

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133205/AOH/2022

Date registered valid: 14 March 2022

Proposal: Installation of 48 sheet digital LED billboard to replace existing hoarding

Address: The Corner Of Hyde Road And Williams Road, Manchester, M18 7BN

Ward(s): Longsight 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: 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: 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

The site is on a piece of land comprising tree and shrubs located at right angles to Hyde Road, at the junction of Williams Road in proximity to Belle Vue Station, with an existing externally lit 48 sheet advertisement hoarding sited in front of the planting. There is an elevated road direction sign on the footpath on Hyde Road in close proximity to the site.

There is no record of an advertisement consent for this sign, but the submitted supporting statement indicates that the site has 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 is a large food store, with a rail line and a cleared vacant site (formerly occupied by a public house to the west, a restaurant, car wash and retail uses to the east), and an area of enclosed landscaping with trees forming the top of the embankment between Williams Road and the rail line to the south.

There is an externally illuminated 48 sheet elevated advertisement facing traffic travelling east on Hyde Road (to the north of Hyde Road adjacent to the railway).

Planning History (in proximity to the site to the north of Hyde Road)

133180/AOH/2022 - Installation of 48 sheet digital LED billboard following the removal of existing hoarding.

Land At Hyde Road 85 Metres From The Junction With Thornbury Way.

Awaiting determination.

125120/AOH/2019 - Proposed installation of a replacement internally illuminated 48-sheet advertisement hoarding with digital LED display.

Railway Embankment At Belle Vue Station , Hyde Road.

Approved 25.11.2019 – not implemented to date.

052546/AO/CENTL2/97 - Application to illuminate existing 1x48 advertising panel.

Hyde Road/Thornbury Way, Gorton.

Approved 01.09.1997.

Description of development

Permission is sought to replace the existing static externally illuminated 48 sheet advertisement hoarding on posts 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 westwards along Hyde Road.

The sign would be mounted on a plinth in the same location as the existing advertisement hoarding , and would be 3.5m in height 6.5m in length and 0.6m in depth, with the base of the advertisement display being 2m above ground level.

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 digital LED billboard is not located on and will not project over the adopted highway network. As such, a Projection over License will not be required.

The location of the digital LED billboard is not considered to generate any adverse impact for vehicles travelling along Hyde Road and Williams Road.

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

Given that the digital LED billboard will be located on private land, permissions will be required from the landowner.

Detail is sought on proposed installation arrangements from a highways perspective. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways

Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

It is recommended that the following planning condition should be applied:-

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.

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

Chapter 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this (paragraph 126).

Paragraph 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed. 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. 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 streetscene and would harmfully affect the visual amenity of the area. It is considered that the nature of LED signage would materially and harmfully change the relationship of the advertisement hoarding to the streetscene. 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 proposal would not accord with the NPPF.

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.

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.

In this case, it is considered that 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 streetscene and would be visible from an adjacent busy road which is a main radial route into Manchester. The resulting impact is considered to be harmful and contrary to policy SP1.

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.

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 display to the streetscene. 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 streetscene and would thereby be contrary to policy EN1

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.

In this case, the prominence of the proposed advertisement would adversely affect the character and composition of the streetscene. It is also considered that the signage and its operation would be harmful to the visual amenity of pedestrians and drivers travelling along the adjoining main radial route.

Unitary Development Plan – saved policies

The site is unallocated within the Manchester City Councils Unitary Development Plan Development Plan (adopted 1995).

Saved Policy E3.3 (Environmental Improvement and Protection) is relevant as the application site is situated on a main 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 streetscene along on the adjacent section of Hyde Road (a 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 streetscene.

The general policy for advertisement hoardings is saved UDP 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.

For the reasons previously outlined, the proposals would fail to be positively related to the surrounding context. As stated the prominence of proposed advertisement display and incorporation of changing images would materially affect the character of the streetscene. On this basis it is considered that the proposal would be contrary to saved policy DC15 of the UDP

Issues

Principle

Whilst there is no record of an advertisement consent for this sign, the submitted supporting statement indicates that the site has supported a static advertisement in this location for over 10 years. Google images indicate that an advertisement display was present on the site in December 2000. As such the principle of signage in this location has been established. The proposed development, however, would involve the replacement of a static illuminated existing advertisement display with a digital sign in the same location. Consideration, however, must be given to the impacts due to the replacement of static images, with changing displays.

The proposed signage would be viewed contextually with business signage along Hyde Road, directional traffic signage in close proximity to the site, and being located on the periphery of the Gorton District Centre. Furthermore, there is a 48 sheet externally illuminated advertisement display located directly to the north of the site on the top of the railway embankment in close proximity to Hyde Road which faces westwards. This site has the benefit of an extant permission to replace the existing externally illuminated sign with an internally illuminated 48-sheet advertisement hoarding with digital LED display. (ref:125120/AOH/2019) which is due to lapse on 25.11.2022.

A further application (ref:133180/AOH/2022) for the installation of 48 sheet digital LED billboard following the removal of existing hoarding at that site has been submitted by the applicant for this application, and is under consideration at this time.

As such the proposed display to the south of Hyde Road would thereby be related to a context with a notable representation of advertising signage.

Whilst an externally illuminated advertisement has been in place at the location of the junction of Williams Road and Hyde Road for some time, the proposal would be distinctly different in terms of the digital features. It is considered that the intermittent changing of the illuminated display would significantly attract attention to the advertisement display, accentuating its visual

prominence. This would result in a prominent, incongruous form of advertising which would appear as a harmful and dominating feature in the street scene.

The principle of the proposed advertisement display is considered to be unacceptable.

Design and Impact on the streetscene - Whilst the height and display of the replacement signage would replicate the existing static externally illuminated 48 sheet advertisement display, it is considered that the nature of the display involving digital and changeable images would give rise to a significantly change, thereby adversely affect the character of the streetscene. This change has been considered in the context of introducing an visually prominent advertising display ,where there is a notable representation of advertising signage.

Residential amenity - The only residential properties in the immediate vicinity of the site, are above the shop units further to the east on Hyde Road . However, an application has been recently approved to erect a 4 storey building to 24 x 1 bedroom and 16 x 2 bedroom apartments (40 total) (Class C3), together with associated external works, car parking and landscaping and highway works on the former Chatsworth Mill Site on Williams Road which would be located 71m to the south east of the site. Although no residential units directly face onto the display, there would be potential for angled views of the displays from habitable windows and it is considered that the intermittent nature of the illumination has the potential to cause some disamenity to future residents.

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, subject to controls in regard to the level of luminance proposed; controls regarding moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs; controls relating to the duration of each individual advertisement display , together with measures to ensure smooth uninterrupted transition of images displayed on the panel; the use light sensors; and a mechanism in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.

However, it is not considered that these operational arrangements, and controls in regard to luminance, would overcome concerns regarding the harmful impact of the proposed signage on visual amenity.

Conclusion - The proposed advertising display would by virtue of its location, design, appearance and level of luminance, have a cumulative and detrimental impact on visual amenity thereby constituting unduly obtrusive, incongruous and over dominant feature within the streetscene. 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 E3.3 (Environmental Improvement and Protection) , 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: Refuse

Article 35 Declaration

Officers have attempted to work 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 applicant was advised of the City Council's concerns, in relation to this advertisement, and invited to withdraw the application, but requested the application be determined .

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

1.The proposed advertising display would by virtue of its size, location, means of illumination and method of display, when viewed in conjunction with existing advertisement hoardings, would have a cumulatively and detrimental impact on visual amenity, thereby constituting an unduly obtrusive, incongruous and over dominant feature within the streetscene and in a prominent location on a main radial route . 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 (Environmental Improvement and Protection) , DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Network Rail

Roots Restaurant, 518 Hyde Road, Manchester, M18 7AA
Car Wash Gorton Service Station, Thornbury Way, Manchester, M18 8HE
Gorton Service Station, Thornbury Way, Manchester, M18 7AA
Aldi, Garratt Way, Manchester, M18 8HE

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH2