

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133245/AOH/2022

Date registered valid: 17 March 2022

Proposal: Installation of 48 sheet digital LED billboard

Address: Longsight Slade Lane Adjacent To The Entrance Of Rushford Park,
Manchester, M19 2AH

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: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 10 May 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 25 March 2022 Expired: 15 April 2022

Neighbour notifications

Printed: 25 March 2022 Expired: 15 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:

Tree Preservation Order:

This application relates to a railway bridge which adjoins the Rushford Park playing field/sports complex, with an open railway embankment and some residential properties, on the opposite side of Slade Lane, a busy radial route that links Kingsway and Moseley Road, with Stockport Road. The site lies close to, but outside, the Rushford Park Conservation Area, to the south

There is no current advertisement hoarding/display on the site and no record of any previous consents, to display advertisements, on the site.

It is now proposed to install a new 48 sheet digital LED advertising display, to be sited, on the railway embankment, adjacent to the bridge. It would be mounted on a 2.8 metre high plinth, with a display area of 3.5 metres high x 6.5 metres wide, thereby giving it an overall height of 6.3 metres. This height would be slightly below the height of the top of the bridge.

Consultations & Notification Responses

Local residents/adjoining occupiers - Four objections have been received, from local residents, for the following reasons:

- The proposed location for the illuminated billboard directly faces a row of residential properties. These properties have bay windows which face onto Slade Lane, including the master bedrooms. The light emanating from the LED billboards particularly at night would cause a substantial and unreasonable interference with the enjoyment of land for the basis of

commercial advertising; namely unwanted, dynamic and multicoloured light encroaching into property. The reflected light off the windows and painted properties would also have a similar effect on the adjacent flats.

- The assertions in the covering letter dated that the billboard will be remotely managed, reporting faults to a NOC, and could be remotely deactivated in case of a problem, are unsupported with sufficient detail to provide assurance to neighbouring residents. They also do not consider that in the case of a fault, it may not be possible to kill the light from the panel. Further, it is the case that the ambient light monitoring for these panels often malfunctions.
- The assurances within the document that reference the anticipated night-time brightness of the panel give a value of 300cd per square metre. On a white backed advertisement, this still equates to approximately 100 60W bulbs illuminated simultaneously, packed within the space of an advertising board. This would amount to unreasonable interference, particularly when one considers that the light emitted from an LED panel is strongest when viewed perpendicular to the emission surface.
- The effect of an always-on, cyclically changing LED image has the potential to cause a significant nuisance to the adjacent properties and is therefore unreasonable.
- They do not see the necessary point in putting an illuminated billboard in a residential area. Living rooms and bedrooms face Slade Lane and the adverts will change every 10 seconds and this will be like someone switching a light on and off outside the house constantly.
- The potential for tortious nuisance may result in diminution of the property value in case of a future sale.
- It will be hazardous for people driving on this main road which will distract drivers and may cause accidents.

Highway Services - Makes 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.

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.

Strategic Area and Citywide Support Manager - They have no objection to the above application; the proposals and specifications contained in the submitted TetraTech covering letter, Ref: 784-B032514 / YZ020301347501 dated 15.03.2022, are considered sufficient to safeguard the amenities of the occupiers of nearby properties.

Network Rail - No objections.

Issues

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 (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system

is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 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 and the incorporation of changing images within the display would also give the signage great prominence and would be a visually obtrusive addition to the location. It is therefore considered that the proposals would not accord with the NPPF.

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, 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 adjacent busy roads. 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 impact upon the streetscene. It is therefore considered that the proposed advertising structures 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
- Existing or proposed hazardous installation.

In this case, the prominence of the proposed advertisement would adversely affect the character and composition of the streetscene and would impact upon the amenities of the occupiers of nearby premises. 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 routes.

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.

Saved policy E3.3 relates to sites along radial and orbital routes, which includes Slade Lane, and seeks to ensure that all new development, along these routes, is of the highest quality.

For the reasons outlined, the proposals would fail to be positively related to the surrounding context. Particular consideration has been given to the prominent position of the sign along a key route through the city and the additional prominence of the signage due to height, illumination and incorporation of changing images, which would materially affect the character of the streetscene. On this basis it is considered that the proposal would be contrary to saved policies DC15 and E3.3 of the UDP.

Principle -There is no history of any previous advertisements on this site and the proposal therefore represents a new proposal for an illuminated display in an elevated position. The principle of the installation of such a large, elevated advertisement has to be fully considered. It is considered that, due to the size and elevated position of the advertisement, along with the display of an intermittent illuminated display of changing images, that the proposed works would present an unacceptable relationship of the sign to the streetscene, and the character of the local area. It is therefore considered that the proposal is not acceptable, pursuant to Core Strategy policies EN1, SP1 and DM1 and saved UDP policies E3.3 and DC15.

Visual amenity - Slade Lane is part of an important, and busy, radial route around the city. Given the context of the site in relation to this route and the associated streetscene, it is considered that the nature of the proposed illuminated signage (i.e. changing images), and height of the display, would materially affect the character and appearance of the streetscene.

Also, given the height and location of the sign, in such a prominent and open position, the sign would have a considerable range of visibility along this route, and would therefore be a conspicuous feature in the street scene, which would draw attention to itself and be harmful to the amenities of the locality. This would be exacerbated by the constant changing of images that would occur on the display.

It is therefore considered that the introduction of an illuminated digital display in this location would further create an intrusive, over dominant feature in the street scene, along one of the City's main radial routes, which would be contrary to Core Strategy policies EN1 and DM1 and saved UDP policies E3.3 and DC15

The advertisement is considered to be inconsistent with Core Strategy Policies SP1, DM1 and EN1. These policies seek to enhance the visual amenity of prominent access corridors and character areas and seek to achieve high standards of development and environmental treatment on sites adjoining radial and orbital routes.

The display of the proposed advertisement is considered to be inconsistent with these policies, as it would have an unacceptable detrimental impact on the visual amenity of an area along a major radial route and principal corridor of movement. Given the scale, height and elevated position of the proposed sign, it is considered that the display of the advertisement, would represent an unduly prominent feature in the street scene, which would be unrelated to any

adjoining sites or buildings. This is considered to be detrimental to the visual amenities of the area, creating a negative image for this important route.

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

The proposed advertisement is considered to be inconsistent with Policy DC15 due to the following:

- The general location of the advertisement and its effect on visual amenity would be unacceptable and would not make a positive contribution to visual amenity within the locality;
- The advertisement would represent an obtrusive feature on a major route into the City Centre, due to its size, elevated location and design.

The advertisement is also considered to be inconsistent with UDP Policy E3.3 'Environmental Improvement and Protection'.

These saved UDP policies seek to enhance the visual amenity of prominent access corridors and to achieve high standards of development and environmental treatment. Policy E3.3 specifically talks about the importance of sites relative to main radial and orbital routes. The proposed advertisement is considered to be inconsistent with these policies, as it would have an unacceptable detrimental impact on the visual amenity of a radial route to the City Centre due to its size, design, location and appearance.

Residential amenity - The site lies in close proximity to a number of residential properties. In particular there are residential properties on the opposite side of Slade Lane. They are positioned at an angle to the proposed display, and approximately 50 metres away, but some do have habitable room windows facing onto the application site, and it is considered that there would be some impact on the occupiers of those properties, due to the introduction of a display, with illumination and changing images, into this location.

The Local Authority has considered measures to alter the display, such as reducing the level of illumination and/or reducing the frequency of changeover, so that signs would remain on display for longer than the 10 seconds per display currently indicated. However, it is not considered that these measures would overcome the fundamental concerns about the proposed signage identified above.

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 and has suggested a condition regarding its operation. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity on this locality and a major orbital route.

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 this was declined.

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

1) The proposed advertisement display by reason of its size, location, design, appearance, elevated position, means of illumination and method of display, would create an unduly obtrusive and over-dominant feature in the street-scene adjacent to a main radial route, and would form an incongruous feature within the street scene. The proposed display would thereby appear out of context with its location. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and the amenity of surrounding occupiers, contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, SP1 and DM1 of the Manchester Core Strategy and saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

114 Slade Lane, Manchester, M19 2BA
104 Slade Lane, Manchester, M19 2BA
106 Slade Lane, Manchester, M19 2BA
27 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
26 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
25 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
24 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
23 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
22 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
21 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
20 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
19 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
18 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
17 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
16 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
15 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
14 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
13 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
12 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
11 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
10 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
9 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
8 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
7 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
6 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
5 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
4 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
3 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
2 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
1 Brookside Court, 101 Slade Lane, Manchester, M19 2AH
204 Hamilton Road, Manchester, M13 0PX
112 Slade Lane, Manchester, M19 2BA
110 Slade Lane, Manchester, M19 2BA
108 Slade Lane, Manchester, M19 2BA

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
Area Team Boundary - Name: NORTH2