

Growth & Development

Delegated officer report for planning application

Application no.	133126/AOH/2022
Date registered valid:	10 March 2022
Proposal:	Installation of 48 sheet digital display sign
Address:	Land To The Rear Of 628 Oldham Road, Manchester, M40 8BA
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Wildstone Group Barton Hall, 29 Gloucester Street, Cirencester, GL7 2DJ
Agent (if any):	Miss Hannah Wallis Carter Jonas 1 Chapel Place, London, W1G 0BG
Case officer:	Janine Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	4 May 2022

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

The site, that is subject of this application, is located approximately 2 kilometres to the north-east of Manchester city centre, in the Miles Platting area of Manchester. The proposal would be sited on the rear boundary wall of no 628 Oldham Road, a terrace of shop. The site is cut off by major roads, namely Oldham Road and Hulme Hall Lane, identified in the UDP as key radial and orbital routes.

The Proposal

The application seeks consent for the installation of a 1 x 48 sheet advertisement sign. The technology within the sign allows changing advertisement content, which for the purpose of this report will be referred to sequential displays. The sequential display would appear for a period and the transition to the next photograph can be either set to be instantaneous or gradual.

The sign would measure 3m height x 6m length and 61mm thickness and would be 2.5 metres from the height of the ground. The proposed sign would be attached the rear boundary wall of a two-storey property of a building which lies within a row of a parade of 5 commercial shops.

The Setting

The sign would appear within the street scene when travelling in a westerly direction along Hulme Hall Road and would also be visible to the left hand side of the street scene when

approaching the traffic lights at the junction of Oldham Road, Hulme Hall Road and Queens Road.

There are several large advertisement hoardings in close proximity to the application site including 2 x96 sheet, free standing and one on the side gable of the end property facing Hulme Hall Road. All of which can be seen in conjunction with the application site when viewed at several vantage points within the vicinity. The proposed advertisement display over sails the height of the wall by 3 metres.

Consultations & Notification Responses

Local residents were consulted and no representations were received.

Highways were consulted and raised no objection to the proposal given that the luminance of the digital media display is proposed as 300cd/m2. This level of luminance is below the MCC recommended maximum of 600cd/m2, therefore we accept the proposed luminance. However, recommended a condition relating to the illumination and sequential images.

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

Issues

The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to Government Guidance contained in Section 7 (Requiring Good Design) of the National Planning Policy Framework, and the saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters), and E3.3 (Environmental Improvements and Protection) of the Unitary Development Plan for Manchester, and EN1 (Design Principles and Strategic Character Areas), SP1 (Spatial Principles), and DM1 (Development Management) of the Core Strategy for the City of Manchester.

ISSUES

Policy

In considering the impact of the application on visual amenity, regard was had to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, The Adopted Core Strategy for the City of Manchester, The Guide to Development SPD and the saved policies of the Unitary Development Plan for the City of Manchester. The relevant policies are as follows:

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

Government Guidance on advertisements within the NPPG Paragraph 026 advises that advertisements should be controlled only in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

Government Guidance on advertisements within the NPPG Paragraph 079 advises that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state within Part 1 Regulation 3 that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes.

Policy DM1 (Development Management) of the Core Strategy states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail and the effects on amenity and the character of the surrounding area.

Policy SP1 (Spatial Principles) of the Core Strategy 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 and protecting and enhancing the built and natural environment.

Saved Policy E3.3 (Environmental Improvement and Protection) of the Unitary Development Plan (UDP) seeks to enhance the visual amenity of prominent access corridors and to achieve high standards of development and environmental treatment on sites adjoining orbital routes around the City Centre.

The proposed digital advertising screen is considered to be contrary to the above national and local policies for the following reasons:

The proposed digital advertising screen would be overlarge and would be overbearing when viewed in the context within the street scene and would be a dominant feature appearing incongruous. Furthermore, the proposals would be over large, over dominant and visually obtrusive and would have a detrimental impact on the architecture of the host building, as it would have a poor relationship with the rear elevation of the host building as it would cover a large area of the brick and comply shroud the elevation. The sign would be larger than any architectural feature of the building and along with the other hoardings within the vicinity in particular the other advisements signs and hoardings situated along the parade off terraces would result in a unacceptable level of proliferation of adverts.

There is no sign currently in situ at the site. There appears to have been a sign previously at the site but this had never benefitted from planning permission. None of the signs currently on the rear elevation of the parade of shop have been granted advert consent previously. Furthermore, the application to further enhance the visual presence of the hoarding by the means of changing images would be considered to have a detrimental impact within the area when viewed from within the street scene.

The digital advertising screen is proposed in a highly prominent location at the junction of the Orbital Inner Relief Route and a radial entry route. The proposal would be overlarge and visually obtrusive with the advertisement not only being far larger than any other features of the surrounding buildings, would contribute to the proliferation of advertisements in the area.

The proposal would be an inappropriate type of development on a prominent site and would not improve the appearance of the site or the image of the City having inappropriate siting, scale, form, materials and detail.

Furthermore, the application to further enhance the visual presence of the hoarding by the means of changing images would be considered to have a detrimental impact within the area when viewed from within the street scene.

Given this, the overall visual effect of the advertisement would be one of detriment to visual amenity in the locality and the proposals would be contrary to Part 1, Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and the above identified policies of the NPPF, NPPG, The Core Strategy for the City of Manchester, The Guide to Development SPD and the saved policies of the UDP.

In considering the application, regard was also had to the detailed guidance within saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan for the City of Manchester, which give specific guidance and set out City Council policy in relation to advertisements, hoardings and posters. The primary issue addressed by this policy is that of visual amenity. The guidance is set out below:

- (i) The general location of the proposed advertisements and the effect on visual amenity;
 - (ii) The scope for posters and hoardings to make a positive contribution to the locality;
 - (iii) The design of the structures and the relationship with any premises on which they are located;
 - (iv) The use of the hoardings to screen vacant sites or buildings during development, or where development is known to be imminent;
 - (v) The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
 - (vi) The use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development;
 - (vii) The scale of the advertisement in relation to the surrounding locality and the site on which it would stand;
 - (viii) Whether the advertisement would be obtrusive and intrude into an area of high amenity value or into residential neighbourhoods;
 - (ix) The effect of the proposal on the permanent redevelopment of the land;
 - (x) The ease within which the structure is capable of being maintained;
 - (xi) Whether the development would harm the character or architectural features of a building nor interfere with its proper use;
 - (xii) The number of advertisements in the locality and their cumulative impact on visual amenity.
- In relation to this, and using the above numbering, the following comments are made:

Points (i), (ii), (vii), (viii) and (xi) - The general location of the digital advertising screen effect on visual amenity would be unacceptable as it would not make a positive contribution to visual amenity within the locality, as it would have an incongruous appearance due to the proposed size, location, appearance and design. The screen would be out of scale with the smaller scale features of the surrounding buildings and the proposals would not be in keeping with the features, materials and colours of the surrounding environment and would constitute an intrusion into an area of relatively high amenity value.

Point (iii) and (vii) - The screen is out of scale with the features of the host building. Therefore, the proposal is considered to affect the character and architectural features of the building in which it would sit. The display screen would cover the rear elevation of the property hindering views into the site.

Points (iv), (v) and (vi) - Development is not currently taking place on the site and the proposal would not be screening a vacant site, unsightly features or a site during development. It is also not required to prevent access to a site undergoing development.

Points (i), (ii), (iii) and (vii) - It is considered that, by virtue of its siting, size, location, design and appearance, the advertisement would not relate properly to the site on which it would stand through the overlarge size of the advertisement. The main advertisement would also be much larger than the existing features of surrounding buildings. The proposal would also represent an obtrusive feature on a major radial entry route out and across the City Centre due to its size, location, appearance and design.

Point (xii) - The proposed advertisement would exacerbate advertisements within the area. There are a large number of large scale advertisements in a small area and this proposal is considered to exacerbate advertisement clutter. No signage to the rear elevation of the

boundary wall of the commercial parade have ever been authorised and it is considered that the positioning of the proposed sign creates a poor aesthetic and is at odds with the surroundings.

