MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 128179/AOH/2020 |
| **Date registered valid:** | 16 October 2020 |
| **Proposal:** | Replacement of an existing illuminated 96 sheet advertisement display with an LED illuminated 48-sheet size digital advertisement display |
| **Address:** | Land Next To Sub Station And At Junction Of Gorton Road , Pottery Lane, Manchester, M12 5DX |
| **Ward(s):** | Ardwick Ward |
| **Applicant:** | Air Outdoor Media Limited The Station House , 15 Station Road , St Ives , PE27 5BH |
| **Agent (if any):** | Miss Laura Archer Barton Willmore 1-4 White Building , Cumberland Place, Southampton, SO15 2NP |
| **Case officer:** | Sue Wills<br>Tel: 0161 234 4524<br>Email: sue.wills@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | 20 November 2020 |

**Application details**

**Type of application:** Advertisement Hoardings Consent

**Development type:** Advertisements

**Date of site visit:**

**Standard consultations:**
Printed: 22 October 2020 Expired: 12 November 2020

**Neighbour notifications**
Printed: 22 October 2020 Expired: 12 November 2020

**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**
This application relates to a site with an externally lit 96 sheet advertisement hoarding close to the junction of Pottery Lane and Gorton Road.

**Listed building:** Not applicable

**Conservation area:**

**Tree Preservation Order:**

**Description of area**
To the north, west, east and directly behind the site are industrial , warehousing and wholesale cash and carry units which are predominantly singe storey in height , but with some two storey structures, effectively making a commercial hub around this junction on the intermediate ring road around the city .

There is an existing 96 sheet advertisement to the north east of the site running parallel with the rail line. Advertisement consent on 18.01.2017 for the installation of a digital advertisement sign (96 sheet) to replace existing ( ref: 114547/AOH/2016) , but this has not been implemented.

To the northwest of the site on land adjacent Pottery Lane & Ashbury Railway Bridge, an application for the installation of a new 96-sheet digital advertisement display following the removal of the existing unauthorised advertisement ( ref: 122486/AOH/2019) was refused on 11.03.2019 , but was subsequently allowed on appeal .

Further south of the site on Pottery Lane is approval was granted on 16.11.2017 for the replacement of existing 2 x 48 sheet internally illuminated advertisement hoardings with 2 x 48 sheet digital hoardings ( ref: 117654/AOH/2017), which has been implemented.

To the east of the site is a free standing 48 sheet illuminated advertisement hoarding (081259/AO/2006/N2) which was refused consent on 18.12.2006, but subsequently allowed on appeal.

**Description of development**

Permission is sought to replace the existing externally illuminated 96 sheet advertisement hoarding with1no. 48 sheet illuminated digital advertisement display. The display would be positioned in the same location as the existing hoarding and would be visible to traffic travelling southwards down Pottery Lane, and traffic traveling from Ambrose Street to Gorton Lane across the Pottery Lane junction.

The signs would be mounted on a 2.2 metre high panel, and would be 3m in height 6m in length and 0.25m in depth.
The applicant has indicated that the advertisement would present a range of static images and would not contain any movement, animation or flashing lights, that maximum level of night time illuminance to be set to 300cd/m2 in accordance with ILP Guidelines, and that advertisements would change no more frequently than once every ten seconds.

Furthermore advertisement content would be controlled remotely in real time from a Networks Operation Centre (NOC) and the site would be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report and resolve the majority of issues remotely.

**Consultations & Notification Responses**

Local businesses/adjoining occupiers - No comments received.

Highways Services - Make the following comments:

The proposed signs are not located on the adopted highway network.
There is no proposed projection of the signs, therefore a projection over license will not be required.
Luminance of the sign is proposed as 5000cd/m2. This level of luminance exceeds the MCC recommended maximum of 600cd/m2, therefore we do not accept the proposed luminance.
The proposed signage meets MCC recommendations for headroom and carriageway clearance.
It is recommended that the following planning condition should be applied:-
Condition
(a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
(b) No individual advertisements shall be displayed for duration of less than 10 seconds.
(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
(f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours / inclement weather.
Or for signs less than 10m2
(f) The maximum luminance level of the advertisements displayed on the panel should not

exceed 600 cd/m2 during non-  daylight/ inclement weather.

Environmental Health  - and recommend that the following condition is attached to any approval.
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
Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.
Reason - To safeguard the amenities of the occupiers of nearby properties.

**Issues**

Policy
National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018. 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 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.

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 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 and drainage.
- 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.

Issues

Visual amenity - The overall size of the proposed advertisement display is significantly reduced, compared to the existing situation, as 1 x 48 sheet display would replace an illuminated 96 sheet display with the display being in the same location and orientation as the existing hoarding. A material difference in the proposal is the replacement of static images, with changing displays but given that there is a 50% reduction in level of illuminated signage at the site, in relation to visual amenity, it is not therefore considered that there would be any adverse impact upon the street scene and surrounding area.

Residential amenity - The only residential properties in the immediate vicinity of the site, lie 101m to the south of the back of the proposed hoarding. Whilst there is an extant permission for residential development on the landscaped buffer between Pottery Lane , close to Neeton Square , these dwellings would only be marginally closer to the proposed illuminated advertisement display than the existing housing. Provided luminance levels are not of a high level it is not therefore considered that the proposed displays would adversely impact nearby residents.

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. This is subject to a condition is in relation to the control of matters such as luminance and the frequency of the changing displays. The applicant has agreed to reduce levels from the requested 5,000cd/m2 during the day lights hours to 600cd/m2 , but has requested that the 300cd/m2 figure only related to non -daylight hours ,and not to inclement weather . Given the proposed location this is considered to be an acceptable approach.

For the above reasons and with the recommended conditions in place, the application is considered acceptable and would not have a detrimental impact upon visual amenity or public safety in this location.

**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 polices 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**
Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. In this case revisions were sought in regard to the levels of luminance proposed. The revised proposal is considered to be in accordance with City Council policy and appropriate conditions are attached.

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

1) The development 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 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(s).
(b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) 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) 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.

Reason - In the interests of highway and pedestrian safety pursuant to policies T1 and DM1 of the adopted Manchester Core Strategy and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

5) The development hereby approved shall be carried out in accordance with the drawings numbered 20082_A0 -ENG 000 19 PA1 ( site location plan); 20082_A0 -ENG 000 19 PA2 (existing site plan); 20082_A0 -ENG 000 19 PA3 ( proposed site plan); 20082_A0 -ENG 000 19 PA4 (Existing and proposed elevations plan), received by the City Council, as Local Planning Authority, on 16th October 2020, and the email from the planning agent dated 9th November 2020, which confirms that the displays would have maximum daytime luminance levels of 600 cd/m2.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

## Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Network Rail

Stylewise Junction Gorton Road, Pottery Lane, Manchester, M12 5AD
Units 1 To 2, Ambrose Street, Manchester, M12 5DD
RIGHTWAY TRADERS LTD, Rear Of GD Yarns, Ashbury Works, 200 Gorton Road, Manchester, M12 5DX
Ground Floor, Ambrose House, Ambrose Street, Manchester, M12 5DD
Unit 1, Ashbury Works, Gorton Road, Manchester, M12 5DX
Stylewise (UK) Ltd, Ashbury Works, Gorton Road, Manchester, M12 5AD
Ashbury Works, 200 Gorton Road, Manchester, M12 5DA
Unit 8, Ambrose Street, Manchester, M12 5DD
Unit 7, Ambrose Street, Manchester, M12 5DD
Unit 6, Ambrose Street, Manchester, M12 5DD
Unit 5, Ambrose Street, Manchester, M12 5DD
Unit 4, Ambrose Street, Manchester, M12 5DD
Unit 3, Ambrose Street, Manchester, M12 5DD
GD Yarns, Ashbury Works, 200 Gorton Road, Manchester, M12 5DX
2 Ambrose Street, Manchester, M12 5DD

## 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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH2