

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 11 March 2022 Expired: 1 April 2022

Neighbour notifications

Printed: 11 March 2022 Expired: 1 April 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: No

Tree Preservation Order: No No

The proposal

This application seeks advertisement consent for the installation of 48 sheet digital LED billboard to replace existing 2 x static 48 panel billboards

The Site

The proposal site is located where the railway viaducts intersect at 704 Oldham Road and currently supports 2 static 48 panel billboards that are not illuminated. The site is situated on a major route in and out of the city centre of Manchester and the backdrop being the brick railway viaduct.

The planning register revealed no previously advertisement consents for the site however, a previous application was approved at appeal on the adjacent site under ref no;127164/AOH/2020 Installation of 2no. 48-sheet digital advertisement displays to replace existing. The unit measures 6.5m in width, with an overall height of 5.5m . This proposal includes the removal of the two poster type advertisements hoardings to be replaced by one sequential digital displays hoardings.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

The Highways Team were consulted and raised no objection to the proposal subject to the proposal accords with the following stipulations:

- a) No 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.
 - (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 300 cd/m² during non-daylight hours / inclement weather.
- Or for signs less than 10m²
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

Network Rail were consulted, and no representations was received.

Environmental Health were consulted and raised no objection to the proposal.

Issues

Polices

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. Whilst it is considered that the application cannot be refused on the basis of public safety, the proposal, in the view of the LPA, fails to accord with its development plan as it is unacceptable in terms of visual impact and excessive prominence within the street.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. 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. However, paragraph 11 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.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

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

Paragraph 124 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.'

Paragraph 132 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 street scene and would harmfully affect the visual amenity of the area. It is considered that the nature of the signage would materially and harmfully change the relationship of the advertisement hoarding to the street scene. The incorporation of changing images within the display would also give the signage far greater prominence and would be a visually obtrusive addition to the location. It is therefore considered that the proposals would not accord with the NPPF.

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 street scene and would be visible from an adjacent major route to the city centre. 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 design of the proposed advertisement signage is typical for this form of advertisement. However, as stated, the nature of LED signage, including the incorporation of changing images would materially and harmfully change the relationship of the advertisement hoardings to the street scene. It is therefore considered that the proposed advertising structure would fail to positively contribute to urban design in the locality and the quality of the street scene and 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 would adversely affect the character and composition of the street scene. It is also considered that the signage and its operation would be harmful to the visual amenity of pedestrians and drivers travelling along Oldham Road and approaching and departing the city centre and linking with its orbital routes.

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

Policy E3.3 (Environmental Improvement and Protection) - Is relevant as the application site is situated on a City Centre radial route. Policy E3.3 confirms the council will upgrade the appearance of the city's major radial and orbital roads and rail routes. It is not considered that proposal would contribute positively to the street scene along on the adjacent section of Oldham

Road (as radial route to and from the city centre), as it would lead to the introduction of highly prominent and obtrusive advertising hoarding that would not contribute positively to the character of the street scene.

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 wall mounted posters have been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. The scope for posters and hoardings to make a positive contribution to the locality;
- iii. 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 surrounding context. As stated, the prominence of proposed and incorporation of changing images would materially affect the character of the street scene. Furthermore, the positioning of the sign directly in front of the main architectural feature of the arch which forms the character of the railway viaduct and causes harm to the features of a building.

On this basis it is considered that the proposal would be contrary to saved policy DC15 of the UDP.

Principle

The applicant proposes to remove 1 of the existing poster signs to help to address concerns regarding the proliferation of signage. However, the principle concern would relate to the impact of introducing advertising with changing images in a highly prominent location. It is considered that this circumstance would have an obtrusive impact on the street scene and adversely affect the character of the area and have an adverse impact on the architecture of the railway viaduct. The principle of the proposed advertisement display is considered to be unacceptable.

Design and Impact on the street scene - Whilst the height and displays of the replacement signage would replicate existing circumstance, the nature of the display involving digital and changeable images would be significantly changed and thereby adversely affect the character of the street scene. As stated, this would be particularly harmful given the relationship to Oldham Road which is a major road route into the City Centre and developments should only be encouraged here where they improve the visual amenity of the route. It is not considered that this proposal achieves this objective.

Highways issues and function of the proposed signage - Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity and major roads / radial routes.

Conclusion - The proposed advertising hoarding would by virtue of its location, design and appearance would have a cumulatively and detrimental impact on visual amenity thereby constituting unduly obtrusive, incongruous and over dominant feature within the street scene. 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).

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:

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance a solution that was acceptable to both the Local Planning Authority, and the applicant could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed advertising hoarding would by virtue of its size, location, design and appearance would have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the street scene and in a prominent location on Oldham Road , which is a major route to and from the city centre of Manchester. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area and be 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 E3.3, DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

501 Oldham Road, Manchester, M40 5AA
706 Oldham Road, Manchester, M40 2AA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1