Given the above, the advertising screen is considered to be inconsistent with saved policies DC15.1 and 15.2. In summary, it can be seen that the application proposal is not consistent with the above local and national policies and guidance, and would have a detrimental impact on visual amenity for the following reasons and based on all information within the issues section of this report:

The examples below are most recent dismissed appeal decisions. The examples are similar to the advertisement application proposed.

Appeal Ref:

APP/B4215/Z/19/3238 92

Dismissed 21 November 2019

124060/AOH/2019- 133A, Cheetham Hill Road Manchester, M8 8LY

Paragraph 8 'As Cheetham Hill Road has many retail and commercial premises along it, advertisements are an expected feature of the street scene, some of which would be illuminated. Even so, I observed that existing advertisements are generally smaller and set a lower level than the proposal. As such, they would have a less harmful impact on the visual amenity of the local area than would be the case with the appeal scheme. While I saw some advertisements on gable walls of existing buildings, none were directly comparable with the proposal before me in terms of design, size, illumination and prominence within the local street scene'

Appeal Ref: 3248230 - Appeal Dismissed 15 June 20

125208/AOH/2019 - 661 Stockport Road, Manchester

Advertisement Consent for the replacement of the existing externally illuminated 48 sheet poster advert with a internally illuminated 48 sheet LED digital advertisement REFUSED

3/2/20 - Visual Amenity

Paragraphs 6, 7 and 10 of the Planning Inspector's decision states the following:-

Paragraph 6 "The scale and positioning of the proposal would be similar to the existing poster advertisement, however it would vary significantly as it would display digital images. Whilst the images would be static, they would change on a sequential rotation. Although the rate of change would be no more than once every ten seconds, the images would nevertheless be significantly sharper than those currently displayed. All these factors would cause the proposal to be more apparent and overly dominant in the street scene than the existing advertisement."

Paragraph 7 "...Therefore, due to its elevated position, scale and method of display, the proposed advertisement would be highly prominent in the locality. It would be a visually incongruous and overly dominant addition to the street scene and would erode the character of the area..."

Paragraph 10 "...the proposal would result in unacceptable harm to the visual amenity of the area..."

The Planning Inspector clearly has identified issues in relation to the digital images, changing on a sequential rotation within the character of the street scene and existing advertisement.

The Inspector has also recognised that the proposed advertisement would be highly prominent within the street scene and erode the character of the area and furthermore

Previous Scheme at the Site

A previous application submitted at the same site for a sequential LED screen was similar in dimension and included changing images, was refused by the planning inspectorate and the details of the decision are outlined below.

The planning inspector upheld the council's decision to refuse the application on visual amenity grounds including the over proliferation of advertisements in the same vicinity which contributed to a scene of clutter. The inspector's decision is outlined below.

Appeal Decision

Decision date: 18th February 2019

Appeal Ref: APP/B4215/Z/18/3211404

622 Oldham Road, Manchester, M40 8BA

o The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.

o The appeal is made by Mr Alan Mottershead against the decision of Manchester City Council.

o The application Ref 120128/AOH/2018, dated 24 May 2018, was refused by notice dated 19 July 2018.

o The advertisement proposed is a 1 x 48 sheet LED screen with changeable content.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is already an existing illuminated advertisement hoarding of the same size and in the same position as the proposal the subject of this appeal. The proposal would differ from the existing advertisement in that it would have an LED screen and changing content. The existing advertisement was approved by the Council in 20101.

Main Issue

3. The main issue in this case is the effect of the advertisement on visual amenity.

Reasons

4. The appeal property is a two storey end of terrace building. The proposed advertisement would replace a large existing advertisement located on the gable wall of the property.

5. Number 622 Oldham Road is located at a busy junction, where Oldham Road and Hulme Hall Lane meet. The proposed advertisement faces towards Manchester city centre and would thus be visible as one travels along Oldham Road away from Manchester, as well as from Hulme Hall Lane, which passes directly past the side of No 622.

6. During my site visit, I observed a large number of advertisements in the area around the appeal property. These vary in size and type, from smaller signs associated with commercial premises, to large hoardings, including the one which the proposed development would replace.

