed use area, a short distance from the main inner city ring road at the edge of the city centre. The immediate vicinity is dominated by small-scale industrial uses. To the south lies railway lines which connects to the nearby Manchester Piccadilly station to the west.

Description of Development

The submitted application seeks advertisement consent for the Installation of an advertisement hoarding with illuminated digital display. There is an existing paper and paste advertisement on the site which appears to be unauthorised and it is noted that there are a number of hoardings within the vicinity that do not benefit from advertisement consent.

Relevant Planning History

Ref. 063638/AOH/CITY2/011 x 48 sheet advertisement panel with associated timber fencing - REFUSED 14.01.2002

Consultations & Notification Responses

A site notice was posted for 21 days however no responses were received.

Environmental Health –

Recommend the following condition:

Advertising Screens

- o 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.
- o No individual advertisements shall be displayed for duration of less than 10 seconds.
- o Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- o The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- o 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.
- o The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather

Highways

The proposed advertisement 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 advertisement hoarding is not considered to generate any adverse impact for vehicles travelling along Fairfield Street.

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

Whilst Highways have no objections, given that the digital adverts 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:-

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.

Issues

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.

Policy

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.

National Planning Policy Framework (2019)

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.

Paragraph 134 states that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'

Paragraph 136 states further 'that 'the quality and character of places can suffer when advertisements are poorly sited and designed'.

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.

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

Issues

Visual Amenity

The proposal would replace an existing paper advertisement hoarding which does not benefit from advertisement consent and an advertisement consent for a hoarding has been refused on the site in the past. Whilst the applicant argues the proposal benefits from deemed consent, 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 into the City Centre from the East. The large illuminated board would be of particular prominence in the hours of darkness for people travelling into the city centre along this major route. The proposal is considered to be directly contrary to saved Policy E3.3 which seeks to improve the appearance of the city's main radial routes.

The proposal site is located within the Piccadilly Strategic Regeneration Framework Area and lies within area 04 (Piccadilly Central). The aspirations for this area as set out in the SRF is to create a major new 6 acre public park extends between the viaducts, with the River Medlock flowing through its heart.

The SRF states that Medlock Park sits astride the HS2 viaduct and is enclosed by the existing rail viaduct to the south, providing the opportunity to strengthen the presence of the railway arches and bring them into public life. Transforming these heritage assets into animated public spaces such as bars, cafes, restaurants, shops, cafe and workshops will bring another realm of activity to the park, contributing to its overall character as the focus of leisure and recreation in Piccadilly Central (page 49).

The SRF describes this area as a Gateway and states that the zone between the HS2 and existing viaducts requires as much animation as possible (page 50).

It is noted from visiting the site that the proposal site can be viewed in conjunction with the existing viaducts on North Western Street and those on Fairfield Street. It is also noted that some of these have been occupied with commercial uses in line with the SRF. It is expected that if the railways viaduct arches are occupied in the future, any associated signage applications would require negotiation to ensure that the proposed signage is of a high quality and reflects the principles of the SRF which seeks high quality development in this area as a gateway to the city.

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.

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 to this elevated and highly visible location a greater visual impact on Fairfield Street. 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.

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.

Enforcement

Notwithstanding the status of the current advertisement, the proposal is not 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.

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 display screen, due to its size, appearance, position, means of illumination and method of display, would create an intrusive, over-dominant feature in the street-scene along one of the City's main radial routes, whilst also adding to existing advertisement clutter in the area, to the detriment of visual amenity. The proposed advertisement is therefore contrary to saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1 and EN1 of the Manchester Core Strategy, The Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).

2) The proposed digital advertising screen and support structure is refused on the basis it would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity and on the regeneration proposals for the surrounding environment including those detailed Manchester Piccadilly SRF by affecting the potential for attracting investment to the area and the implementation of the Manchester Piccadilly SRF and undermining the recent and significant improvements to the area. The proposal would therefore be contrary to Policy SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Greater Manchester Police
Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: CITY2