

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133180/AOH/2022

Date registered valid: 15 March 2022

Proposal: Installation of 48 sheet digital LED billboard following the removal of existing hoarding

Address: Land At Hyde Road 85 Metres From The Junction With Thornbury Way, Manchester

Ward(s): Gorton & Abbey Hey 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: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 19 May 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 3 May 2022

Standard consultations:

Printed: 12 April 2022 Expired: 3 May 2022

Neighbour notifications

Printed: 12 April 2022 Expired: 3 May 2022

Site notice

Posted: Expired:

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

Description of area

The application site relates to part of the railway embankment located on the northern side of Hyde Road and separated from the back of pavement by a brick wall with stone copings. The site is located on the western approach of Gorton District Centre. The sign has a slightly angled orientation that would be replicated by the proposal. To the east of the site is a grassed area and an Aldi store and its car park. There are no houses in the vicinity of the site. The site is located on a radial route to the city centre.



Fig.1 – Views of the application site

Description of development

The proposed signage would incorporate a single display visible to pedestrians and other highway users travelling west to east along Hyde Road. The proposed signage would incorporate:

- i. Dimensions of 6.5 metres x 3.5 metres and a depth of 600 mm. The display would incorporate an integrated plinth height to 2.1 metres above ground level;
- ii. The height and display area of the sign would replicate the existing sign;
- iii. The internally illuminated display would incorporate rotating multiple images with luminance not exceeding 300 cd/m². Advertisements would change no more frequently than once every ten seconds.

Fig.



Fig.2 – Existing and proposed views

The assessment of the above advertisement application has been informed by the extant consent:

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 M18 8HA
Approved: 25 November 2019

In turn the above, was informed by the display of advertisement established through the consent referenced:

052546/AO/CENTL2/97 - Application to illuminate existing 1x48 advertising panel
Hyde Road/Thornbury Way, Gorton Approved 1 January 1997

Although it is extant, advertisement consent ref: 125120/AOH/2019 has not been implemented.

Consultations & Notification Responses

Local residents and businesses – No comments.

Highway Services - The following comments have been received:

- i. The proposed digital LED billboard will not be located on and will not project over the adopted highway network. As such, a projection over licence will not be required.
- ii. The location of the digital LED billboard is not considered to generate any adverse impact for vehicles travelling along Hyde Road.
- iii. The proposed luminance of the static digital LED billboard is noted as 300cd/m² which is considered to be in line MCC recommended maximum of 600cd/m².
- iv. 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. These details have been included as an informative.

Environmental Health – A condition has been requested relating to the management of illumination to the proposed signage, including the following details:

- i. 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.
- ii. No individual advertisements shall be displayed for duration of less than 10 seconds.
- iii. Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- iv. The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- v. 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.
- vi. The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather

GM Ecology Unit – Have no objections or specific comments. However, the following general comments are made:

- i. Protected species can be found in unexpected places and the granting of advertising consent does not negate the need to observe laws that safeguard biodiversity. An informative is recommended advising the applicant that ecological advice should be sought if it is found or suspected that the proposals may impact on protected species;
- ii. Any work that may impact on habitats where nesting birds may be present, including works to trees and/or removal of vegetation, should not be undertaken in the main bird nesting season (March – August) unless suitable checks for active bird nests have been undertaken.

Network Rail – Do not wish to comment.

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 considered in the assessment of the advertisement consent application. There are no grounds to refuse advertisement in respect of public safety. It is also considered that the design of the supporting structure has some architectural merit. Whilst the display with changing images would have some impact, the installation of a single, one-sided sign would reduce the prominence of signage displayed with the site. It is not considered that display of the signage would impact highway safety due to the implementation of the conditioned operational controls.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. 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 reference to:

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, the design of the overall advertising structure would not significantly from the extant advertisement consent and has been appropriately related to the make a positive contribution to the streetscene. The height of the signage and the display area reflects the existing circumstances. It is not considered that the development would unduly impact on the character of the area and would thereby accord with Chapter 12 of the NPPF.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment. On balance, it is considered that the proposal be related to the relationship of existing signage to the streetscene and landscaped setting. The proposal would thereby be appropriately related to policy SP1.

