MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126063/AOH/2020
Date registered valid:	11 February 2020
Proposal:	Removal of 1no. internally illuminated sequential advertisement and the installation of 1no. internally illuminated sequential digital display on the flank wall of 298 Oxford Road
Address:	298 Oxford Road, Manchester, M13 9NS
Ward(s):	Hulme Ward
Applicant:	Mr Thomas Johnston JCDecauxUK 991 Great West Road, Brentford, TW8 9DN
Agent (if any):	
Case officer:	Joe Hobbs Tel: 0161 600 8772 Email: j.hobbs@manchester.gov.uk
Recommendation:	REFUSE
Date of recommendation:	06.04.2020

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 11 February 2020 Expired: 3 March 2020

Neighbour notifications
Printed: 11 February 2020 Expired: 3 March 2020

Site notice
Posted: Expired:

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:

Description of area

The application relates to the building at 298 Oxford Road. The building is located in a highly prominent location at the junction of Oxford Road and Grafton Street - Oxford Road being a major arterial route into the city centre. The building appears to consist of a hot food takeaway at ground floor with residential accommodation above.

Previously approved applications on the site include the following:

- Temporary permission for small LED panel to existing advert panel in 1998 (app ref: 055651/AO/CITY2/98)
- - Illuminated double-sided projecting box sign; Illuminated fascia name sign; Neon lighting to front elevation in 1998 (app ref: 054516/AO/CITY2/98)
- Use of vacant premises as a take-away hot food shop on the ground floor with living accommodation above in 1985 (app ref: 024882)
- Illuminated fascia name sign in 1985 (app ref: 024881)

In June 2019, advertisement consent was refused for a similar scheme (123314/AOH/2019) for an internally illuminated sequential advertisement on the flank wall of the 298 Oxford Road. The subsequent appeal (APP/B4215/Z/19/3235489) was dismissed stating that "the proposal, by reason of its size, changing images and illumination, along with its elevated position and

prominent location, would be dominant and overbearing on the host building and within the street scene. As such the proposal would harm the amenity of the surrounding area."

Description of development

The proposal is for the removal of 1no. internally illuminated sequential advertisement and the installation of 1no. sequential digital display on the flank wall of 298 Oxford Road. The proposal is very similar in scale to that which was previously proposed and refused. The applicant has stated that the advertisement would continue to display images in sequence. The proposed replacement unit would be slimmer than the existing unit,. and would involve the removal of the supporting gantry.

Consultations & Notification Responses

Publicity was made regarding the application in the form of an advert in the local press, a site notice and letters to local neighbours.

1no. objection was received siting the following issues:

- Light pollution from the advert to adjoining business and nearby student residential accommodation
- Impact on visual amenity caused light pollution
- Potential highway safety implications
- Impact of installation of signage on local business

Highways services - no objections

Transport for Greater Manchester - no objections

Environmental Health - no objections

Issues

Applications for advertisement consent can be considered on the grounds of amenity and public safety:

Whilst it is noted that there is an existing advertisement in situ, The Advert Regulations (2007) Regulation 3(3) states that in taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed. In this instance, the current advertisement in situ has been disregarded in accordance with the provisions of the above regulations.

Amenity -

National Planning Policy Framework

Section 12 (Achieving well-designed places) - paragraph 132 of the NPPF (2019) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The proposed advertisement is considered to have been poorly sited and designed having no relation to the character and appearance of the streetscene, the host building or surrounding

buildings. The proposed advertisement would almost totally obscure the side elevation of the building and the advertisement is far larger than any other feature of the building, a clear demonstration of poor siting. The advertisement would also significantly project from the side of the building, protruding approximately 550mm from the elevation, thus showing it to have no relation to the character or design of the host building. The advertisement is over large as a feature of a building in comparison to the smaller scale features of the building and surrounding buildings and the panel would be an over dominant feature and obscuring the whole side elevation.

The following Core Strategy Policies are relevant to this application:

Policy T1 (Sustainable Transport) states that the Council will support proposals that improve pedestrian routes and the pedestrian environment.

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 DM1 (Development Management) states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail, the effects 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.

The advertisement is considered to be inconsistent with Core Strategy Policies SP1, DM1 and EN1. These policies seek to enhance the visual amenity of prominent access corridors and character areas and seek to achieve high standards of development and environmental treatment on sites adjoining radial entry routes into and through the City Centre. The display of the proposed advertisement is considered to be inconsistent with these policies, as it would have an unacceptable detrimental impact on the visual amenity of an area on a major radial entry route and principal corridor of movement into and out of the City Centre due to its size, design, location and appearance remaining in place for a long period of time.

The proposal is considered to be inconsistent with Policy DM1 as it is not considered that the proposal has had regard to appropriate siting, layout, scale, form, massing, materials and detail, the effects on amenity. The proposed advertising panel would dominate the side elevation of the building, clearly out of scale with the size of the host building. The siting of the proposed advert is obtrusive as it dominate the side elevation, and would be clearly visible to surrounding residential buildings at Horniman House (399-401 Oxford Road).

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 and the surrounding streetscape as described above.

Policy T1 seeks improvement of pedestrian routes and the pedestrian environment. The advertisement is of detriment to the adjacent pedestrian routes as it is out of scale in the locality and masks an elevation of the building.

The Unitary Development Plan for the City of Manchester

Policy DC15.1 of the UDP states that the following will be taken into account when assessing applications for the installation of advertisements, hoardings and posters:

1. The general location of the proposed development and the effect on visual amenity;
2. The scope for posters and hoardings to make a positive contribution to the locality;
3. The design of the structures and the relationship with any premises on which they are located;
4. The effect of the proposal on permanent redevelopment of the land;
5. The use of the hoardings to screen vacant sites or buildings during development, or where development is known to be imminent;
6. The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
7. The advertisements in the locality and their cumulative impact on visual amenity.
8. The ease with which the structure is capable of being satisfactorily maintained;

Additionally, Policy DC15.2 states that development of this kind should be in scale with the locality and relate properly to the site on which they stand;

The proposed advertisement is considered to be inconsistent with the above policies due to the following:

- The general location of the advertisement and its effect on visual amenity would be unacceptable and would not make a positive contribution to visual amenity within the locality;
- The advertisement would represent an obtrusive feature at the junction of a major routes into and out of the City Centre due to its size, location and design;
- The advertisement would not be in scale with its surroundings being overly large and obtrusive in comparison to the features of the existing adjacent buildings and the character and appearance of the streetscape;
- The advertisement would not relate properly to the site on which it would be located due to it's size, location and design; and considering that the advert would have no relation to the building on which it is located.
- The advertisement would not be in scale with its surroundings.
- The addition of large scale advert in this location would add to the cumulative effect on visual amenity given the existing advertisements in this location.
- Given the location of the proposed advertisement, there are concerns as to how satisfactorily the advertisement could be maintained.

The 1no. objection received raised the following concerns:

- Proposal would cause environmental light pollution harming local amenity
- Proposed works would be harmful to visual amenity, harming local business
- Disruption to local businesses through installation and maintenance of the panel

The acceptability of the proposed advertisement can only be considered in terms of amenity and public safety. Environmental Health have been consulted on the application, and were it to be approved have recommended a condition restricting glare and overspill. The potential of disruption through maintenance has been addressed above.

It should be noted that the current proposal is very similar to a similar scheme submitted in 2019 (123314/AOH/2019) , which was refused by the Local Planning Authority and dismissed at appeal (APP/B4215/Z/19/3235489). In this appeal decision, the inspectorate noted the following:

"As a result of its size, the advertisement would obscure much of the flank wall of the building and be considerably larger than any feature on the building, including the existing signage relating to its use. In addition, as a result of the depth of the structure, from certain vantage points, it would appear to project beyond the profile of the building. Consequently, the advertisement would appear out of scale with the host building and would dominate its appearance when viewed from Oxford Road. Even though the area is commercial in nature, there are no other examples of advertisements of this size and prominence in the locality. The size and regular changing of the display would draw the attention of passers-by and add to its prominence. As such the proposal would dominate the street scene at a busy road junction."

The Inspector's report concluded that: "the proposal, by reason of its size, changing images and illumination, along with its elevated position and prominent location, would be dominant and overbearing on the host building and within the street scene. As such the proposal would harm the amenity of the surrounding area."

The current proposal, is closely similar to the previously refused scheme, and would have similar impacts on visual amenity as the previously proposed scheme and as such would be contrary to policy and should be refused. It should also be noted that on 18th March 2020 the Local Planning Authority served a Discontinuance Notice on interested parties relating to then advertisement that is currently in situ at 298 Oxford Road, a further demonstration of the Local Planning Authority's view that the presence of an advertisement in this location is unacceptable.

Conclusion

Attention has been given to the visual impact of the advertisement upon the character and appearance of the existing building, the adjacent buildings and the surrounding streetscape. It is considered that the proposed advertisement would have a detrimental impact on the amenity of the existing building the adjacent buildings and the surrounding streetscape and would be injurious to visual amenity in the area.

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:

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 display by reason of its size, appearance, elevated position, means of illumination and digital display, would create an intrusive and over-dominant feature in the street-scene along one of the City's main radial routes, to the detriment of visual amenity within the area, and to the detriment of pedestrian routes in this area. The proposed advertisement is therefore contrary to saved policy DC15 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1, T1 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 advertisement display by reason of its size, appearance, elevated position, means of illumination and digital display, would form an incongruent feature with a poor relationship to the host building, to the detriment of visual amenity within the area. The proposed advertisement is therefore contrary to saved policy DC15 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).

3) The proposed advertisement display by reason of its size, appearance, elevated position, means of illumination and digital display, would be an over-dominant and intrusive feature in the street scene and would add to existing advertisement clutter and illumination, to the detriment of visual amenity within the area. The proposed advertisement is therefore contrary to saved policy DC15 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).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
Flat Above, 298 Oxford Road, Manchester, M13 9NS
Costa Coffee, Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
Sainsburys, Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
403 - 409 Oxford Road, Manchester, M13 9WG
Flat 313, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 310, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 308, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 305, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 303, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 203, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 113, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 111, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 108, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 106, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 104, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 101, Horniman House, 66 Grafton Street, Manchester, M13 9NT
397 Oxford Road, Manchester, M13 9BL
391 - 395 Oxford Road, Manchester, M13 9BL
Flat 312, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 311, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 309, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 307, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 306, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 304, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 302, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 301, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 213, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 212, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 211, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 210, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 209, Horniman House, 66 Grafton Street, Manchester, M13 9NT
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Flat 201, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 112, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 110, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 109, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 107, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 105, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 103, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 102, Horniman House, 66 Grafton Street, Manchester, M13 9NT
296 Oxford Road, Manchester, M13 9NS

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: CITY1