MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139728/AOH/2024
Date registered valid:	8 April 2024
Proposal:	Installation of digital advertising display integrated within replacement digital communications kiosk.
Address:	Pavement Outside 121 Oxford Road, Manchester, M1 7DU
Ward(s):	Hulme Ward
Applicant:	Mr Ben Porte New World Payphones
Agent (if any):	
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Refuse

Date of recommendation: 29/05/2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 17 April 2024 Expired: 9 May 2024

Neighbour notifications
Printed: 17 April 2024 Expired: 9 May 2024

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

The application relates to a section of public footway to the front of no121 Oxford Road. The pavement is completed in tarmac and features no existing street furniture.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site lies along Oxford Road, an arterial A road that provides vehicular and pedestrian access to the heart of Manchester City Centre. The local area around the application site lies opposite All Saints Park and to the south of the section of Oxford Road that is bisected by the Mancunian Way. Built development is varied with terrace properties of varying age and design being present along the eastern side of Oxford Road, a high concentration of Grade II listed buildings is then present to the south and south-east, to the north-east there is a live planning permission for the erection of a 13 storey library building. The public footway lies adjacent to a cycle way and is then populated by various pieces of street furniture including lampposts, post boxes, public bins, street trees and cycle stands. Neighbouring advertisements consist of internally and externally illuminated fascia and projecting signs.

Description of development

The application seeks advertisement consent for the siting of a 1635mm high by 924mm wide digital advertisement display along the public footway to the front of no121 Oxford Road.

Planning History

139727/FO/2024 - Installation of single black digital communications kiosk – Application pending consideration.

112645/TEL/2016 - Prior Approval for the installation of a telephone kiosk – Refused August 2016.

Consultations & Notification Responses

Cadent Gas – No objection subject to an informative relating to Cadent Gas infrastructure.

Environmental Health – No objection subject to conditions relating to external lighting, external speakers and a maintenance management plan.

Highways – Objection on the grounds the proposals would increase street clutter along the public footway. Footways within the City Centre are cluttered and there is a clear need to reduce the level of street furniture to allow for unobstructed footways.

Publicity – None received.

Policy

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 Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas

- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:
- Policy DC15 – Advertisements, Hoarding and Posters
- Policy DC17 – Telecommunications
- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed and Beautiful Places
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990

Issues

Visual Amenity

The proposal would see the installation of a digital advertisement screen that would cycle through separate advertisement/content every 10 seconds. If implemented, the digital advertisement would be the only piece of development of its kind along the eastern side of Oxford Road, with neighbouring advertisements serving commercial units and being limited to static fascia and projecting signs. It is considered the digital board would stand in harsh contrast to the aforementioned advertisements, representing an intensification of this form of development along Oxford Road. Furthermore, the proposed advertisement would detract from the works undertaken to uplift the appearance of Oxford Road, this being the implementation of a cycle lane, street trees and the approval of high quality built development, in the form of the 13no storey library building to the west of the application site.

As previously noted within this report, a high number of Grade II listed buildings lie to the south of the application site. Due to the sizeable separation distance between said buildings and the application site, it is considered that the proposal is sufficiently distanced so as not to affect their setting.

The section of public footway the advertisement would be installed along is home to a high number of varying pieces of street furniture, several of which provide various public benefits, this includes public bins, cycle stands, lighting columns and post boxes. In contrast to this however, the installation of an advertisement board would not bring about any wider public benefit. In addition, the proposal is contrary to the aims of the City Council to reduce street clutter along the footways within the City Centre, as noted within Highways' consultation response, with the proposal increasing the amount of street furniture in the local area with no wider public benefit.

The applicant makes reference to advice given to JC Decaux and Infocus regarding strategies for new advertisement billboards in the City Centre and their role in helping declutter City Centre public realm. These advertisements, including the one referenced nearby to the application site, are part of a carefully considered strategy of digital advertisement screens which have involved

significant levels of engagement between the City Council and providers in order to ensure minimal clutter on City Centre streets, and in the case of permission 130413/FO/2021 saw a net removal of street clutter from the street scene. The proposed digital advertisement board would undermine this strategy through the installation of additional and unconsidered clutter.

By virtue of the design of the digital sign would be visually intrusive and would create visual clutter which would detract from visual amenity and thereby fail to contribute positively to the experience of all at street level. This would therefore be contrary to policies DM1, SP1 and EN1 of the Manchester Core Strategy (2012)

Highway Safety

The proposed development would be situated along a section of busy footway that lies adjacent to an arterial a road and cycle lane. Notwithstanding this, no objection has been received citing concern over pedestrian and highway safety. Subject to appropriate planning condition that would see the luminance level of the advertisement limited to 300cd/m2 during hours of darkness and inclement weather, and other conditions that would forbid the use of external speakers and intervals between advertisements, the proposed development would not pose any risk to public safety.

Conclusion

In light of the above it has been found that the proposed development would have an unacceptable impact on visual amenity by virtue of its siting, design, size and digital nature. The development is therefore contrary to Manchester Core Strategy Policies SP1, EN1 and DM1, Saved Unitary Development Plan Policy DC15, Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the National Planning Policy Framework. Therefore the application is recommended for refusal.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

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

1) The proposed digital advertising display, by virtue of its siting, design, and appearance, would form an overly dominant and visually intrusive feature within the street scene. In addition, the digital display would contribute towards advertisement clutter in a prominent location in the city centre. The proposal would have a negative effect upon current efforts to de-clutter, regenerate, and improve adopted highway within the City Centre environment in the interest of optimising the pedestrian environment and public realm, such as at the All Saints Library development. The proposal would therefore result in an unduly harmful impact on the visual amenity. The advertisement is therefore contrary to the provisions of policies SP1, EN1, and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester (1995), Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Advice Centre, Sidney Street, Manchester, M1 7HB
Cafe, 107 Oxford Road, Manchester, M1 7DU
111 Oxford Road, Manchester, M1 7DU
Apartment 2, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 17, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 15, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 13, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 10, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
129 Oxford Road, Manchester, M1 7DY
First Floor, 127A Oxford Road, Manchester, M1 7DY
Flat 12, 117 Oxford Road, Manchester, M1 7DU
Flat 9, 117 Oxford Road, Manchester, M1 7DU
Flat 6, 117 Oxford Road, Manchester, M1 7DU
115B Oxford Road, Manchester, M1 7DU
115A Oxford Road, Manchester, M1 7DU
115 Oxford Road, Manchester, M1 7DU
Flat 14, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 12, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 10, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 7, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 5, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 2, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Top Flat, 129 Oxford Road, Manchester, M1 7DY
117 Oxford Road, Manchester, M1 7DU
Apartment 21, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 20, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 19, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 18, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 16, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 14, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 12, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 11, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 1, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Second Floor, 125 Oxford Road, Manchester, M1 7DU
Ground Floor, 125 Oxford Road, Manchester, M1 7DU
131 Oxford Road, Manchester, M1 7DY
All Saints Campus, Oxford Road, Manchester, M15 6BH
Apartment 9, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 8, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 7, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 6, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 5, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 4, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 3, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 23, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 22, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
127A Oxford Road, Manchester, M1 7DY
Flat 14, 117 Oxford Road, Manchester, M1 7DU

Flat 13, 117 Oxford Road, Manchester, M1 7DU
Flat 11, 117 Oxford Road, Manchester, M1 7DU
Flat 10, 117 Oxford Road, Manchester, M1 7DU
Second Floor, 127A Oxford Road, Manchester, M1 7DY
119 Oxford Road, Manchester, M1 7DU
Flat 8, 117 Oxford Road, Manchester, M1 7DU
Flat 7, 117 Oxford Road, Manchester, M1 7DU
Flat 5, 117 Oxford Road, Manchester, M1 7DU
Flat 4, 117 Oxford Road, Manchester, M1 7DU
Flat 3, 117 Oxford Road, Manchester, M1 7DU
Flat 2, 117 Oxford Road, Manchester, M1 7DU
Flat 1, 117 Oxford Road, Manchester, M1 7DU
135B Oxford Road, Manchester, M1 7DY
135A Oxford Road, Manchester, M1 7DY
127 Oxford Road, Manchester, M1 7DY
125 Oxford Road, Manchester, M1 7DU
123 Oxford Road, Manchester, M1 7DU
Flat 15, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 13, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 11, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 9, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 8, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 6, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 4, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 3, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 1, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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: CENTRAL