Policy DM1 - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are: impact of the signage on the surrounding areas in terms of its design, scale and appearance of the proposed signage and its relationship to the character of the surrounding area and its effects on amenity. As discussed, the quality of proposed design would be appropriate and the proposal would not cause significant harm to the wider streetscene and local amenity. Policy DM1 would thereby be positively responded to.

Unitary Development Plan saved policies

The following saved policies of the UDP are relevant:

Policy E3.3 - Is relevant as the application site is situated on a City Centre radial route. Policy E3.3 confirms the council will upgrade the appearance of the city's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

It is considered that the proposed would present the opportunity to remove lesser quality existing signage. The merit of the supporting structure and the appearance of the display unit would contribute to the streetscene. The prominence of the signage would be reduced by the retention of the surrounding landscaped setting. On this basis, the proposals would relate appropriately to policy E3.3 and the adjacent radial route along Hyde Road.

Policy DC15 - Advertisements, Hoardings & Posters - Is relevant given to the proposed signage:

Policy DC15.1 - The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In this case the wall mounted posters have been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. The scope for posters and hoardings to make a positive contribution to the locality;

- iii. The relationship with any premises on which they are located;
- iv. The effect of the proposal on permanent redevelopment of the land;
- v. Public safety resulting from the positioning of the design of the display;
- vi. The ease with which the structure is capable of being satisfactorily maintained;
- vii. The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
- viii. The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC15.2 - In assessing the interests of amenity and safety the Council will take account of the following criteria:

- a. Developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
- b. They should be in scale with the locality and relate properly to the site on which they stand;
- c. They should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- d. A proposal, which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

Policy DC15 - Advertisements, Hoardings & Posters - In addition to Policy DC14, reference is made to the following, which is relevant to this application:

Policy DC15.1 - The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In this case the wall mounted posters have been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. The scope for posters and hoardings to make a positive contribution to the locality;
- iii. The relationship with any premises on which they are located;
- iv. The effect of the proposal on permanent redevelopment of the land;
- v. Public safety resulting from the positioning of the design of the display;
- vi. The ease with which the structure is capable of being satisfactorily maintained;
- vii. The use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
- viii. The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC15.2 - In assessing the interests of amenity and safety the Council will take account of the following criteria:

- a. Developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
- b. They should be in scale with the locality and relate properly to the site on which they stand;
- c. They should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- d. A proposal, which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

It is considered that the proposals relate to a location with an established history relating to the display of a large advertisement sign. The potential to continue the display of a large advertisement sign has been established through an extant consent. The design of the advertising structure would be an improvement to the existing arrangement. Although the introduction of changing images would have some impact on the site, it is considered that the

previously discussed characteristics of the surrounding impact would counterbalance any impact to secure accordance with policy DC15.

Guide to Development in Manchester SPD (2007) - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to ensure that each new development is designed having full regard to its context. In this instance, it is considered that the proposed development would broadly accord with this guidance for the reasons set out in the report.

Principle – The existing internally illuminated sign has been in situ for a period exceeding 10 years and was until recently ‘abutted’ by a separate 48 sheet hoarding sign that has been removed. The removal of this sign reduces the proliferation signage and related visual clutter. However, the presence of the new signage considered under following advertisement consent application presented concerns regarding the cumulative impact of advertising hoardings on the northern and southern sides of Hyde Road:

133205/AOH/2022 - Installation of 48 sheet digital LED billboard to replace existing hoarding Corner Of Hyde Road And Williams Road Manchester M18 7BN

Refused on 5 May 2022.

As previously stated, the application site has an extant consent that has informed the design of the proposed signage. In these circumstances, the refusal of the current application would be unreasonable, given the potential to implement an extant consent and action taken to reduce the proliferation of moving image signage through the refusal of application ref: 133205/AOH/2022.

On the basis of the comments of Highway Services, it is not considered that the introduction of the display of changing images would unduly impact on the streetscene subject to the conditioned operational controls. The existing signage would be removed as part of the implemented works thereby ensuring that the existing circumstances would not be duly departed from. On balance, it is considered that the principle of the proposals is acceptable.

Position of the proposed signage - The positioning of the proposed signage relates to an existing location for the display of advertising hoardings. The retention of a single advertisement display would also be reflective of the existing circumstances following the removal of adjacent signage. It is therefore considered that the proposed signage would appropriately relate to the surrounding context.

