

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138522/AO/2023

Date registered valid: 4 December 2023

Proposal: Installation of 1no internally illuminated LED digital display screen.

Address: Frog And Bucket, 102 Oldham Street, Manchester, M4 1LJ

Ward(s): Piccadilly Ward

Applicant: Toomey Frog and Bucket

Agent (if any): Carter Scanlite

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23/01/2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 8 December 2023 Expired: 29 December 2023

Neighbour notifications

Printed: 8 December 2023 Expired: 29 December 2023

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 site relates to the Frog and Bucket, a comedy club located by New Cross. The building is a

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of area

The site is on the northern edge an area of the City Centre known as the Northern Quarter which contains a variety of uses including bars, restaurants, cafes, offices, residential apartments, hotel uses, car parking and places of worship. Many of the uses within the Northern Quarter are independent. The site is located on the corner of Oldham Street and Great Ancoats Street where Swan Street and Oldham Road also converge. Consequently, the site is located at a busy, complex intersection at the intersection of one of Manchester's major radial routes (Oldham Road) and circulatory traffic routes around the City Centre (Great Ancoats Street/Swan Street). It also sits within the Stevenson Square Conservation Area and within the setting of two Grade II listed buildings at 2-4 Swan Street and 2 Oldham Road.

Description of development

The development relates to the installation of 1no. digital advertising screen to the curved corner elevation of the Frog and Bucket. The screen itself would be curved, LED and measure 4160mmx2880mm.

Consultations & Notification Responses

Publicity – letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health – no objections, condition requested as follows:

- No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images.
- No individual advertisements shall be displayed for duration of less than 10 seconds.
- Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- 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. (agree that the display has an auto shut off in the event it malfunctions)
- The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather. (agree the levels will not exceed 300 cd/m² night and 600 cd/m² day time)

Reason - To safeguard the amenities of the occupiers of nearby properties.

Highway Services – concerns regarding interactions between digital billboard and traffic signals which could lead to driver distraction.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007

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 main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity and impact upon public safety. The main policies that relate to the assessment of the proposal are the Town and Country Planning (Control of Advertisements) Regulations 2007 and Core Strategy policies DM1 (Development Management), SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas) and EN3 (Heritage), the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC15 (Advertisements, Hoardings and Posters) and E3.3 (Environmental Improvement and Protection) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

Issues

The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. An assessment of the proposals under these criteria is outlined below.

Visual amenity

This application seeks the installation of 1no. high level digital advertisement screen to the curved upper floor element to the corner of the Frog and Bucket building. This curved wall, by virtue of its location above the main entrance to the building and the junction of Oldham Street and Great Ancoats Street, is a highly prominent feature within the street scene. The proposed digital display would replace an existing static, non-illuminated sign of a similar size and siting. The existing sign has not been granted express consent, although evidence suggests it has deemed consent by virtue of being in situ for over 10 years.

Digital advertisement displays, which have greater brightness than traditional poster boards are more visible and hence have more prominence in the street scape. As per the submitted lighting assessment, the screen would display rotating content. This content consists of static images rather than video content. Nevertheless, the rotation of displays can create 'movement', as noted by the inspector in their decision to dismiss the appeal related to a digital display refused under app. ref. 127006/AO/2020. The inspector found that this movement, combined with the greater vividness and brightness, of digital displays makes them more visually prominent than their non-digital counterparts. Likewise, it is considered the proposed digital display would be more visually prominent than that currently in situ due to the digital nature of the display.

Saved Policy DC15.1(j) of the Unitary Development plan 1995 requires cumulative effects of advertisements to be considered. The building upon which the screen is proposed to be installed already benefits from numerous signs and advertisements, none of which have been granted express consent. There are 2no. advertisement banners, one to each elevation, together with 12no. posterbox advertisements and 6no. window vinyl across the building in addition to the existing high-level signage on the curved corner elevation. It is considered that the building already suffers from extensive advertisement clutter and hence, the addition of an overly obtrusive digital element would further increase this sense of clutter in a manner that would be detrimental to the visual amenity of the street scene.

Given the harm to visual amenity that would be created by the proposed digital advertising screen and its location at a key gateway into the city centre at the terminus of a major radial route (Oldham Road). The City Council has a robust position on new signage along the key arterial routes leading into the city centre, pursuant to the longstanding strategy to upgrade arterial routes reflected in saved policy E3.3 of the UDP (1995) which seeks to improve visual amenity on these roads and encourage high-quality new development. The proposal would, therefore, undermine a longstanding aim of the City Council.

Impact on designated heritage assets

Considerations of the impacts of the development on visual amenity are of particular significance at the proposed location. The development site falls within the Stevenson Square Conservation Area as well as within the setting of a Grade II-listed former Midland Bank at 2 and 4 Swan Street. The surrounding area is therefore one of special historic significance and high amenity value to the city. Poor quality development in the conservation area which would fail to protect or enhance its appearance and character is resisted by the City Council, pursuant to saved policy DC18.1 of the UDP and policy EN3 of the MCS, whilst saved policy DC15.2 states that advertisements should not intrude into areas of high amenity value, which the City Council considers to include the Stevenson Square Conservation Area.

The introduction of a LED screen on the building's primary elevation within the conservation area would be highly incongruous with the historic character of the conservation area and the surrounding listed buildings. It is considered that the installation of a digital billboard, which would be read as and clearly modern element, would fail to relate appropriately to the historic character of the Conservation Area. Additionally, by virtue of its increased prominence within the street scene and location at the norther tip of Oldham Street, it would dominate views at this key gateway into the Stevenson Square conservation area.

Public safety

The site is adjacent to the junction of a gateway routes into Manchester together with the ring road. The junction of is complex and highly trafficked, with a multi lane system, bus gate, cycle lane and multiple pedestrian crossings. Consequently, it requires additional concentration from drivers.

Concerns have been raised by MCC Highways Services that the presence of an illuminated LED digital display screen, which would directly face onto the junction of Oldham Road and Great Ancoats Street/ Ring road (A665) intersection, could lead to distraction to all road users at this high traffic junction, thereby resulting a public safety issue. There are also concerns that the proposed screen would interfere with the view of the junction signal-heads for approaching drivers.

There is insufficient information submitted with the application to demonstrate otherwise which would be contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, in particular Regulation 3 Paragraph 2b(i), Section 12 Paragraph 136 of the NPPF (2012) and Policy DM1 of the Manchester Core Strategy (2012).

For these reasons, the proposed development is considered unacceptable on the grounds of both visual amenity and public safety. Therefore, it is recommended that permission for the proposed development is refused.

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

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, constituting an obtrusive, incongruous and over dominant feature located in a prominent location adjacent to radial entry routes into and throughout the City Centre and within the Stevenson Square Conservation Area (which also contains a number of listed buildings). The signage would have an unduly harmful impact on the character and appearance of the area forming a highly visible feature within the street scene. The current proposal would therefore be 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 T.1 (Sustainable Transport), EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage), EN3 (Heritage), DM1 (Development Management), SP1 (Spatial Principles) and EN12 (Area priorities for Open Space, Sport and Recreation), 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), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) and E3.3 (Environmental Improvement and Protection) of The Unitary Development Plan for the City of Manchester (UDP).

2) The installation of a digital advertisement display would create driver distraction at a complex highway junction. There is insufficient information submitted with the application to demonstrate that the digital display would not increase the risk of accidents along this section of highway. The advertisement would therefore result in an unduly harmful impact on public safety which is contrary to the provisions of the TCPA (Control of Advertisements) Regulations 2007, policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14.5 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

4 Swan Street, Manchester, M4 5JN
Basement And Ground Floor, 2 Swan Street, Manchester, M4 5JN
Third Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Room 6, 5 Swan Street, Manchester, M4 5JJ
WORK SOLUTIONS, 116 Tib Street, Manchester, M4 1LR
Commonwealth House, 22 - 30 Great Ancoats Street, Manchester, M4 5AB
Flat 12, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Third Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Flat 1, 4 Swan Street, Manchester, M4 5JN
Room 1, 5 Swan Street, Manchester, M4 5JJ
Room 2, 5 Swan Street, Manchester, M4 5JJ
Room 4, 5 Swan Street, Manchester, M4 5JJ
143 - 147 Oldham Street, Manchester, M4 1LN
Close Male Grooming, Ground Floor, 22 Great Ancoats Street, Manchester, M4 5AB
Flat 6, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 8, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Fourth Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
2 Swan Street, Manchester, M4 5JN
7 - 9 Swan Street, Manchester, M4 5JJ
Flat 19, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
133 Oldham Street, Manchester, M4 1LN
Room 13, 5 Swan Street, Manchester, M4 5JJ
Flat 2, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 10, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 18, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 4, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Room 9, 5 Swan Street, Manchester, M4 5JJ
135 - 141 Oldham Street, Manchester, M4 1LN
Flat 16, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 14, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 3, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
CLOSE MALE GROOMING LTD, Part Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
Crown And Kettle, 2 Oldham Road, Manchester, M4 5FE
2 - 4 Swan Street, Manchester, M4 5JN
First Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Room 10, 5 Swan Street, Manchester, M4 5JJ
Room 5, 5 Swan Street, Manchester, M4 5JJ
Room 3, 5 Swan Street, Manchester, M4 5JJ
The Quick Brown Fox, 1 - 3 Swan Street, Manchester, M4 5JJ
22 Great Ancoats Street, Manchester, M4 5AB
Unit 1, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Second Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Ground Floor, 9 Great Ancoats Street, Manchester, M4 5AD
9 Great Ancoats Street, Manchester, M4 5AD
First Floor And Second Floor, 2 - 4 Swan Street, Manchester, M4 5JN
Room 7, 5 Swan Street, Manchester, M4 5JJ
Buckley Frayne Estate Agents, 6 - 14 Great Ancoats Street, Manchester, M4 5AZ
Flat 7, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ

Flat 17, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Basement, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Basement And Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
4 Oldham Road, Manchester, M4 5FE
City Warehouse Apartments, 4 Great Ancoats Street, Manchester, M4 5AZ
Second Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Flat 11, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 1, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Room 8, 5 Swan Street, Manchester, M4 5JJ
Room 14, 5 Swan Street, Manchester, M4 5JJ
Room 11, 5 Swan Street, Manchester, M4 5JJ
Room 12, 5 Swan Street, Manchester, M4 5JJ
Basement And Ground Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Flat 9, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
5 Swan Street, Manchester, M4 5JJ
Room 15, 5 Swan Street, Manchester, M4 5JJ
Flat 5, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
Flat 15, The Burton Building, 90 - 94 Oldham Street, Manchester, M4 1LJ
CLOUDY LIMITED, First Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Conservation Area - Stevenson Square Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL