

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135880/AOH/2023
Date registered valid: 3 January 2023
Proposal: Installation of 1 x internally illuminated digital LED poster sign to replace 5 externally illuminated advertising displays
Address: Land At Fairfield Street (Off William Street), Manchester, M12 5FX
Ward(s): Ardwick Ward

Applicant: Wildstone Estates Limited
Agent (if any): Mr Richard Page, Wildstone
Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 27 February 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 14 February 2023

Standard consultations:

Printed: 19 January 2023 Expired: 9 February 2023

Neighbour notifications

Printed: 24 January 2023 Expired: 14 February 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The proposed advertisement signage would be located at the north-west perimeter of a more substantive 'island' site bounded by Fairfield Street (north), Chancellor Lane (east) and William Street (south). A footpath is located immediately to the west of the site separating it from an adjacent grassed area. A major traffic light control junction is located to the west of the site at the intersection of Fairfield Street and the Mancunian Way. The substantive site is enclosed by timber fencing positioned on top of a raised embankment (in respect of the application site). The fencing screens neighbouring self-storage business. The perimeter fencing is punctuated by a series of advertisements to the William Street / Chancellor Lane / Fairfield Street junctions and the frontage of Fairfield Street.



Fig.1 – Application site

Description of advertising signage

The proposal involves the removal of five external illuminated poster advertisement hoardings (48 sheet) that are arranged in two clusters as shown in Fig.2.

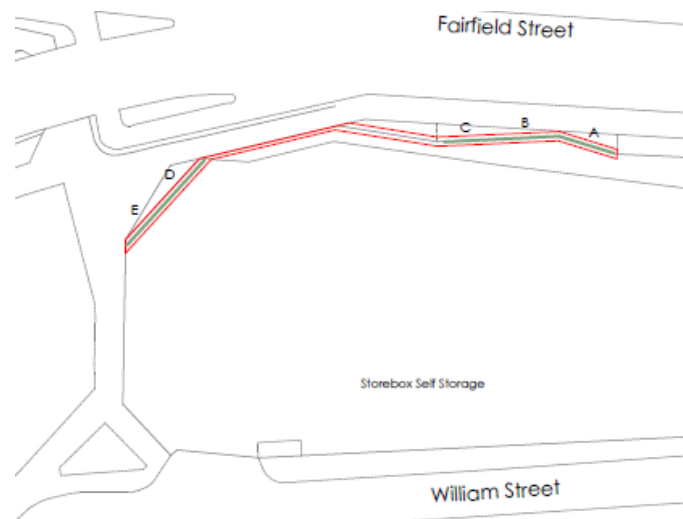


Fig. 2 – Arrangement of existing signage

The proposal would replace signs D and E with a single advertisement sign. Its base would be positioned 2.5 metres above ground level with a display area of 7.5 metres (high) and 5 metres (wide). The signage would be internally illuminated with a maximum illuminance of 5000 cd/sq. metres during daylight and 300 cd/sq. metres at night. The illumination would be static. However, the display would be in full colour with images changing every 10 seconds.

Site history

Various advertisement signage applications have been determined within the vicinity of the application site, i.e., William Street / Chancellor Lane / Fairfield Street junctions and the frontage of Fairfield Street. The application site has formerly been the subject of the following decision:

120221/AOH/2018 - Erection of 3 metre high x 12 metre wide LED advertisement sign displaying multiple images, sited on 3.22 metre high plinth following removal of 2 existing 96 sheet advertisement hoardings
7 William Street Manchester M12 5FX
Refused: 2 November 2018

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highway Services – The following comments have been received:

- i. The proposed signage will not be located on or project over the adopted highway network. A projection over license will not be required.
- ii. The proposed luminance of the digital LED poster sign is noted as 5000 cd/m². This level of luminance exceeds the MCC maximum of 600cd/m² and is not accept the proposed luminance.
- iii. Sufficient headroom and carriageway clearance would be provided. Further information is sought regarding the exact position in relation to the traffic signals, particularly the pedestrian crossing signal, as to whether they will be impacted by the digital sign.
- iv. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussed and agreed with the Council as local highway authority.
- v. Should advertisement consent be granted the standard condition relating to the control of illuminated signage should be attached, including maximum luminance level of the advertisements displayed on the panel not exceeding 300 cd/m² during non-daylight hours / inclement weather.

Environmental Health – The following comments have been received:

- i. 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.
- ii. No individual advertisements shall be displayed for duration of less than 10 seconds.
- iii. Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- iv. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- v. 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.
- vi. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather

TFGM Strategic Development Team – The proposal is located in an area identified as a location of a HS2 viaduct. This may result in disruption to the operation of the signage and its possible removal as early as 2026.

HS2 – The application site lies entirely within land safeguarded for construction/operation of Phase 2b of HS2 and the applicant is advised that a series of highways diversions and closures of both Fairfield Street and William Street are required for delivery of the HS2 programme in that location. HS2 Ltd do not object to the application in planning terms but the applicant is advised of the implications of the site being located within limits of land subject to formal HS2 Safeguarding Directions and in event the Council are minded to grant advertisement consent

the following standard informative is requested to be included on the decision notice for awareness:

'The applicant is advised that the application site is located within land that may be required to construct and/or operate Phase 2b of a high-speed rail line from Crewe to Manchester, known as High Speed Two. Powers to construct and operate High Speed Two are being sought by promoting a hybrid Bill in Parliament and as a result the application site may be compulsorily purchased. In addition, as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme.'

Network Rail – No objections.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

- (1) 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 above requirements have been taken into account in the assessment of the advertisement consent application. The prominence and height of the proposed signage is considered to be harmful to the appearance of the streetscene and therefore the amenity of people passing by. The day-time illuminance of the advertisement signage is also considered to be excessive and likely to be a distraction to pedestrians and other road users. The proposal is therefore considered to be unacceptable as it fails to accord with its development plan.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the government's planning policies for England and how these are expected to be applied. It defines the government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. It states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. The Framework has been related to the proposed development, with reference to:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development.

Chapter 12 Achieving well-designed places

States that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' It also states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In this case, it is not considered that the development would positively contribute to the streetscene and would harmfully affect the visual amenity of the area, by virtue of its height and prominence. Notwithstanding the removal of advertisement signage, the proposal would add to the proliferation of signage in the immediate vicinity and the continued occurrence of cumulative visual clutter in the streetscene. The proposal would not therefore accord with Chapter 12 of the NPPF.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG:

- i. Consultation and pre-decision matters.
- ii. Advertisements – The related PPG sets how amenity should be assessed in relation to the display of advertisements. In this case particular consideration has been given the visual impact of the proposed signage on the character of the area and the extent to which passer-by by may be aware of the related advertisements. As part of the assessment the scale of proposed signage needs to be considered. In this case, the industrial and commercial character of the area to the south of the site is acknowledged. However, it is the potential harm to the character and appearance of the signage in relation to Fairfield Street is a primary concern. The guidance also highlights the need to consider potential effects on public safety. It makes specific reference to consideration of potential harm associated with the size of signage and the brightness of display. These concerns are also pertinent to the proposal.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core

Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP 1 Spatial Principles - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

In this case, the proposal would be harmful to the visual amenities of the area and the character of the built environment. The proposed advertisement signage would impact upon the immediate streetscene and would be visible from adjacent major roads. The resulting impact is considered to be harmful and contrary to policy SP1.

Policy EN 1 Design Principles and Strategic Character Areas - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised.

The proposals would introduced a sign that would be significantly higher than the existing signage. The scale of the proposed structure would be disproportionately large and the displayed image would consequently have an unduly prominent appearance within the stretscene. The proposal would thereby be contrary to policy EN1.

Policy DM1 Development Management - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are: impact of the signage on the surrounding areas in terms of its design, scale and appearance of the proposed signage and its relationship to the character of the surrounding area and its effects on amenity.

In this case, the prominence of the proposed advertisement adversely affect the character and appearance of the streetscene. It is also considered that the signage and its operation would be harmful to the visual amenity of pedestrians and drivers travelling along Fairfield Street and Mancunian Way.

Unitary Development Plan saved policies - The following saved policies of the UDP are considered to be relevant:

Policy DC15 - Advertisements, Hoardings & Posters - In addition to Policy DC14, reference is made to the following, which is relevant to this application:

Policy DC15.1 - The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In this case the proposed signage has been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. Public safety resulting from the positioning of the design of the display;
- iii. The scope for posters and hoardings to make a positive contribution to the locality;

iv. The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC15.2 - In assessing the interests of amenity and safety the Council will take account of the following criteria:

- a. Developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
- b. They should be in scale with the locality and relate properly to the site on which they stand;
- c. They should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- d. A proposal, which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

For the reasons previously outlined, the proposals would fail to be positively related to the streetscene, which forms part of an important route to and from the city centre. Particular consideration has been given to the prominence of the proposed advertisement and its relationship to existing and retained signage within the vicinity of the site. Given these concerns, it is considered that the proposal would be contrary to saved policy DC15 of the UDP.

Principle – There has been a an historical proliferation of advertising hoardings in close proximity to the application site. Notwithstanding the proposed removal of four signs, the new signage would viewed in conjunction with a visually prominent cluster of advertisements hoardings within close proximity of Fairfield Street and Chancellor Lane junctions. Any benefits from the removal of existing signage would be offset by the height and prominence of the proposed signage to be sited at a major junction. The siting of replacement signage has been previously considered to be unacceptable (refused application ref:120221/AOH/2018). The application has not presented evidence that would lead the local planning authority to change its previous positions. The principle of the proposal is therefore considered to be unacceptable due to its unacceptable impact on the amenities of the area.

Appearance, height and siting of the proposed signage - The proposed signage would be positioned 2.5 metres above ground level thereby increasing the prominence of an overly large structure and associated advertisement display area. It is considered that its height and form of the signage structure would significantly depart from the existing signage. The proposal would introduce an incongruous and excessively dominant feature to a major radial route and materially affect the character and appearance of the streetscene and is therefore considered to be unacceptable.

Highways issues and function of the proposed signage – Highways have advised the proposed signage luminance for day-time operation of the signage is unacceptable, The proposed day-time luminance of 5000 cd/m² significantly exceeds the maximum level of 600cd/m². On the basis of the submitted details, the day-time luminance of the signage would present public and highway safety concerns. However, if and appropriate proposal where to be brought forward to manage the operation of the signage luminance could be controlled by condition.

Conclusion - The proposed advertising hoarding would by virtue of its size, location, design and appearance, when viewed in conjunction with existing and proposed advertisement hoardings, would: have a cumulatively and detrimental impact on visual amenity thereby constituting unduly obtrusive, incongruous and over dominant feature within the streetscene. It would also contribute to the cluttered arrangement of advertisements within a prominent location close to major radial routes to and from the city centre. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area contrary to

government guidance contained in chapter 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters).

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

Article 35 Declaration

N/A

Reasons for recommendation to refuse

1) The proposed advertising signage would by virtue of its excessive height and illuminated display area and overly prominent location and appearance, when viewed in conjunction with existing advertisement hoardings, would have a cumulative and detrimental impact on visual amenity. The proposed advertising signage would thereby constitute an unduly obtrusive, incongruous and overly dominant feature within the streetscene and contribute to advertisement clutter within a prominent location close to major routes to and from the city centre and undermine local regeneration. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) of the Core Strategy for the City of Manchester, saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan and the guidance within Chapter 12 (Achieving well-designed places) of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Environmental Health
Network Rail

Storebox Self Storage, 7 William Street, Manchester, M12 5FX
Nile Tyres, William Street, Manchester, M12 5FX
Unit 3, Gerrards Ice Cream, William Street, Ardwick, Manchester, M12 6RQ
Unit 2, Gerrards Ice Cream, William Street, Ardwick, Manchester, M12 6RQ
Unit 1, Gerrards Ice Cream, William Street, Ardwick, Manchester, M12 6RQ
Awan Autotech, Mill Green Street, Manchester, M12 6FB
Gerrards Ice Cream, William Street, Ardwick, Manchester, M12 6RQ
P C World, Pin Mill Brow, Manchester, M12 6EH
197 Fairfield Street, Manchester, M12 6EE
Ideal Printing, Mill Green Street, Manchester, M12 6FB
5 - 7 Blackett Street, Manchester, M12 6EJ

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) 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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA