

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133136/AOH/2022

Date registered valid: 7 March 2022

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

Address: Land On The Roundabout Of Kingsway And Moseley Road, Manchester, M19 2LL

Ward(s): Levenshulme 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: 25 May 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 10 March 2022 Expired: 31 March 2022

Neighbour notifications

Printed: 17 May 2022 Expired: 24 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:

Tree Preservation Order:

This application relates to the site of an existing advertisement display facing a roundabout at the intersection of Kingsway and Moseley Road. The site constitutes a railway embankment adjacent to a high level railway line/bridge, in an area of mixed uses, which largely comprises of retail and commercial and industrial properties.

At present there is a 48 sheet advertisement hoarding and a 96 sheet advertising hoarding on the site, with overhead illumination, partly authorised by the following consent:

062788/AOH/NORTH2/01 - 1 x 48 sheet illuminated ultravision display unit and 1 x 48 sheet apollo unit with associated fencing - Approved 19 December 2001

The consent therefore related to two x 48 sheet hoardings, rather than the arrangement that presently existing on site. The application also indicated that one of the hoardings would be internally illuminated and one would have overhead illumination. In effect, the approved internally illuminated 48 sheet hoarding has therefore been replaced with a 96 sheet hoarding with overhead illumination.

It is now proposed to remove the existing hoardings and replace this with a new 48 sheet LED digital advertising display. The existing hoardings are positioned in a 'V' shape with the 96 sheet hoarding facing north eastwards, onto the roundabout, and the 48 sheet hoarding facing retail properties, on the opposite side of Kingsway, to the east, although some of these appear to have residential accommodation above. The existing 96 sheet hoarding has a height of

approximately 6.3 metres, and the existing 48 sheet hoarding has a height of approximately 6.6 metres.

Relative to the existing hoardings, the proposed new display would be centrally positioned, so, effectively, it would be in the same position of the half, of the existing 96 sheet hoarding, that is attached to the existing 48 sheet hoarding. The proposed display would thereby face north eastwards, onto the roundabout, in the same direction as the existing 96 sheet hoarding. The sign would have a horizontal emphasis with dimensions of approximately 6.5 metres x 3.5 metres, mounted on a 2.8 metre high solid panel with a maximum height, above ground level, of approximately 6.3 metres.

The applicants state that the advertisement would display static images only (i.e. no moving images) with adverts changing to new displays every 10 seconds. It is also indicated that the maximum luminance levels would be 600 cd/m², during daylight hours, and 300 cd/m² during non-daylight hours.

Consultations & Notification Responses

Local residents/adjoining occupiers - One objection has been received, from a nearby business owner, on the basis that this would be a further distraction for motorists on the roundabout which is already very prone to accidents

Highway Services - Makes the following comments:

The proposed digital LED billboard will not be 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 Kingsway, Moseley Road and the roundabout.

The proposed luminance of the digital LED billboard is noted as 300cd/m² which is considered to be in line with the MCC recommended maximum of 600cd/m².

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

- (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 - Recommends that conditions are attached, to any consent in relation to the control of images/luminance and construction hours, which is provided as an informative. A condition is also proposed in relation to any external lighting but the display is internally illuminated and external lighting is proposed.

Network Rail - States that, as this is a Network Rail proposal there are no comments.

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.

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 127).

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.

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.

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.

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.

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 routes, which includes Kingsway, and seeks to ensure that all new development, along these routes, is of the highest quality.

Principle - It is the case that there is an existing 48 sheet and 96 sheet sized illuminated display currently present on site, and whilst the site only has formal consent for 2 x 48 sheet hoardings, the applicants state that the existing display has been present on site for over 10 years. The proposed signage would be viewed contextually with business signage along Kingsway and would thereby be related to a context with a notable representation of advertising signage. However, the principle concern would relate to the impact of introducing advertising with changing images in a highly prominent location. It is considered that this circumstance would have an obtrusive impact on the streetscene and adversely affect the character of the area. The principle of the proposed advertisement display is therefore considered to be unacceptable.

Visual amenity - The current application would effectively replace the existing illuminated display with a digital display, maintaining a horizontal emphasis, and with a similar height, but with a smaller display area. However, whilst the level, of signage on the site, would be reduced, it is considered that the nature of the display involving digital and changeable images, with a long range of visibility, would give rise to a significantly change, thereby adversely affect the character of the streetscene. Attention would be drawn to the display, and it is considered that this would emphasise the harmful visual impact of the display.

Residential amenity - A number of residential properties lie in close proximity to the site, and a number of them would be directly facing the proposed new display, with views from habitable room/bedroom windows. It is considered that the illumination method proposed has the potential to cause disamenity to those residents, which would be further exacerbated by the intermittent nature of the display

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. However, it is not considered that these operational arrangements 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 and appearance, have a cumulatively and detrimental impact on visual amenity thereby constituting an 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, 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. Ultimately though, the proposed display is considered to be contrary to policy and cannot therefore be supported.

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 and 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

Environmental Health
Network Rail

78 Kingsway, Manchester, M19 2DA
Flat Above, 57 Kingsway, Manchester, M19 2LL
53A Kingsway, Manchester, M19 2LL
55A Kingsway, Manchester, M19 2LL
51A Kingsway, Manchester, M19 2LL
47 Kingsway, Manchester, M19 2LL
55 Kingsway, Manchester, M19 2LL
53 Kingsway, Manchester, M19 2LL
49 Kingsway, Manchester, M19 2LL
96 Monica Grove, Manchester, M19 2BW
94 Monica Grove, Manchester, M19 2BW
51 Kingsway, Manchester, M19 2LL
57 Kingsway, Manchester, M19 2LL

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