

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137937/AOH/2023

Date registered valid: 29 August 2023

Proposal: Installation of LED screen advertisement replace existing advert (express consent approved under application 116813/AOH/2017 through appeal APP/B4215/Z/17/3187097)

Address: 216 Upper Brook Street, Manchester, M13 9LY

Ward(s): Ardwick Ward

Applicant: Urban and Provincial Advertising Limited

Agent (if any): Mr Richard Page Wildstone

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

Recommendation: Approve

Date of recommendation: 19/10/2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 5 September 2023

Expired: 26 September 2023

Neighbour notifications

Printed: 5 September 2023

Expired: 26 September 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 side elevation of number 216 Upper Brook Street, an end of terrace building comprising a commercial use to the ground floor and a residential use to the upper floors. On the elevation there is a digital billboard in situ, which was granted consent through appeal APP/B4215/Z/17/3187097.

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The site is located at the junction of Upper Brook Street and Grafton Street. The proposed advertisement is to be sited on the North-Westerly elevation of the building fronting Grafton Street and is to replace signage currently in place. The site is located directly behind Manchester Royal Infirmary, and adjacent to the entrance to the MRI Accident and Emergency on Grafton Street. Directly opposite the site is the University of Manchester Innovation Centre (UMIC). And diagonally over the road (A34) stands a major private Student Halls of Residence at Nick Everton House.

Description of development

The development relates to the replacement of the existing digital billboard with a new digital billboard.

Consultations & Notification Responses

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

Environmental Health – no objections, two conditions requested regarding light, one to prevent light overspill and glare and the other to control content, illuminance and transitions.

Highways Services – condition requested controlling illuminance levels, content etc as above.

Policies

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 DM1 (Development Management) and SP1 (Spatial Principles) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and Related Signs) and DC15 (Advertisements, Hoardings and Posters) of the Unitary Development Plan for Manchester (1995) and Section 12 (Achieving well-designed places) 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, design and siting, would form an overly dominant and obtrusive feature on the secondary elevation or 216 Upper Brook Street and within the wider street scene. It will replace an existing digital billboard which was granted consent following an appeal to the Planning Inspectorate. By virtue of the express consent granted for the existing billboard the principle of a billboard at this location is accepted.

The proposed billboard will be slightly reduced in scale and depth compared to the current billboard by virtue of the more slimline frame and structure. This would ensure the new billboard does not project beyond the edge of the building, not over the adjacent window, as the current billboard does. Hence it is considered that it would be marginally less obtrusive than that in situ. The display itself is the same size as existing (no.48 sheet) and thus it is considered that,

despite the harm caused by an advertisement display at this location, the proposed billboard would have a neutral impact on visual amenity. Thus, on balance, the proposed billboard is considered to be acceptable in regard to its effect on visual amenity.

To ensure the proposed billboard is not more visually prominent than that in situ, a condition is attached to this approval to control the display, including illuminance levels, duration of display and automatic switch-off in the case of break down.

Residential amenity

The proposed billboard would be mounted to the side wall of an end of terrace mixed use building which comprises a commercial use to the ground floor and residential use above. There are two windows directly adjacent to the billboard on its right-hand side. There is, therefore, potential for light overspill and glare to enter the residential property via these windows, to the detriment of the amenity of the occupiers.

Public safety

The application was assessed by Highways to ensure the display would not be detrimental to public safety. It was noted that maximum illuminance level of the digital display was 5000cd/m² and therefore this would not be supported by Highways. The applicant has confirmed by email that the illuminance level would be c.2000-4000 cd/m², with illuminance auto dimmable in relation to changes in ambient light levels and controlled to 300cd/m² in inclement weather and the hours of darkness.

As per Highways and Environmental Health, a condition is attached to this approval to control the illuminance in accordance with the above stated levels, as well as controlling the content and duration of display to minimise driver distraction.

Conclusion

Given the above, the display of the advertisement billboard is considered acceptable pursuant to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies DM1 and SP1 of the Manchester Core Strategy, saved policies DC14 and DC15 of the Unitary Development Plan and Section 12 of the NPPF.

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

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawing - Existing & Proposed X4 ELEVATIONS INC. LOCATION AND SITE PLANS received by the City Council, as Local Planning Authority, on 29/08/2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2) 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.

3) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.

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.

The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather.

Reason – in the interest of amenity and public safety pursuant to policy DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 50 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 140 Room A, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 122 Room B, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 68 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 86 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 38 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 62 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 133 Room D, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 160 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 181 Room A, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 2 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 163 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 31 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 123 Block E, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 145 Room C, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 155 Room B, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 142 Room F, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 154 Room D, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 147 Room D, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 150 Room A, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 159 Room C, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 156 Room B, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 159 Room B, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 155 Room D, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 157 Room B, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 148 Room F, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 147 Room C, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 148 Room E, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 51 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 186 Room C, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 28 Block B, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 104 Room B, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 182 Room C, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 98 Room A, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 128 Room C, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 82 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 108 Room B, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 36 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 5 Block B, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 4 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 74 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 23 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 99 Room B, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 69 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 40 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 101 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 133 Room B, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 122 Block E, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 135 Room A, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR

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Flat 146 Room B, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 154 Room E, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 151 Room D, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 158 Room A, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 150 Room C, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 145 Room G, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 148 Room C, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 151 Room E, Block F Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 126 Room C, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 127 Room D, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
The Core Technology Facility, 46 Grafton Street, Manchester, M13 9NT
Flat 156 Block F, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 173 Room B, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 72 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 8 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 98 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 38 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 18 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 17 Block B, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 52 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 118 Room B, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 175 Room E, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 116 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 58 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 139 Room A, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 158 Block F, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 49 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 169 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 169 Block H, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 172 Room B, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 27 Block B, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 67 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 184 Room D, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 121 Room D, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 94 Room B, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 148 Block F, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 12 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 178 Room B, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 42 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 69 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 120 Room C, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 45 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 56 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 84 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 35 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 134 Block E, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 111 Room A, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 162 Block H, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 68 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 171 Room E, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 113 Room A, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 134 Room D, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 112 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 41 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR

Flat 107 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 75 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 173 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 6 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 167 Room B, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 99 Room A, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 12 Block B, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 140 Room B, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 74 Block C, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 187 Room A, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 164 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 9 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 172 Room C, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 97 Block D, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 104 Room A, Block D Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 83 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 188 Room A, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 37 Room B, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 161 Room A, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 17 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 85 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 76 Room A, Block C Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 6 Room A, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 186 Block J, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 181 Room B, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 189 Room A, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 139 Block E, Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 119 Room B, Block E Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 178 Room A, Block J Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 161 Room D, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 2 Room B, Block B Nick Everton House, 78 Grafton Street, Manchester, M13 9LR
Flat 161 Room C, Block H Nick Everton House, 78 Grafton Street, Manchester, M13 9LR

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