

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 133244/AOH/2022

Date registered valid: 16 May 2022

Proposal: Installation of 48 sheet LED digital billboard

Address: The Corner Of London Road And Store Street , Manchester, M1 2PF

Ward(s): Piccadilly Ward

Applicant: Network Rail C/o Agent

Agent (if any): Mr Sam Beresford Tetra Tech Quay West, Media City, Trafford Wharf Road, Manchester, M17 1HH

Case officer: Eve Woolstencroft
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Recommendation: Refuse

Date of recommendation: 27 June 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 27 May 2022 Expired: 17 June 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

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:

Tree Preservation Order:

Description of Site and Area

The proposal site relates to a wall of the Store Street underpass is located on the corner of London Road.

The proposal site is covered by the Listing Description for Manchester Piccadilly List Entry Number 1283014.

The proposal is also within the setting of the grade II*listed London Road fire station.

The proposal site is not located in a conservation area however is within the setting of the Whitworth Street Conservation area approximately 35 metres away on the opposite side of London Road.

The surrounding location is commercial in nature and includes uses such as hotels, cafes restaurants and drinking establishments as well as Piccadilly Railway Station.

Description of Development

The submitted application seeks advertisement consent for the installation of 48 sheet LED digital billboard

Consultations & Notification Responses

Environmental Health – recommendation of a condition to control the advertising screen

Highways- no comments

HS2 – no objection however recommended an informative.

Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

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

(1) The Local planning authority would 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);

(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 would not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Policies

National Planning Policy Framework (2021)

The NPPF sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. The following sections are considered to be particularly relevant to the proposed development:

Section 12 'Achieving well-designed places' refers to the need for good design.

Section 16 'Conserving and enhancing the historic environment' refers to the great weight that should be given to preserving heritage assets.

Manchester Core Strategy

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies within the Core Strategy are considered relevant:

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy EN 3 (Heritage) states Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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.

Policy CC 9 (Design and Heritage) States that Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Paragraph 8.53 of the supporting text states that The City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC15 relates to advertisement hoardings and posters. The main matters to be considered in the context of this application are: -The general location of the proposed advertisements and the effect of visual amenity; -The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting.

DC19C states the council would not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character. Policy E3.3 refers to the Council looking to upgrade the appearance of the city's major radial routes

Issues

Visual Amenity and Regeneration

The proposal would replace an existing paper advertisement hoarding which does not benefit from express advertisement consent. The submitted plans indicated that two existing advertisements would be removed to be replaced by one, the agent has indicated that these benefit from deemed consent due to being in place for over 10 years.

The proposal however will be considered on the basis of current relevant planning policy and other material considerations within the current context. The proposed illuminated hoarding would be located on Store Street but would be visible from London Road which a major arterial route connecting the City Centre to East Manchester.

The location would be most visible to vehicle/ pedestrian traffic travelling out of the City Centre towards Piccadilly station Southwards. The continued display of the advertisement would not represent an upgrade in appearance of a major radial entry route as it would screen the side elevation of a listed building, and diminish the legibility of the listed Piccadilly Station as well as cause harm to the setting of nearby London Road Fire Station and is consider to be incompatible with the regeneration aspirations of the wider area.

The SRF sets out that this objective seeks 'to offer exceptional design which respects and restores the Mayfield area's heritage assets, to create well-used and well-loved public spaces and a brand new park, and to strive for an exemplar sustainable development, in order to achieve a vital and viable new city centre district'.

Page 15 of the Piccadilly SRF states that The advent of HS2 and Northern Powerhouse Rail will be the catalyst for the major redevelopment of the eastern part of the city centre. This includes not only the transformation of Piccadilly Station into a world class transport hub, but the creation of a new, highly connected, mixed-use city centre district adjacent to the station, Piccadilly Central, upon previously underdeveloped industrial land.

The proposal site lies adjacent to the proposed site of 'The Boulevard' as set out in the Piccadilly SRF. Page 17 of the SRF states that the new east-west Boulevard is the vital artery between Piccadilly Central and the rest of the city centre and station. This major new thoroughfare not only provides a clear channel for movement but is a bustling piece of high quality urban realm in its own right. It is a catalyst for commercial development, creating a new, prime business address'

It is considered that the proposed advertisement would not be consistent the strategic regeneration objectives for Piccadilly station and would hinder regeneration efforts and investment to provide high quality public realm and improve visual amenity in the area. It is considered that the proposed advertisement hoarding would conflict with the ongoing regeneration and continuing improvements in the appearance of the area and the route, by virtue of its size, location, design, appearance and means of illumination and the adverse visual impact that it would have on the surrounding area.

Policy SP1 of the Core Strategy also encourages regeneration and confirms that the quality of the built environment and appropriate development can contribute to regeneration. The proposals would work against these aims by continuing to be incompatible with the character and appearance of the locality.

Impact on Listed Building

Paragraph 200 of the NPPF states that harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The significance of the station derives from its following attributes:

Its architectural interests a good example of C19 railway engineering; for the aesthetic quality of the train shed's design including the polychromatic brick elevations and the substantial decorated columns that support the large metal frame; * for the extensive brick-vaulted and cast-iron former goods depot undercroft which survives well below platform level, and includes the remains of C19 sidings and track.

Historic interest: as one of Manchester's principal railway stations; as an illustration of the dual importance of passenger and freight rail transport to the city and its C19 economic development.

Group value: as part of a strong group of C19 railway structures including the attached former goods offices to Piccadilly Station, London Warehouse to the north, and the MSJAR viaduct to the south (all listed Grade II)

In this instance it is considered that the existing unauthorised advertisements cause less than substantial harm to the designated heritage asset by obscuring part of its elevation diminishing the ability to read its historic interest and group value with surrounding railway listed buildings. It would also affect the setting of the London Road fire station when looking northwards from London Road. It is considered that any benefits from the installation of the proposed digital advertisement would not outweigh the harm as identified.

As directed by paragraph 202 of the NPPF, where less than substantial harm occurs, public benefits must exist to outweigh that harm. It is not considered that there are any public benefits associated with the sign to outweigh the level of harm caused to the heritage assets. The benefits are all private to the applicant.

The applicant give no regard with their submission to the impact on the listed structure or surrounding heritage assets.

Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. The proposed advertisement is considered to have been poorly placed on a listed building and in a highly sensitive location within the and within the Piccadilly SRF area. Taking into account all material considerations, it is considered

that on balance, the proposed sign is poorly placed and would have a significant, negative impact on the visual amenity of the surrounding area and continuing regeneration efforts.

Given the above, the proposals are considered to be contrary to sections 12 and 16 of the NPPF, policies CC9, EN3, DM1, SP1, T1, EN1 and EN12 of the Core Strategy, paragraphs 2.6 and 11.45 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.

Enforcement

Notwithstanding the status of the existing advertisement, neither the existing or proposed advertisements are considered acceptable and the right to display an advertisement that enjoys deemed consent is subject to the LPA's power to issue a Discontinuance Notice withdrawing that deemed consent and requiring the person to stop displaying the advertisement in circumstances where the LPA considers that it is necessary to do so.

Public Safety

The proposed advertisement hoarding complies with headroom and carriageway clearance requirements. However, the proposed luminance of the advertisement hoarding is noted as 3000cd/m² which exceeds the MCC recommended maximum of 600cd/m².

Whilst the luminance exceeds the recommended requirements, it is considered that the luminance could be controlled by an appropriate condition should the application be minded to approve.

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

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

1) The proposed advertisement would by virtue of its size, location, design and appearance have a detrimental impact on visual amenity, character, appearance and ongoing regeneration

of the surrounding area constituting an unduly obtrusive, incongruous and overly dominant feature to the listed building on which it would be located and within the wider street scene. The proposal would also result in harm to the appearance and setting of Piccadilly Station and nearby London Road Fire Station. The proposal would result in less than substantial harm to the significance of heritage assets and there would not be the required public benefits to outweigh this. The advertisement would be contrary to Government Guidance contained in Section 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage), EN3 (Heritage), DM1 (Development Management) and SP1 (Spatial Principles), the Guide to Development in Manchester, in particular paragraphs 2.6 and 11.45 and saved policies DC15.1, and DC15.2 (Advertisements, Hoardings and Posters), DC18.1 (Conservation Areas), DC19.1 (Listed Buildings) of The Unitary Development Plan for the City of Manchester (UDP).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
High Speed Two (HS2) Limited

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRL