

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130832/AO/2021

Date registered valid: 22 June 2021

Proposal: Erection of a 48-sheet internally illuminated sequential digital advertising display

Address: Land At Pin Mill Brow, Manchester, M12 6AE

Ward(s): Piccadilly Ward

Applicant: Mr Richard Page Wildstone 2 The Hayloft, Far Peak, Northleach, Cheltenham, GL54 3AP

Agent (if any):

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11.08.2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 5 July 2021

Standard consultations:

Printed: 1 July 2021 Expired: 22 July 2021

Neighbour notifications

Printed: 1 July 2021 Expired: 22 July 2021

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application relates to a grass-covered parcel of land adjacent to number two Pin Mill Brow. There is currently an existing sequential LED hoarding at the site that was allowed on appeal after refusal by the City Council in 2019 (appeal ref APP/B4215/Z/19/3229583) . Prior to this there was an advertisement hoarding of a similar size located slightly forward, but further away from the road than the replacement

There are a number of existing advertisements in the area, which include the advertisements associated with the PC World store opposite the site. The design of the PC World Store was the subject of extensive negotiation, which has resulted in the quality of design currently seen on site.

Existing sign allowed on appeal



The New East Manchester Strategic Regeneration Framework Area is opposite the appeal site beginning on the opposite side of Great Ancoats Street and covering a majority of East Manchester. A number of consents have been granted within this area in recent years for high quality mainly residential development in particular along Great Ancoats Street. The area has benefited from a substantial amount of public and private sector investment and has greatly improved in environmental terms. The application site is visible from Pin Mill Brow and fronts onto Mancunian Way (A635), which forms part of the Inner Relief Route. The Inner Relief Route acts as a gateway route into and around Manchester City Centre.

Description of Development

Advertisement consent is sought for the erection of 1 no. 48 sheet internally illuminated digital advertisement hoarding. The hoarding would be sited next to the existing hoarding on site that was allowed on appeal. The location of the replacement hoarding would be situated closer to the highway and would directly front the highway rather than be sited at an angle, as the existing hoarding is. The two hoardings would be perpendicular to each other and would be seen in conjunction with each by oncoming traffic travelling along the Mancunian Way (A635). The advertisement including the associated pressed metal and reinforced plastic frame would measure 6000mm x 3000mm x 450mm. The advertisement and support structure would in total measure 5000mm in height.

The advertisement would display static LED images that would change every 10 seconds and the maximum night-time luminance would be 300 cd/m².

Planning History:

Planning app ref. 122514/AOH/2019 Replacement of existing 48-sheet internally illuminated advertising display with a 48-sheet internally illuminated digital advertising display REFUSED April 2021 and ALLOWED on appeal August 2019 ref APP/B4215/Z/19/3229583

Consultations & Notification Responses

Local residents were notified, and a site notice was displayed for 21 days however no responses were received.

Highways

The proposed sign is not located on and nor will it project over the adopted highway network. As such, a Projection over License will not be required.

There is sufficient carriageway and height clearance.

The proposed luminance of the sign is noted 5000cd/m². This level of luminance exceeds the MCC recommended maximum of 600cd/m², therefore we do accept the proposed luminance.

All imagery is noted to be static with no moving features and therefore no highway implications in terms of driver distraction is anticipated.

The location of the sign is not considered to generate any adverse impact for vehicles travelling along Pin Mill Brow. The location of the sign, on an area of private land, ensures no potential pedestrian conflicts.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and

agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicenses@manchester.gov.uk

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

Condition

- (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
 - (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
 - (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non daylight hours / inclement weather
- Or for signs less than 10m²
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

Environmental Health – Recommendation of a condition in relation to an External Lighting Scheme and advertising screens.

High Speed Two (HS2) –

HS2 Ltd have reviewed the proposal and it is clear that the entirety of the red line boundary falls within land safeguarded for Phase 2b.

The proposal is within close proximity to the Manchester Piccadilly High Speed Station Main Construction compound, therefore it is in an area of significant HS2 works (CT-05-365b see here). The land will be required in 2024, this would be in anticipation for the enabling works associated with the construction phase and compound construction.

It is clear that the proposed advertisement will conflict with HS2 works in that location, this would also apply to the existing advertisement, however it is noted that the existing advert is an extant permission. With this in mind, we are of the opinion that only a temporary permission would be acceptable in this location, provided the applicant is agreeable, we would recommend the following condition:

“Condition:

The proposed development hereby permitted shall cease on or before [31.12.2024] or such later date as HS2Ltd at its sole discretion may determine and notify in writing to the Owner and the Developer not later than the [01.07.2024].

If the applicant is not amenable to the above temporary permission, HS2 Ltd would have no alternative other than to object to the application.

Design for Security at Greater Manchester Police – no objections

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

- (1) The Local planning authority would 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 would not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The above requirement has been related to 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 (including its elevated position) within the streetscene .

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 particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

Chapter 12 Achieving well-designed places

Paragraph 126 states that 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. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process

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 Ashton Old Road. This impact would be particularly harmful due the proposed elevation of the proposed signage and the proliferation of surrounding signage to neighbouring commercial uses. It is therefore considered that the proposals would not 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.

Policy SP 1 Spatial Principles - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development 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.

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 highly visible from an adjacent major route from the city centre. The resulting impact would be unduly harmful and therefore contrary to policy SP1.

Policy EN 1 Design Principles and Strategic Character Areas - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above 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.

The design of the proposed advertisement signage is typical for this form of advertisement and has been informed by the scale and proportions of the signage it replaces, i.e., the sign with a 6 metres x 3 metre display area. However, as stated, the introduction of LED signage, including the incorporation of changing images would materially and harmfully change the relationship of the advertisement hoarding to the streetscene. It would add to advertisement clutter and 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 DM1 Development Management - 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.

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 Pin Mill Brow to and from the city centre.

Unitary Development Plan saved policies - The following saved UDP policies are relevant to the proposal:

Policy E3.3 (Environmental Improvement and Protection) - 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. It is not considered that the advertisement signage would contribute positively to the character of the streetscene of Ashton Old Road (as a radial route to and from the city centre), as it would lead to the introduction of highly prominent and obtrusive illuminated advertising hoarding in an elevated position, and would thereby be contrary to policy E3.3.

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 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.

For the reasons previously outlined, the proposals would fail to be positively related to the surrounding context. As stated, the height and prominence of proposed signage and incorporation of illuminated 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.

Principle - In considering similar proposals in the vicinity of the application site, the local planning authority (LPA) has taken the view that the introduction of LED signage would: materially and harmfully change the relationship of the advertisement hoarding site to the streetscene and thereby adversely affect visual amenities of the locality. These concerns would apply in relation to the submitted proposals.

It is noted that the existing 48-sheet internally illuminated digital advertising display was allowed on appeal and therefore benefits from advertisement consent. However, the proposed additional hoarding would be sited perpendicular to the existing illuminated hoarding commercial signage producing visual clutter within confined section of the streetscene. It is also considered that the incorporation of changing images within the display would give the signage far greater prominence and represent a visually obtrusive addition to Pin Mill Brow when viewed in conjunction with the existing advert.

Visual amenity and impact on the streetscene

Whilst the height and display of the replacement signage would replicate the existing advertisement, the proposed advertisement would be sited closer to the highway. The proposal would thereby adversely affect the character and appearance of the streetscene Pin Mill Brow, as a major route to and from the city centre.

The LPA therefore maintains that proposal would have an unacceptable and detrimental impact on the amenity and character 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 policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) and saved Unitary Development policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters).

Highways issues

Highways Services officers have indicated that the proposed the proposed luminance of the signage at 5000cd/m², exceeds the MCC recommended maximum of 600cd/m² and have advised that illuminance levels would need to be amended if the proposal is to be accepted in highways terms. This could be addressed by an appropriately worded condition if the advertisement was minded to approve.

Conclusion

The proposed advertising hoarding would by virtue of its location, design and appearance would contribute to visual clutter within the streetscene. The proposal would therefore have an unacceptable cumulative detrimental impact on visual 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 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:

Article 35 Declaration

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

1) The proposed advertisement hoarding, when viewed in conjunction with the existing advertisement adjacent to the proposal site, would contribute to advertisement clutter within a prominent location adjacent to Pin Mill Brow as a major radial route to the City Centre. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and be contrary to policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) of the Core Strategy for the City of Manchester in particular and saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan and government guidance contained in chapter 12 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police

Unit D, Aldow Enterprise Park, Blackett Street, Manchester, M12 6AE
Unit E, Aldow Enterprise Park, Blackett Street, Manchester, M12 6AE
Unit C, Aldow Enterprise Park, Blackett Street, Manchester, M12 6AE
2 Pin Mill Brow, Manchester, M12 6EH

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CITY2