1 Ref: 095090/AOH/2010/N1.

Appeal Decision APP/B4215/Z/18/3211404

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7. Whilst to some considerable degree, the presence of advertisements reflects the mixed use nature of this part of Miles Platting, I also noted during my site visit that, as one travels along Oldham Road, away from Manchester city centre, the static nature of advertisements - ie, the absence of changes every few seconds - means that they do not draw undue attention. The existing advertisement to the side gable of No 622 is very large, but it does not have changing content and does not necessarily draw the eye.

8. In this way, whilst there is some degree of clutter arising from the presence of numerous advertisements, it is not "over-powering" and is not to the significant detriment of the area.

9. By way of contrast, I find that the proposed advertisement would, as a result of its LED screen and changing content, inevitably draw the eye to a much greater degree than the existing sign. I find that this, when combined with the large size of the advertisement proposed, which would fill a very large part of No 622's side gable, would lead the advertisement to appear as a visually intrusive and unduly dominant feature.

10. Further to the above, the proposal would, in drawing undue attention to itself, also serve to emphasise the presence of the many other advertisements within the area. I consider that this would have the effect of "tipping the balance," such that it would lead to an overwhelming sense of advertising clutter.

11. Taking this and all of the above into account, I find that the advertisement would be detrimental to visual amenity, contrary to the Framework and to the Council's UDP2 saved policies DC15.1, DC15.2 and E3.3, and to the Council's Core Strategy3 policies EN1, SP1 and DM1, which together amongst other things, seek to protect local character.

Other Matters

12. In its reasons for refusal, the Council stated that the proposal would harm the amenity of residents of Alburn Court, a block of flats in the area. However, the proposed advertisement would be some considerable distance away from the nearest flats, across a busy road and separated by a large, landscaped public open space. Further, a group of mature deciduous trees on the open space would, even during winter time, partly obscure views between the flats and the proposal, with levels of obscurity increasing when the trees are in leaf.

13. In addition to the above, I observed during my side visit that Alburn Court is largely positioned "side on" to No 622 Oldham Road, such that the only apparent views to the proposal from the inside of flats would be at an oblique angle. Taking this and the above into account, I find that the proposal would not have a detrimental effect on the visual amenity of the occupiers of residential accommodation. However, this is not a factor that mitigates against the findings, in respect of detriment to visual amenity, set out above.

14. The appellant considers that the Council has "an established record of refusing consent for advertisements on private land whilst granting approval for advertisements on City owned property." Whether or not this is the case, I have found that the proposal would be detrimental to visual amenity and hence my decision below.

2 Unitary Development Plan for the City of Manchester (1995).

3 Core Strategy Development Plan Document (2012).

Conclusion

It is the Council's view that the digital advertising unit subject of this application would constitute an over dominant feature and would be detrimental to visual amenity

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 applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be contrary to the development plan and therefore determined in a timely manner.

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

1) The proposed internally illuminated sequential LED display would further emphasise the presence of advertising material on this site. By virtue of its size, character and siting, the changeable content the hoarding would be an over-dominant and obtrusive feature within the street scene, overwhelming to pedestrians and presenting a poor visual relationship to the buildings behind, to the detriment of the visual amenity of the area and of the key radial route. The proposed sequential display would further emphasise the proliferation of hoarding displays in this location. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to Government Guidance contained in Section 7 (Requiring Good Design) of the National Planning Policy Framework, and the saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters), and E3.3 (Environmental Improvements and Protection) of the Unitary Development Plan for Manchester, and EN1 (Design Principles and Strategic Character Areas), SP1 (Spatial Principles), and DM1 (Development Management) of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat Above, 4 Hulme Hall Lane, Manchester, M40 8AZ
622 Oldham Road, Manchester, M40 8BA
Top Flat, 622 Oldham Road, Manchester, M40 8BA
4 Hulme Hall Lane, Manchester, M40 8AZ
640 - 642 Oldham Road, Manchester, M40 8BA
630 - 632 Oldham Road, Manchester, M40 8BA
624 - 626 Oldham Road, Manchester, M40 8BA
6 Hulme Hall Lane, Manchester, M40 8AZ
2 Hulme Hall Lane, Manchester, M40 8AZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1