Height - The proposed signage would be the same as the existing advertisement display on this site, which is not considered to be significant given the context of the site and the screening afforded by adjacent trees. The display area would replicate that of the existing signage. In these circumstances, it is not considered that the height of the signage would affect the character or amenities of the area.

Design - The design and composition of the proposed signage has been informed by the extant permission and represents an improvement over the existing as it incorporates an integrated plinth and display enclosure. The signage would therefore make a satisfactory contribution to the appearance of the streetscene.

Highways issues and function of the proposed signage - It is considered that, subject to a condition to control the changing of signage information to 10 second intervals, the prohibition of moving images and other specified operation controls, the illuminated advertisement can be

displayed without unduly affecting highways safety. The proposed design thereby accords with Core Strategy policies SP1 and DM1 and saved UDP policies E3.3 and DC15.

Removal of existing signs - A condition has been included relating the advertisement consent to the proposed signage and requiring the removal of the existing sign. This requirement is necessary for the avoidance of doubt, to safeguard amenity and avoid visual clutter.

Conclusion - The proposals are considered to be acceptable as they maintain an appropriate relationship to the adjacent open space, streetscene and the highway. Any potential adverse impact the display of advertisement is capable of being satisfactorily managed through the recommended conditions, which also ensure compliance with Core Strategy policies SP1 and DM1, UDP saved policies E3.3 and DC15 and the NPPF.

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: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

1) The authorised advertisement and associated display structures 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) 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.

3) 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.

(b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding within 7 working days of that commencement.

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 Core Strategy for the City of Manchester.

4) The development hereby approved shall be carried out and maintained in accordance with the following drawings and documents as stamped as received by the City Council as local planning authority on 10 March 2022, 30 March 2022 and 19 May 2022, including advertising design and material specifications and siting details:

Application forms to display advertisements

Drawings (as amended by Tetra Tech email of 28 April 2022 confirming site address as : Railway Embankment opposite Belle Vue Station)

Site location plan Ref: YZ020301464501_001_C

Existing site elevation Ref: YZ020301464501_002_C

Proposed site elevation Ref: YZ020301464501_003_C

Existing and proposed sign specification Ref: YZ020301464501_004_C

Photomontage Ref: YZ020301464501_005_C

Letter from Tetra Tech dated 3 March 2022 Ref: 784-B032514 / YZ020301359001, detailing the operational specification of the LED signage.

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

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 600cd/m² during daylight hours and 300cd/m² during non-daylight hours /

inclement weather.

Reason - In the interests of pedestrian and highway safety and in order to safeguard the amenities of the area pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policy DC15 of the Saved Unitary Development Plan.

6) For the avoidance of doubt, the advertising consent hereby granted relates to the installation of a single sided, illuminated digital advertising display unit and related supporting structures as detailed in drawings referenced:

Drawings (as amended by Tetra Tech email of 28 April 2022 confirming site address as :
Railway Embankment opposite Belle Station)

Site location plan Ref: YZ020301464501_001_C

Existing site elevation Ref: YZ020301464501_002_C

Proposed site elevation Ref: YZ020301464501_003_C

Existing and proposed sign specification Ref: YZ020301464501_004_C

Photomontage Ref: YZ020301464501_005_C

Letter from Tetra Tech dated 3 March 2022 Ref: 784-B032514 / YZ020301359001, detailing the operational specification of the LED signage.

Reason - In the interests of visual and residential amenity and the character of the streetscene pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policies E3.3 and DC15 of the Saved Unitary Development Plan.

7) The existing 48 sheet advertising signage shall be removed upon implementation of the advertising consent hereby granted.

Reason - In the interests of visual and residential amenity and the character of the streetscene pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and policies E3.3 and DC15 of the Saved Unitary Development Plan.

Informatives

1. 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).

2. No removal or other work to trees and or hedges shall be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent, by a suitably qualified person.

3. Protected species can be found in unexpected places and the granting of advertising consent does not negate the need to observe laws that safeguard biodiversity. The applicant that ecological advice should be sought, if it is found or suspected that the proposals may impact on protected species.

4. Guidance for developers can be found via the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Network Rail

Environmental Health
Highway Services
Greater Manchester Ecology Unit

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH2