

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133204/AOH/2022

Date registered valid: 14 March 2022

Proposal: Installation of 48 sheet digital LED wall mounted billboard to replace 2 x existing advertisement hoardings

Address: Corner Of Chancellor Lane And Northwestern Street, Manchester, M12 6JY

Ward(s): Ardwick 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: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 May 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 18 March 2022 Expired: 8 April 2022

Neighbour notifications

Printed: 18 March 2022 Expired: 8 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

This application relates to a site adjacent to a railway viaduct with an externally lit 48 sheet advertisement hoarding close to the junction of Chancellor Lane , and Midland Street.

The proposal site is an established location for advertising, having supported a static advertisement in this location for over 10 years.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

To the north west of the site is a surface car park . To north east and to the south the site are industrial , warehousing and which are a mix of single storey, two storeys (to the north east) rising in height to 5 storeys (to the south of the viaduct), effectively making a commercial hub around this railway viaduct.

There is an existing wall mounted 48 externally illuminated sheet advertisement on the northern face of the viaduct to the west of Chancellor Lane and a further existing 48 sheet non externally illuminated sheet advertisement above a plinth adjacent to the northern face of the viaduct to the east of Chancellor Lane .

In addition there are two further advertisement hoardings on the southern elevation of the viaduct to the east of Devonshire Street North.

Planning History

053582/AO/CENTL2/98

1 x 48 sheet illuminated advertisement hoarding

Railway bridge at corner of Chancellor Lane/Dainton Street ,Ardwick

Approved 03.03.1998

057113/AOH/NORTH2/99

1 x 48 sheet advertisement

Land at Chancellor Lane/Western Street

Refused 15.09.1999

Appeal dismissed.

058639/AOH/NORTH2/00

Internally illuminated 16 sheet wall mounted static advertisement hoarding.

Refused 05.04.2000

Allowed on appeal .

059285/AOH/NORTH2/00

Erection of 1 x 48 sheet externally illuminated wall-mounted static advert hoarding and associated timber fencing.

Rail bridge arch adjacent to Devonshire Street North facing, Higher Ardwick, Ardwick

Refused 05.07.2000

Allowed on appeal

Description of development

Permission is sought to replace the existing static externally illuminated 48 sheet advertisement hoarding with 1no. 48 sheet illuminated digital advertisement display. The display would be positioned in the same location as the existing hoarding and would be visible to traffic travelling southwards down Chancellor Lane.

As part of the proposed works the removal of the neighbouring existing static advertisement board located on the eastern side of Chancellor Lane which falls within Network Rail's land ownership is also proposed. The removal of this sign would reduce the number of advertisements on the street scene.

The sign would be mounted on the side of the railway viaduct in the same location as the exiting advertisement hoarding , and would be 3.5m in height 6.5m in length and 0.6m in depth.

The applicant has indicated that the advertisement would present a range of static images and would not contain any movement, animation or flashing lights, that maximum level of night time illuminance to be set to 300cd/m² in accordance with ILP Guidelines, and that advertisements would change no more frequently than once every ten seconds.

Furthermore, the agent has advised content would be controlled remotely in real time from a Networks Operation Centre (NOC) and the site will be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report any faults back to the NOC and a "kill switch" will turn the content to black until it can be resolved, and the site would be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report and resolve the majority of issues remotely.

Consultations & Notification Responses

Local businesses/adjoining occupiers - No comments received.

Highways Services - Make the following comments:

The proposed sign extends for a maximum of 0.6m over the adopted highway. As such, a projection over license will be required. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicants expense.

There is sufficient carriageway and height clearance.

The luminance for the sign is proposed as 3000cd/m². This level of luminance exceeds the MCC recommended maximum of 600cd/m², therefore we do not accept the proposed luminance of sign.

All imagery is noted to be static.

The location of the sign is not considered to generate any adverse impact for vehicles travelling along Chancellor Lane and North Western Street.

It is recommended that the following condition be attached to any approval of the application:

Condition

(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.

HS2 – Have advised that they have reviewed this application with the relevant internal teams and whilst they do not have an objection to this application they would like to advise the applicant that they are remodelling the highways in this area and they could be required to be removed at the developer's (NR's) cost if deemed required as a result of these modifications. These comments have been forwarded to the planning agent.

Network Rail - Have no comments

Issues

Policy

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. 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 126 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 136 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.

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 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 SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to Design Principles and Strategic Character Areas. It states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance 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, particularly on major radial and orbital road and rail routes.

Policy DM 1 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:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.

- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installation.

UNITARY DEVELOPMENT PLAN

The site is unallocated within the Manchester City Councils Unitary Development Plan Development Plan (adopted 1995). However, the general policy for advertisement hoardings is Saved policy DC15.

DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining such applications, for free standing hoardings and wall mounted posters the council will take account of the following matters in assessing these interests:

- a) the general location of the proposed development and the effect on visual amenity
- b) the scope for posters and hoardings to make a positive contribution to the locality
- c) the design of the structures, and the relationship with any premises on which they are located
- d) the effect of the proposal on permanent redevelopment of the land
- e) public safety resulting from the positioning of the design of the display
- f) the ease with which the structure is capable of being satisfactorily maintained
- g) the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent
- h) the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development
- i) the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities
- j) the number of advertisements in the locality and their cumulative effect on visual amenity

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 of 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 effect the flow of traffic, by reason of its position, size or design will not be permitted

DC15.3 Where having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

Issues

Principle – The proposal site is an established location for advertising, having supported a static advertisement in this location for over 10 years. As such the principle of signage in this location

has been established . The proposed development would involve the replacement of an static illuminated existing advertisement display with a digital sign in the same location . Consideration , however, must be given the impacts due to the replacement of static images, with changing displays.

Visual amenity – the proposed 48 sheet illuminated digital advertisement display would replace an existing static externally illuminated 48 sheet advertisement hoarding , and be positioned in the same location and orientation as the existing hoarding, being visible to traffic travelling southwards down Chancellor Lane. The location of the display is a rail viaduct visible from on a busy north /south route connecting the main radial routes Ashton Old Road to Hyde Road in a wholly industrial and commercial locality.

Given the presence of an existing illuminated advertising display , the material difference in the proposal is the replacement of static images, with changing displays.

It is considered , that provided that the advertisement display is subject to a condition to ensure that no individual advertisements displayed on the lower half of the LED panel contain moving images, animation, video or full motion images or any images that resemble road signs or traffic signs; that no individual advertisements shall be displayed for a duration of less than 10 seconds; that controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel; that the display panel be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels; that a mechanism is in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation; that the maximum luminance level of the advertisements displayed on the panel does not exceed 300 cd/m² during non daylight hours / inclement weather; in relation to visual amenity, there would not be any significantly adverse impact upon the street scene and surrounding area.

As part of the proposed works the removal of the neighbouring existing static advertisement board located on the eastern side of Chancellor Lane which falls within Network Rail's land ownership is also proposed. The removal of this sign would reduce the number of advertisements in the street scene.

Residential amenity – There are residential properties in the immediate vicinity of the site.

Public Safety - As the principle of an advertisement has already been established at this location, consideration has been given in regard as to whether there is any additional distraction arising from the proposed digital sign which would cause an unacceptable impact on highway safety.

Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. This is subject to a condition in relation to the control of matters such as luminance and the frequency of the changing displays. Concerns raised in relation to lighting levels were noted , and subsequent confirmation has been received from the planning agent confirming that the levels of luminance of 3,000cd/m² on the submitted forms is incorrect and the lighting level sought during the hours of darkness is a maximum of 300cd/m². Given the proposed location this is considered to be an acceptable approach.

For the above reasons and with the recommended conditions in place, the application is considered acceptable and would not have a detrimental impact upon visual amenity or public safety in this location.

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

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. In this case clarification was sought in regard to the levels of luminance proposed. The revised proposal is considered to be in accordance with City Council policy and appropriate conditions are attached.

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. (a) The express advertisement consent hereby granted is limited to a period of 5 years starting on the date of the commencement of the display of the advertisement hoarding(s).
(b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) within 7 working days of that commencement.
(c) 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 hoarding(s) 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 saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012) .

3.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.

4.The development hereby approved shall be carried out in accordance with the drawings and supporting documents :

Site Location plan ref: YZ020301062501_001 rev.A ; Existing Site Elevation ref: YZ020301062501_002 rev.A ; Proposed site elevation ref: YZ020301062501_003 rev.A ; Existing and Proposed sign specification ref: YZ020301062501_004 rev.A ; and Photo Montage ref: YZ020301062501_005 rev.A received 14th March 2022.

Letter dated 10th March 2022 and email dated 25th March 2022 from planning agent which it is confirmed that during the hours of darkness the sign will not exceed the maximum threshold set in the ILP guidelines of 300cd/m² within urban and suburban areas.

Reason - To ensure that the development is carried out in accordance with the approved plans., pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5.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

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

Reason - In the interests of pedestrian and highway safety, pursuant to Policy DM1 of the Manchester Core Strategy (2012).

Informative

The proposed sign extends for a maximum of 0.6m over the adopted highway. As such, a projection over license will be required. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Network Rail
High Speed Two (HS2) Limited

60 Temperance Street, Manchester, M12 6DP
Unit 4, Thames Industrial Estate, 99 Higher Ardwick, Manchester, M12 6BZ
Unit 5, Thames Industrial Estate, Higher Ardwick, Manchester, M12 6DD
42 Higher Ardwick, Manchester, M12 6DA
Flat At, 13 Chancellor Lane, Manchester, M12 6JZ
13 Chancellor Lane, Manchester, M12 6JZ
Fifth Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Third Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Williams Pallet Services, Higher Ardwick, Manchester, M12 6DB
Ground Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Second Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Arch 68, Temperance Street, Manchester, M12 6DP
Arch 69, North Western Street, Ardwick, Manchester, M12 6DX
Arch 68, North Western Street, Ardwick, Manchester, M12 6DX
Total, Petrol Filling Station, Chancellor Lane, Manchester, M12 6JZ
Arch 58, Temperance Street, Manchester, M12 6DP
Arch 59, Temperance Street, Manchester, M12 6DP
Arch 67, Temperance Street, Manchester, M12 6DP
4 Midland Street, Manchester, M12 6LB
2A Midland Street, Manchester, M12 6LB
Arch 67A, North Western Street, Ardwick, Manchester, M12 6DX
Arch 66, North Western Street, Ardwick, Manchester, M12 6DX
Arch 65, North Western Street, Ardwick, Manchester, M12 6DX
Arch 64, North Western Street, Ardwick, Manchester, M12 6DX
Arch 63, North Western Street, Ardwick, Manchester, M12 6DX
Fourth Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Units 6 And 7, 2 Midland Street, Manchester, M12 6LB
2 Midland Street, Manchester, M12 6LB
61 North Western Street, Ardwick, Manchester, M12 6DX
First Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR

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 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) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH2