

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133491/AOH/2022

Date registered valid: 19 October 2022

Proposal: Display of externally illuminated scaffold mounted banner shroud advert for temporary 4 month period

Address: 36-38 Oxford Street, Manchester, M1 5EJ

Ward(s): Deansgate Ward

Applicant: Mr Mark Wilkinson Infinity Outdoor

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 09/01/2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 3 November 2022 Expired: 24 November 2022

Neighbour notifications

Printed: 3 November 2022 Expired: 24 November 2022

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: n/a

Tree Preservation Order: n/a

Description of area

The site lies within an area of the city centre just off St Peter's Square, a focal point of Manchester's city centre. The area contains a variety of different uses, including dining, drinking, governmental, commercial, residential and hotels.

The site is on the corner of Oxford Street and Portland Street. It sits just outside the Whitworth Street and George Street conservation areas, which have boundaries on the opposite side of Oxford Street. The Grade II listed Portland Buildings and St James' Buildings sit opposite.

Description of development

This application relates to the erection of a an externally illuminated scaffold mounted banner shroud advert for a temporary four-month period. The banner will include a 1:1 reproduction of the underlying building and a section devoted to advertisement. Due to its location, the development will affect the setting of two conservation areas and a Grade II listed building.

Consultations & Notification Responses

Highway Services - No objections

Environmental Health - No adverse comment or objection.

Publicity - A site notice was displayed on site and letters were sent to surrounding occupiers. No replies have been received.

Issues

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.

Manchester Core Strategy (2012)

The following Core Strategy policies are considered relevant to this application:

Policy DM1 (Development Management) states that all development should have regard to

- appropriate siting, layout, scale, form, massing, materials and detail,
- the affects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- vehicular access and car parking
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy CC9 (Design and Heritage) States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

Policy EN1 (Design Principles and Strategic Character Areas) states that development should contribute positively to the experience of all at street level.

Policy EN3 (Heritage) New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Unitary Development Plan for Manchester (1995)

Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

The following Unitary Development Plan policies are of relevance to this application:

Policies DC15.1 and 15.2 (Advertisements, Hoardings and Posters) state that the City Council will take into account the impact of advertisements on visual amenity and public safety when determining applications for the display of advertisements, including free standing advertisement hoardings.

Policy DC18.1 (Conservation Areas) - which seeks to preserve and enhance the character of its designated conservation areas.

Policy DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

Relevant National Policy

National Planning Policy Framework

Section 8

Paragraph 97. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

(a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

Section 12

Paragraph 136 The quality and character of places can suffer when advertisements are poorly sited and designed. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Section 16 Conserving and enhancing the historic environment

Paragraph 199 states that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be

required having regard to the scale of any harm or loss and the significance of the heritage asset.

Issues

Public Safety

No public safety concerns have been raised by statutory consultees in relation to this application, provided development is carried out in accordance with certain requirements reflected in the conditions attached to this decision.

The proposals are considered to be in accordance with sections 12 and 16 of the National Planning Policy Framework, Core Strategy Policies DM1 and SP1 and saved UDP policies DC15.1 and DC15.2.

Impact on visual amenity and on heritage assets

Hoardings of the nature proposed are generally acceptable only if they are associated with legitimate works to a site or building. The rationale being that the temporary banners will give the building a more attractive appearance within the street scene than the scaffolding alone would. The applicant has demonstrated that development is taking place on the site. In this context it is therefore considered that the proposed hoarding would relate to legitimate works and would relate properly to the site on which it would stand. It is considered that the banner would mitigate the visual effect of the unsightly scaffold which would contain works during the construction period.

The advertisement would affect the setting of the Whitworth Street and George Street conservation areas and the Grade II listed Portland Buildings and St James' Buildings. The building would be mostly covered by a shroud, with or without the installation of the proposed advertisement. The proposed scaffold wrap would cause less than substantial harm to the setting of the Whitworth Street and George Street conservation areas due to its intrusive albeit temporary appearance, which is emphasised by the illumination of the advertisement. The advertisements displayed would also be substantially different to a plain shroud.

This harm is justified by the temporary nature of the works and the funding that this would generate to improve the condition and future structural integrity of a building which lies within a conservation area and affects the setting of the above listed buildings.

As such on a temporary basis the location of the proposed advertisement and its impact upon visual amenity and the heritage assets is considered to be acceptable.

In view of the above on a temporary basis the proposed banner is considered to be consistent with Core Strategy policy SP1, DM1 and CC9 and saved UDP policies DC15, DC15.2 DC18.1 and DC19.1.

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) 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) (a) The express advertisement consent hereby granted is limited to the period from 01/03/2023 and 09/06/2023;

(b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) and all associated development shall be removed, any use of the land 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 the Town and Country Planning (Control of Advertisements) Regulations 2007, Sections 12 and 16 of the National Planning Policy Framework, policies DM1, CC9 and SP1 of the Core Strategy (2012) and saved policies, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan (1995).

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

Site Layout Plan - Ref. CHEP.02; Existing and Proposed Elevations - Ref. CHEP.03 received by the City Council as local planning authority on 11/04/2022.

- Supporting information: Envelope Repair Works; Essential Fabric Repair Works; Lighting Assessment received by the city council as local planning authority on 11/04/2022

- Supporting information: Banner Fixing Details; Typical Banner System received by the City Council as local planning authority on 05/07/2022

- Supporting information: Contract received by the City Council as local planning authority on 19/10/2022

- Supporting information: Schedule of Works received by the City Council as local planning authority on 08/01/2023

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 and 16 of the National Planning Policy Framework, policies DM1, EN1, CC9 and SP1 of the Core Strategy (2012) and saved policies, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan (1995).

4) The following measures shall be complied with for the duration of the display of the approved scaffold wrap:

a) The material used shall have flame retardant classification of TS62 certification (or equivalent) prior to its installation on site.

b) The Fire Integrity of the scaffold wrap shall be maintained at all times.

Reason - To ensure that the risk of fire damage to the non-designated heritage asset and the surrounding listed buildings is not increased due to the installation of the hereby approved scaffold wrap in accordance with saved policies DC18.1 and DC19.1; of the Unitary Development Plan for the City of Manchester and the Core Strategy for the City of Manchester, in particular Policies SP1, EN3 and DM1 and Section 8 (Promoting Healthy and Safe Communities) of the National Planning Policy Framework and the Regulatory Reform (Fire Safety) Order 2005.

5) Advertising displayed on the scaffold shall be strictly controlled as follows:

a) All advertising shall comply with the Code of Practice of the Advertising Standards Authority and as such will not:

i) be in advocacy of, or opposition to any politically, environmentally or socially controversial subjects or issues.

- ii) relate to a political party or parties or a political cause.
- ii) refer to indecency or obscenity or use obscene or distasteful language.
- iv) depict direct or immediate violence to anyone shown in the advertisement.
- v) depict men, women or children in a sexual manner or display nude or semi-nude figures in an overtly sexual context.
- vi) promote the availability of adult or sexually orientated entertainment materials or establishments.
- vii) promote food or beverage products that are classed 'less healthy' based on the Food Standards Agency 'Nutrient Profiling Model'.
- viii) promote tobacco products, e-cigarettes or related products.
- x) promote weapons, gambling or illegal drugs.
- xi) promote financial organisations and loan advancers with punitive interest rates, 'cash for gold' or similar pawn broker type agents.
- xii) contain negative references to Manchester City Council Services or those services provided or regulated by the Authority or organisations associated with the Authority.
- xiii) adversely affect in any way the interests of Manchester City Council.

The advertisement hereby approved shall accord with the above approved details for the duration of the display.

Reason - In the interests of visual amenity

- 6) External lighting shall be designed and installed so as to:
 - a) control glare and overspill onto nearby properties and shall only be as shown in the approved drawings (Condition 3). The lights need to be angled towards the mounted banner at all times.
 - b) be controlled to not exceed 300cd/m² during the hours of darkness.
 - c) be set to switched off between the hours of 23:00 and 06:00.

Reason - In the interests of visual amenity and because the proposed works affect the setting of listed heritage assets, and to safeguard the amenities of the occupiers of nearby properties in accordance with saved policy DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Manchester Core Strategy.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

133 Portland Street, Manchester, M1 4PY
TESCO Express, Unit A, St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6EQ
Eighth Floor, St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6FQ
Ground Floor, 14 Oxford Court, Manchester, M2 3WQ
First And Second Floor, 14 Oxford Court, Manchester, M2 3WQ
Basement And Ground Floor, 131 Portland Street, Manchester, M1 4PY
61 - 65 Oxford Street, Manchester, M1 6EQ
Henry Kaye Family Settlement, Fourth Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Puma United Kingdom Ltd, Sixth Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Bundobust, 61 - 73 Oxford Street, Manchester, M1 6EQ
Cafe Ground Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Ground Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Second Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
First Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Seventh Floor, St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6EQ
131 Portland Street, Manchester, M1 4PY
50 Oxford Street, Manchester, M1 5EJ
Fifth Floor, St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6EQ
Third Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW
Basement, St James Building, 61 - 65 Oxford Street, Manchester, M1 6EQ
12 Oxford Court, Manchester, M2 3WQ
Column 11 Opposite Portland Hotel, Portland Street, Manchester, M1 3ZZ
61 Oxford Street, Manchester, M1 6EQ
Canada House, 3 Chepstow Street, Manchester, M1 5FW
16 Oxford Court, Manchester, M2 3WQ
20 Oxford Court, Manchester, M2 3WQ
24 Oxford Court, Manchester, M2 3WQ
34 Oxford Street, Manchester, M1 5EL
Eden & Co Solicitors, 26 Oxford Court, Manchester, M2 3WQ
Sixth Floor, St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6EQ
Fourth Floor, 61 - 73 Oxford Street, Manchester, M1 6EQ
Ground Floor, 61 - 73 Oxford Street, Manchester, M1 6EQ
Third Floor, 61 - 73 Oxford Street, Manchester, M1 6EQ
St James Buildings, 61 - 73 Oxford Street, Manchester, M1 6EQ
44 Oxford Street, Manchester, M1 5EJ
Ground Floor And Basement Elemental, 47 Oxford Street, Manchester, M1 6EQ
1 Chepstow Street, Manchester, M1 5FW
BANNATYNES HEALTH CLUB, Basement Health Club G.3, Canada House, 3 Chepstow Street, Manchester, M1 5FW
William Hill, 40 - 42 Oxford Street, Manchester, M1 5EJ
14 Oxford Court, Manchester, M2 3WQ
47 Oxford Street, Manchester, M1 6EQ
46 Oxford Street, Manchester, M1 5EJ
48 Oxford Street, Manchester, M1 5EJ
Ground Floor And First Floor, 1 Chepstow Street, Manchester, M1 5FW
22 Oxford Court, Manchester, M2 3WQ
18 Oxford Court, Manchester, M2 3WQ

Fifth Floor, Canada House, 3 Chepstow Street, Manchester, M1 5FW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRL