MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	128177/AO/2020
Date registered valid:	1 October 2020
Proposal:	Removal of 4no. existing 48 sheet posters and replacement with 2no. 48 sheet illuminated digital displays, on 1.65 metre high panels with associated illuminated logo displays
Address:	71 Wellington Street, Manchester, M18 8BE
Ward(s):	Gorton & Abbey Hey Ward
Applicant:	Wildstone Group Limited Barton Hall, 29 Gloucester Street, Cirencester, GL7 2DJ
Agent (if any):	Mr Dan Ingram Barton Willmore Tower 12, 18-22 Bridge Street, Spinningfields, Manchester, M3 3BZ
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	26 November 2020

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 19 October 2020 Expired: 9 November 2020

Neighbour notifications
Printed: 19 October 2020 Expired: 9 November 2020

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

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a small area of open land at the junction of Wellington Street and Cross Lane. The site comprises an overgrown grass verge with 4 x 48 sheet advertisement hoardings at the rear of the site.

There is no record of an advertisement consent for these signs, but the following consent was granted in April 2000:

058690/AOH/NORTH2/00 - External overhead illumination of existing static 4 x 48 sheet free-standing advert hoardings.

It is proposed to remove these hoardings and to replace them with 2no. 48 sheet illuminated digital displays. The displays would be positioned at either end of the site, so one would face down Cross Lane, viewable when travelling eastwards along Cross Lane and one would be angled towards Wellington Street and would be viewable when travelling northwards along that street.

The signs would be mounted on 1.65 metre high fencing, which would run all along the rear of the site and would link the two displays.

The applicant has indicated that the advertisement would present a range of static images and would not contain any movement, animation or flashing lights with a new image every 10 seconds.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highways Services - Make the following comments:

The proposed digital adverts are 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 adverts is not considered to generate any adverse impact for vehicles travelling along Wellington Road, Garrett Way or Cross Lane.

The proposed luminance of the digital adverts is noted as 300cd/m2 which is considered to be in line MCC recommended maximum of 600cd/m2.

It is recommended that a planning condition is attached, to any permission, in relation to lighting/display controls.

Issues

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

(1) The Local planning authority shall 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);
(ii) Whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
(iii) Whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle;
(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 shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The above requirements have been taken into account in the assessment of the advertisement consent application. Whilst it is considered that the application cannot be refused on the basis of public safety, the proposal, in the view of the LPA, fails to accord with its development plan as it is unacceptable in terms of visual impact and excessive prominence within the street.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. It sets out the government's planning policies for England and how these are expected to be applied. It defines the government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do

so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 11 states that `at the heart of the Framework is a presumption in favour of sustainable development' and, in `decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

Chapter 12 Achieving well-designed places

Paragraph 124 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In this case, it is not considered that the development would positively contribute to the streetscene and would harmfully affect the visual amenity of the area. It is considered that the nature of LED signage would materially and harmfully change the relationship of the advertisement hoarding to the streetscene. The incorporation of changing images within the display would also give the signage far greater prominence and would be a visually obtrusive addition to the location. It is therefore considered that the proposals would not accord with the NPPF.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.
A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-
- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

In this case, the proposal would be harmful to the visual amenities of the area and the character of the built environment. The proposed advertisement signage would impact upon the immediate streetscene and would be visible from adjacent busy roads. The resulting impact is considered to be harmful and contrary to policy SP1.

Policy EN1 relates to Design Principles and Strategic Character Areas. It states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. 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.

The design of the proposed advertisement signage is typical for this form of advertisement. However, as stated, the nature of LED signage, including the incorporation of changing images would materially and harmfully change the relationship of the advertisement displays to the streetscene. It is therefore considered that the proposed advertising structures would fail to positively contribute to urban design in the locality and the quality of the streetscene and would thereby be contrary to policy EN1

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed
guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk
- Existing or proposed hazardous installation.

In this case, the prominence of the proposed advertisement would adversely affect the character and composition of the streetscene. It is also considered that the signage and its operation would be harmful to the visual amenity of pedestrians and drivers travelling along the adjoining routes.

UNITARY DEVELOPMENT PLAN
The site is unallocated within the Manchester City Councils Unitary Development Plan Development Plan (adopted 1995). However the general policy for advertisement hoardings is Saved policy DC15.

DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining such applications, for free standing hoardings and wall mounted posters the council will take account of the following matters in assessing these interests:
a) the general location of the proposed development and the effect on visual amenity
b) the scope for posters and hoardings to make a positive contribution to the locality
c) the design of the structures, and the relationship with any premises on which they are located
d) the effect of the proposal on permanent redevelopment of the land
e) public safety resulting from the positioning of the design of the display
f) the ease with which the structure is capable of being satisfactorily maintained
g) the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent
h) the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development
i) the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities
j) the number of advertisements in the locality and their cumulative effect on visual amenity

DC15.2 In assessing the interests of amenity and safety the council will take account of the following criteria:
a) developments of this kind should not harm the character of architectural features of a building, nor interfere with its proper use
b) they should be in scale with the locality and relate properly to the site on which they stand
c) they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value
d) a proposal which would be injurious to public safety or adversely effect the flow of traffic, by reason of its position, size or design will not be permitted

DC15.3 Where having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

For the reasons previously outlined, the proposals would fail to be positively related to the surrounding context. As stated the prominence of proposed and incorporation of changing images would materially affect the character of the streetscene. On this basis it is considered that the proposal would be contrary to saved policy DC15 of the UDP

Principle - The existing signage has been in situ for more than 20 years with illumination allowed for the last 20 years. Also, the applicant proposes to remove 2 of the 4 existing hoardings to help to address concerns regarding the proliferation of signage. The proposed signage would be viewed contextually with business signage along Wellington Street and Cross

Lane and the adjoining Gorton District Centre, would thereby be related to a context with a notable representation of advertising signage. However, the principle concern would relate to the impact of introducing advertising with changing images in a highly prominent location. It is considered that this circumstance would have an obtrusive impact on the streetscene and adversely affect the character of the area. The principle of the proposed advertisement display is considered to be unacceptable.

Design and Impact on the streetscene - Whilst the height and display of the replacement signage would replicate existing circumstance, the nature of the display involving digital and changeable images would be significantly changed and thereby adversely affect the character of the streetscene.

Residential amenity - The only residential properties in the immediate vicinity of the site, are above the adjoining shop units although no residential units directly face onto the display, there will be angled views of the displays, from bedroom windows, and it is considered that the intermittent nature of the illumination has the potential to cause some disamenity to those residents.

Highways issues and function of the proposed signage - Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity and major roads / radial routes.

Conclusion - The proposed advertising hoarding would by virtue of its location, design and appearance would have a cumulatively and detrimental impact on visual amenity thereby constituting unduly obtrusive, incongruous and over dominant feature within the streetscene. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area contrary to government guidance contained in chapter 12 of the National Planning Policy Framework, 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) and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters).

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 polices 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 attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The applicant was advised of the City Council's concerns, in relation to this advertisement, and invited to withdraw the application, but no response was received.

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

1) The proposed advertising display would by virtue of its size, location, design and appearance, have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the streetscene and in a prominent location at the junction of two heavily trafficked roads. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area and be contrary to government guidance contained in chapter 12 of the National Planning Policy Framework, 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) and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan.

Informatives

1) 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).

Appendix 1 – List of consultees & neighbours notified

Highway Services

Kings Dental Centre, Unit 3, Gorton District Centre, Garratt Way, Manchester, M18 8HE
Flat 1, 61 Wellington Street, Manchester, M18 8TX
9 Cross Lane, Manchester, M18 8DD
5 Cross Lane, Manchester, M18 8DD
1 Cross Lane, Manchester, M18 8DD
67 Wellington Street, Manchester, M18 8TX
63 Wellington Street, Manchester, M18 8TX
59 Wellington Street, Manchester, M18 8TX
7 Cross Lane, Manchester, M18 8DD
Flat 2, 3 Cross Lane, Manchester, M18 8DD
Flat 1, 3 Cross Lane, Manchester, M18 8DD
65 Wellington Street, Manchester, M18 8TX
Flat 2, 61 Wellington Street, Manchester, M18 8TX
AGE CONCERN MANCHESTER, Units 1 To 2, Gorton District Centre, Garratt Way, Manchester, M18 8HE
8 Roxburgh Street, Manchester, M18 8WX
77A Wellington Street, Manchester, M18 8BE
73A Wellington Street, Manchester, M18 8BE
75A Wellington Street, Manchester, M18 8BE
Flat 8, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 5, James Court, 44A Wellington Street, Manchester, M18 8LJ
James Court, 44A Wellington Street, Manchester, M18 8LJ
46 Wellington Street, Manchester, M18 8LJ
8 - 10 Cross Lane, Manchester, M18 8WA
6 Cross Lane, Manchester, M18 8WA
77 Wellington Street, Manchester, M18 8BE
75 Wellington Street, Manchester, M18 8BE
73 Wellington Street, Manchester, M18 8BE
Flat 9, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 7, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 6, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 4, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 3, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 2, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 1, James Court, 44A Wellington Street, Manchester, M18 8LJ
Flat 10, James Court, 44A Wellington Street, Manchester, M18 8LJ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH2