MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131803/AOH/2021
Date registered valid:	1 October 2021
Proposal:	Double-sided D6 LED Digital Display Unit.
Address:	The Avenue, Manchester, M3 3AP
Ward(s):	Deansgate Ward
Applicant:	Allied London Group C/o Agent
Agent (if any):	Paul O Neill Metropolis Planning & Design 4 Underwood Row, London, N1 7LQ
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	
Date of recommendation:	18 July 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 5 May 2022 Expired: 26 May 2022

Neighbour notifications
Printed: 5 May 2022 Expired: 26 May 2022

Site notice
Posted: 6 May 2022 Expired: 27 May 2022

Press advert
Published: 10 May 2022 Expired: 31 May 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

The application has been advertised in the Manchester Evening News as an other Development of Public Interest. A site notice was displayed and the occupiers of nearby properties have been notified

No representations have been received as a result of this publicity

Highways - Suggested conditions which would have excluded full motion content from the displays. The applicant took issue with this and pointed out that the suggestion was not consistent with the City Council's own 'Loop' advertisement displays (of which there are 22

across the City Centre), and which are often located in closer proximity to the highway,and are not restricted in terms of their content.

Highways have now recommended a condition for some of the applications and another one for the remainder.

The condition used in this decision is the one suggested by Highways for this location

GMP - No response to the consultation for the application under consideration but on similar previous applications have made the following comments:

We recommend that consideration is to be given to the potential of the unit attracting or increasing incidents of anti-social behaviour and loitering in these high footfall areas. A strategy to disable the units if required in extreme circumstances (e.g. previous examples may include the Manchester riots and some incidents of extreme anti-social behaviour) should also be considered.

We would also comment that the security of the proposed unit is are carefully considered. The proposed unit should be constructed to a robust and adequate standard and should also be securely fixed and vandal-resistant.

In summary, the application is supported subject to further consideration of the above matters.

Environmental Health - recommended conditions to control LIGHT FROM DIGITAL DISPLAY SCREENS, Noise from Display Unit and Maintenance Management Plan

Greater Manchester Pedestrians Society - no response to the consultation

Issues

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 polices 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:

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

Drawings

Screen schematic
SITE LOCATION PLAN Site 8. The Avenue, MANCHESTER, M3 3AP
84 Double FSD W/Radius Revision P2

Documents

Covering Letter
Planning Statement Spinningfields Manchester by Metropolis Planning and Design on behalf of Allied London Group 07/09/2021 Job Ref: 3203

All of the above drawings and documents received 1st October 2021

The email from Paul O'Neill received 9th June 2022

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.

3) (a) For individual advertisements displayed on the LED panel which contain moving images, animation, video or full motion images then a three metre unobstructed footway width should be maintained where possible to avoid the advert from causing a visual obstruction to drivers and to maintain a suitable access route for pedestrians.

(b) No individual advertisements shall be displayed for duration of less than 10 seconds.

(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.

(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.

(e) 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.

(f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 600 cd/m2 during non daylight hours / inclement weather.

Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.

2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm2 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 600Cdm2 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) 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 - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

6) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must 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 must include details of proposed physical inspection and monitoring frequency.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

7) The consent hereby granted is for the installation of 1 No. Double-sided D6 LED Digital advertising Unit only and for no other purposes. The consent hereby granted does not grant or imply grant of consent or permission for any other purpose including facial recognition by camera equipment.

Reason - Pursuant to Core Strategy Policies SP1 and DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

The Oast House, Crown Square, Manchester, M3 3AY
Australasia, 2 Spinningfields Square, Manchester, M3 3AP
Unit G22, 2 Spinningfields Square, Manchester, M3 3AP
Second Floor, Deans Court, Crown Square, Manchester, M15 5FU
First Floor, Deans Court, Crown Square, Manchester, M15 5FU
Spinningfields Magistrates Court, Crown Square, Manchester, M3 3EN
2 Spinningfields Square, Manchester, M3 3AP
The Crown Court, Crown Square, Manchester, M3 3FL

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