

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137110/AOH/2023

Date registered valid: 29 June 2023

Proposal: Replacement of an existing interactive totem with a 2.42m x 1.27m totem including full motion LED display of digital advertising.

Address: Land At The Junction Of Market Street East Junction And High Street, Manchester, M1 1PB

Ward(s): Deansgate Ward

Applicant: Ocean Outdoor UK Ltd

Agent (if any): Paul O Neill Metropolis Planning & Design

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approved

Date of recommendation: 18/08/2023

Application Details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 11 July 2023

Standard consultations:

Printed: 13 July 2023 Expired: 3 August 2023

Neighbour notifications

Printed: 5 July 2023 Expired: 26 July 2023

Site notice

Posted: 11 July 2023 Expired: 1 August 2023

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

The application relates to a location on a pedestrianised section of Market Street at the junction with High Street and adjacent to the Arndale Centre. The site is within the Upper King Street Conservation Area and adjacent to the Smithfield Conservation Area. The Grade II Listed 109 - 125 Market Street is close to the site.

The site is within an area of the City Centre that is characterised by a variety of uses including shops, restaurants, offices, drinking establishments and financial/professional services with the Arndale Centre being immediately adjacent. The Metrolink tracks are opposite the site.

Description of Development

Consent is sought for the replacement of an existing interactive totem with a 2.42m x 1.27m totem including full motion LED display of digital advertising. This is one of 10 applications submitted in tandem for the replacement of Ocean Outdoor Advertising totems which form a part of the 'Manchester Loop' of advertisement totems under an agreement between Manchester City Council and Media Co Ltd (a wholly owned subsidiary of Ocean Outdoor) dated 9th September 2010.

Related Applications

103198/AO/2013/C2 - Installation of interactive totem including display of digital advertising. Approved September 2013.

Applications for 'Manchester Loop'

137109/AOH/2023 at Land At Piccadilly Gardens North East Corner, Manchester, M1 1LQ
137110/AOH/2023 at Land At The Junction Of Market Street East Junction and High Street, Manchester, M1 1PB
137111/AOH/2023 at Land At Market Street, West Junction Cross Street, Manchester, M2 1NB
137112/AOH/2023 at Land At Exchange Square , North East Corner, Manchester, M4 3TR
137113/AOH/2023 at Land At New Cathedral Street, South West, Exchange Square, Manchester, M3 1SW
137114/AOH/2023 at Land At New Cathedral Street Junction, St Marys Gate, Manchester, M2 7BR
137115/AOH/2023 at Land At St Ann's Square, Opposite Royal Exchange, Manchester, M2 7HD
137116/AOH/2023 at Land At St Ann's Street, Junction Police Street, Manchester, M2 7LU
137117/AOH/2023 at Land At Market Street Junction, Brown Street, Manchester, M1 1PN
137215/AOH/2023 at Land At Piccadilly Gardens North West Corner, Manchester, M2 3AN

Consultations & Notification Responses

Highway Services - Advised that a condition for illumination/moving image will be required and that the final positioning of apparatus to be sufficient to maintain the minimum desirable clearance of 4m to any adjacent street furniture and the back of the footway. Also advised that the developments should provide an adequate clearance at a minimum of 450mm from the edge of the carriageway and that the applicant should contact Metrolink for those units close to the tram lines.

Environmental Health - Have recommended conditions for External Lighting Scheme and Maintenance Management Plan.

Greater Manchester Police - Have no comments to make.

Transport For Greater Manchester - Advised that the apparatus needs to be installed at least 0.5 metres from the edge of the carriageway. A minimum footway width of 2 metres (where the apparatus is positioned) needs to be retained to ensure pedestrian movements are unimpeded. Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus. Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use footways.

Publicity - A site notice was displayed on site. No comments were received as a result of this publicity.

Policy

The main policies that relate to this application are SP1 (Spatial Principles), DM1 (Development Management) of the Manchester Core Strategy and saved policies DC15 (Advertisements, hoardings and posters) and DC22 (Footpath protection) of the Unitary Development Plan for Manchester (1995).

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

Issues

Principle

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

The proposed totem would have a simple modern appearance, similar to the advertisement totem already in place on this site. The 9 no. additional totems would also have the same appearance to ensure consistency.

The advertisement totem will be sited in the same position in the public realm as previously consented and found to be acceptable on the grounds of visual amenity. This advertisement totem has been in situ for 10 years in this location and has not caused a notable harm to the visual amenity of the surrounding public realm during this time.

The overall dimensions the unit are slightly smaller than the advertisement totem previously approved being 2.420m high and 1.266m wide, compared to the dimensions of the previously approved advertisement totem which were 2.628m high by 1.554m wide. It cannot be considered that this replacement totem is too bulky or incongruous in design compared to the advertisement totem already in place on site.

Public Safety

The advertisement totem will be sited in the same position in the public realm as previously consented and found to be acceptable on the grounds of public safety.

The illuminance and messaging will be controlled in the same manner as the previous unit. Conditions have been included to make sure these aspects are controlled.

Greater Manchester Police and Highway Services have confirmed that the proposed replacement totem will have no noticeable impact on public safety compared to the advertisement totem already in place on site.

Conclusion

Given this, the proposal is considered to be in accordance with Sections 7 (Requiring Good Design) of the National Planning Policy Framework, policies DM1 (Development Management) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester and saved policies DC15.1 and 15.2 (Adverts, Hoardings and Posters) of the Unitary Development Plan for the City of Manchester.

This advertisement consent has been granted for a temporary period ending on the 30th June 2026. This has been done to ensure that there are no long term visual clutter issues or issues with impediment to pedestrian foot traffic, and because the contract Ocean Outdoor have with Manchester City Council for these units has a decommissioning period for these units that requires them to be removed by 30th June 2026.

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: Approved

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:

Received by the City Council as local planning authority on 31 May 2023:
Proposed Manchester Loop Totem

Received by the City Council as local planning authority on 29 June 2023:
Site Plan 001B
Location Plan 001A

3) Lighting from illuminated signage shall be designed and installed so as to ensure:

- a) The intensity of the illuminance of the advertisement shall be no greater than 600cd/m² during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).
- 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 during the daytime and set to a maximum brightness of 600cd/m² during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off.
- c) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.
- d) Should a 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 - To safeguard the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy 15.2 of the UDP (1995) for Manchester

4) Prior to the commencement of the development, a management plan shall be submitted to demonstrate how the units will be maintained to ensure the agreed light levels and noise levels

(if appropriate) are maintained and not exceeded. The plan should include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan should include details of proposed physical inspection and monitoring frequency.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy 15.2 of the UDP (1995) for Manchester

5) a) The express advertisement consent hereby granted is limited to a period ending on the 30 June 2026

b) On the date of the expiry of the express consent period on 30 June 2026, the advertisement hoardings and all associated development shall be removed, any use of the land/building authorised by this consent shall be discontinued, and the land/building shall be reinstated in accordance with a scheme previously approved.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoardings at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with policies DM1, EN1, EN3, CC9, CC10, T1 and SP1 of the Adopted Core Strategy for the City of Manchester, paragraphs 2.10, 2.20, 12.6, 3.1 and 8.8 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan for Manchester

Informatives

1) Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements, or any proposed construction or fitout arrangements, where there is an impact on the highway taking into consideration the surrounding traffic restrictions, will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicences@manchester.gov.uk or highwaynetworkmanagement@manchester.gov.uk

2) Due to the proximity of the development to the operational Metrolink line, please read the details of working safely near Metrolink which can be found on the Metrolink Website at; <https://www.tfgm.com/public-transport/tram/working-safely>. This document provides contact details for the Metrolink Operator in order that the proposed method of erection can be discussed and relevant permits obtained.

Appendix 1 – List of consultees & neighbours notified

Greater Manchester Police
Highway Services
Environmental Health
Metrolink

Debenhams, 109 - 127 Market Street, Manchester, M60 1TA
First Second Floor And Third Floors, 90 - 100 Market Street, Manchester, M1 1PB
102 - 104 Market Street, Manchester, M1 1PB

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 - Upper King Street (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL