

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 137992/AOH/2023  
**Date registered valid:** 5 October 2023  
**Proposal:** Installation of LED Display  
**Address:** Corner Of Loverose Way And The Avenue , R/O 3 Hardman Street,  
Spinningfields, Manchester, M3 3HF  
**Ward(s):** Deansgate Ward

**Applicant:** Ocean Outdoor UK Ltd  
**Agent (if any):** Paul O Neill Metropolis Planning & Design  
**Case officer:** Max Gibson  
Tel: 0161 219 6359  
Email: [maximillian.gibson@manchester.gov.uk](mailto:maximillian.gibson@manchester.gov.uk)

**Recommendation:** Approve  
**Date of recommendation:** 31/10/2023

## Application details

**Type of application:** Advertisement Hoardings Consent

**Development type:** Advertisements

**Date of site visit:**

### Standard consultations:

Printed: 9 October 2023    Expired: 30 October 2023

### Neighbour notifications

Printed: 9 October 2023    Expired: 30 October 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 corner of the ground floor of the mixed use office and commercial building at the convergence of Loverose Way and the Avenue in Spinningfields. There are currently two advertising boards in situ, one larger one on The Avenue and a smaller one on Loverose Way.

**Listed building:** Not applicable

**Conservation area:** n/a

**Tree Preservation Order:** n/a

### Description of area

The application site is located within the Spinningfields area of Manchester City Centre which contains a mixed of uses including financial and professional services as well as leisure uses. It is bounded by Deansgate, the River Irwell, Quay Street and Bridge Street. The site is not within a Conservation Area.

### Description of development

The application relates to the installation of a new digital billboard at the same location. The board would have the same overall dimensions as the existing displays. However, the bar/border that separates the two existing boards at the corner of the building would be removed. This would create an impression of one continuous digital screen that wraps around the corner of the building. The technology of the screen would also allow it to give an impression of three-dimensional depth.

### 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.

*Highways Services* – It is understood that the proposed luminance for the sign is 300 cd/m<sup>2</sup>, which is in line with the 600cd/m<sup>2</sup> maximum stated by the Lighting Engineers with Institute of Lighting Professionals. Both Loverose Way and The Avenue are not adopted therefore a Projection over License is not required for this sign. Notwithstanding this, the proposed sign extends to a maximum projection of 100mm therefore it is below the minimum threshold for this requirement if the road was adopted. The proposed signage complies with headroom and carriageway clearance requirements.

*Environmental Health* – No objections, condition controlling matters including content, illuminance and duration of display recommended. An appropriate condition is attached to this approval.

## **Policy and legislation**

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 policies that relate to this application are CC9 (Design and Heritage) and EN3 (Heritage) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and Related Signs), DC15 (Advertisements, Hoardings and Posters), DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for Manchester (1995) and Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

## **Issues**

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

### *Visual amenity*

The proposed billboard, by virtue of its scale and siting, would have a similar appearance to the existing billboards. The most notable difference would be the seamlessness between the two alternatively oriented screens which would give the impression of the screen wrapping around the corner of the building.

Observations by officers have indicated that the existing screens are not functioning correctly, creating a empty, dark elevational feature which is aesthetically unpleasing.

The proposed screen would remedy these issues by providing a correctly functioning display. The display would also have a technology incorporated which would afford adverts a 3D impression. This could make the adverts marginally more prominent, however, not to a degree that would warrant a refusal.

The illuminance levels, duration of display, content and protocol in the event of malfunctioning would be controlled by condition in order to protect the amenity of surrounding occupiers and passers-by.

On balance, given that the proposed screen will take up no greater area than that currently in situ, it is considered that the screen would have a neutral impact on visual amenity.

#### *Public safety*

The advertisement would be displayed on a pedestrianised street, which is not adopted highway, and is therefore unlikely to give rise to any public safety concerns. Highways services have assessed the application and no concerns were raised. The development is therefore considered to be acceptable with regard to public safety.

#### **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 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:** Approve

#### **Article 35 Declaration**

n/a

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2) The advertisement hereby approved shall be displayed in accordance with the following drawings and documents:

- Drawing - Existing & Proposed PLANS AND ELEVATION
- Drawing - Existing & Proposed DIGITAL SIGN DRAWING PACK
- Correspondence COVERING LETTER

All received by the City Council, as Local Planning Authority, on 31/10/2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007, Sections 12 of the National Planning Policy Framework, policies DM1 and SP1 of the Core Strategy (2012) and saved policy DC15 of the Unitary Development Plan (1995).

- 3) a) The intensity of the illuminance of the advertisement shall be no greater than 600 cd/m<sup>2</sup> during the daylight hours and no greater than 300 cd/m<sup>2</sup> during hours of darkness
- b) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels and the limit in part a) above during the daytime and set to a maximum brightness of 300 cd/m<sup>2</sup> during hours of darkness.
- c) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- d) The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays
- e) There shall be no audio or audible element associated with the digital display screen
- f) Should a malfunction, breakdown or fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason - in the interests of amenity pursuant to policies DM1 and SP1 of the Manchester Core Strategy.



## **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

Advertising Right Outside 3, Hardman Street, Manchester, M3 3HF  
Eleventh Floor, 3 Hardman Street, Manchester, M3 3AU  
Tenth Floor, 3 Hardman Street, Manchester, M3 3HF  
Australasia, 2 Spinningfields Square, Manchester, M3 3AP  
Unit G22, 2 Spinningfields Square, Manchester, M3 3AP  
2 Spinningfields Square, Manchester, M3 3AP

## **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