

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138548/AOH/2023

Date registered valid: 14 November 2023

Proposal: Continued siting of double sided LED advertisement totem for 2.5 years

Address: Advertising Right Ocean Outdoor Digital Outside 188, Deansgate, Manchester, M3 3WB

Ward(s): Deansgate Ward

Applicant: Mrs Susan Fleming Ocean Outdoor UK Ltd

Agent (if any):

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11/01/2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 17 November 2023

Expired: 8 December 2023

Neighbour notifications

Printed: 17 November 2023

Expired: 8 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 application relates to a section of pavement on the western side of Deansgate at the junction where King Street West and King Street meet Deansgate. The site is characterised by a single unauthorised double sided digital advertisement totem, that has a height of 2402mm, a depth of 255mm and a width of 1300mm. The totem received temporary planning permission to be displayed a 12 month period in October 2017 but has since been displayed without advertisement consent.

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application site lies on Deansgate, a major commercial road that provides access to much of the City Centre and Primary Shopping Area, as such the neighbouring area is populated by a high number of properties in commercial use. The site also lies within the Deansgate Conservation Area, and thus neighbours buildings of historical importance and interest, this includes no184 and no186 Deansgate, Onward Buildings and Royal Lond House, all of which are Grade II listed. The application site lies adjacent to a commercial unit at the base of no188-192 which is in use as a drinking establishment and features an outdoor seating area. Neighbouring advertisements consist of those which relate to commercial units, in the form of branded awnings, fascia signs and projecting signs.

Description of development

The application seeks advertisement consent for the continued siting of the totem for a further period of two and a half years so that the advertisement may be regularised till the end of the applicant's contract with Manchester City Council, which expires on the 30th June 2026.

Planning History

122409/AO/2019 - The display of advertisements on 4 black fabric barriers, with gold lettering supported on stainless steel round posts – Approved April 2019.

122408/FU/2019 - Use of external paving for the siting of 7 tables, 23 chairs and 8 barriers associated with and ancillary to the restaurant/bar within the ground floor of 188-192 Deansgate – Approved April 2019.

116860/AO/2017 - Temporary consent for 12 months for display of double sided digital interactive advertising totem on pavement in front of building. Advertising screen to be in operation 24 hours a day, displaying static images only – Approved October 2017.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions relating to the control of the light, imagery and sound of the proposed advertisement, and the submission of a maintenance plan.

Highways – No objection.

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 CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- 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, Hoardings and Posters
- Policy DC18 – Conservation Areas

Other Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Visual Amenity

The application site lies within an area characterised by a high number of commercial properties. The digital advertisement boards/totems in areas of historical significance has a harmful impact on local visual amenity by virtue of their nature as modern advertisements that stand in harsh contrast to their more historic environment. The advertisement in question is the only of its type within the locality and thus appears alien to its surroundings to the detriment of local amenity.

It is also noted the original approval of the advertisement under application 116860/AO/2017 was only deemed to be acceptable on the basis that it would only be sited for a twelve month period. The advertisement now having been displayed for over five years and permission being sought until June 2026 would border on being a permanent addition to the street scene.

Since the advertisement was granted in 2017, the City Council has also brought forward significant improvements to Deansgate including its partial pedestrianisation in order to improve the public realm and pedestrian experience. This advertisement is contrary to the vision to remove clutter and improve pedestrian movement in this part of the city centre.

On this basis, the sign is found to have an unacceptable impact on visual amenity and is therefore contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC15 and DC18, Places for Everyone Plan Policy JP-P2, National Planning Practice Guidance and the National Planning Policy Framework.

Highway Safety

The application site, as mentioned previously is located on a section of public pavement that neighbours a road junction and an outdoor seating area serving a neighbouring commercial unit. Environmental Health do not object to the proposal subject to conditions that would require the proposed advertisement to not have a luminosity of 600cd/m² in hours of light and 300cd/m² in hours of darkness; that the luminance level be controlled via a light sensor that shall reflect ambient light levels; that the advertisements depicted on the totem contain no special effects in their transition; that the minimum display time for each advertisement shall be 10 seconds; that the interval between each piece of content on the digital display screens shall take place over a period no greater than one second; that there will be no audio element associated to the advertisement; that if a fault with the screen is detected that it automatically switch to a black screen; and a condition that would require the submission of a management plan that will demonstrate how the units will be maintained and how faults will be reported to the operator of the advertisement. In the event of an approval, it is considered necessary to condition the development in line with the conditions listed above, with the exception of that of a maintenance programme. This is due to how, said programme requires further details with regard to how the lamination will be controlled, what will occur in the event of a fault and ongoing monitoring of the advertisement, however, these elements would be already controlled by the aforementioned conditions. As such, a condition requiring the submission of a management plan is considered unnecessary and disproportionate given that the proposal is temporary in nature.

Highways have stated that due to the proposal's temporary nature they have no further comments. On this basis it is considered the proposed development is acceptable from a highway safety perspective and therefore accords with Core Strategy Policy DM1, National Planning Practice Guidance and the National Planning Policy Framework.

Conclusion

In light of the above, the proposal is considered to be unacceptable in respect of its impact on visual amenity and is thus contrary to Manchester Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Unitary Development Plan Policies DC15 and DC18, Places for Everyone Plan Policy

JP-P2, the National Planning Policy Framework and National Planning Practice Guidance. The application is therefore 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 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: Refuse

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

1) The advertisement by virtue of its siting, style, appearance, illumination and materiality would not respond positively to the character and appearance of the local area and Deansgate Conservation Area and would undermine ongoing public realm improvements along Deansgate. The digital nature of the sign, together with its large size, forms an obtrusive feature within the Conservation Area and forms unnecessary clutter within the street scene. The sign is therefore harmful to the visual amenity which is contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, Manchester Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Unitary Development Plan Policies DC15 and DC18, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and National Planning Practice Guidance.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Advertising Right BT Inlink Outside Overseas House, Quay Street, Manchester, M3 3HN
Basement, Royal London House, 196 Deansgate, Manchester, M3 3WF
207 Dental Care, First Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
First Floor To Third Floor, 201 Deansgate, Manchester, M3 3NW
188 - 192 Deansgate, Manchester, M3 3ND
Ground Floor, South Central, 11 Peter Street, Manchester, M2 5QR
Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
South Central, 11 Peter Street, Manchester, M2 5QR
Third Floor, South Central, 11 Peter Street, Manchester, M2 5QR
Fourth Floor, South Central, 11 Peter Street, Manchester, M2 5QR
First Floor, South Central, 11 Peter Street, Manchester, M2 5QR
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Sub Basement, 201 Deansgate, Manchester, M3 3NW
Ground Floor, 201 Deansgate, Manchester, M3 3NW
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
2 Bootle Street, Manchester, M2 5GU
Third Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Second Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Onward Buildings, 207 Deansgate, Manchester, M3 3NW
207 Dental Care, First Floor 207 Dental Care, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Second Floor, South Central, 11 Peter Street, Manchester, M2 5QR
London House, 193 Deansgate, Manchester, M3 3NE
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
First Floor And Second Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Basement And Ground Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Royal London House, 196 Deansgate, Manchester, M3 3WF
201 Deansgate, Manchester, M3 3DN
3 Peter Street, Manchester, M2 5QR
AIG EUROPE LIMITED, Fourth Floor, 201 Deansgate, Manchester, M3 3NW
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Dirty Martini, 1 Peter Street, Manchester, M2 5QR
194 Deansgate, Manchester, M3 3ND
11 - 13 Bootle Street, Manchester, M2 5GU
209 Deansgate, Manchester, M3 3NW
200 - 204 Deansgate, Manchester, M3 3NN
205 Deansgate, Manchester, M3 3NW
198 Deansgate, Manchester, M3 3NE
Fifth Floor, 201 Deansgate, Manchester, M3 3SL
Basement, 201 Deansgate, Manchester, M3 3NW

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
Conservation Area - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL