MANCHESTER
CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127006/AO/2020
Date registered valid:	1 June 2020
Proposal:	Replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays
Address:	Land At 110-114 Cheetham Hill Road , Manchester, M4 4FG
Ward(s):	Cheetham Ward
Applicant:	Vivid Outdoor Media Limited Landmark House , Station Road , SK8 7BS
Agent (if any):	Mr Paul Thacker Turnkey Design Partnership Ltd The Cube , 19 Love Lane , Cirencester, GL7 1YP
Case officer:	Nasira Farooq Tel: 0161 234 4165 Email: n.farooq2@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	22 July 2020

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 25 June 2020

Standard consultations:
Printed: 4 June 2020 Expired: 25 June 2020

Neighbour notifications
Printed: 4 June 2020 Expired: 25 June 2020

Site notice
Posted: Expired:

Press advert
Published: 9 June 2020 Expired: 30 June 2020

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

DESCRIPTION OF SITE

The proposal is located on the corner of Cheetham Hill Road and St Chads Street. Adjacent the application site is a Grade II listed building; St Chads church.

The surrounding area is commercial in character, mainly comprising two-storey buildings, of varying architectural styles.

The listed church forms a significant land mark within the character of the street scene when viewed from both north and south of Cheetham Hill Road.

The current advert and any proposed digital advertisement would be viewed by vehicle users and pedestrians heading north and south to and from the City Centre, along Cheetham Hill Road.

The submitted application is for the replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays.

PLANNING HISTORY

080082/AOH/2006/N1
Land at 110-114 Cheetham Hill Road, Corner of St Chads Street, Cheetham
Display of two internally illuminated 48 sheet advert hoardings, with associated 2 metre high fencing REFUSED 4/10/06
APP/B4215/H/06/1200355 APPEAL ALLOWED 13/2/07 (Temporary Period)

Having read the above Planning Inspector's decision, it would appear that the Inspector was also concerned about the impact on the Grade II Listed Church but was minded to approve (with conditions imposed) the proposal for a short period pending the redevelopment of the site.

CONSULTATIONS & NOTIFICATION RESPONSES

PUBLICITY

The application was advertised on site as 'Affecting a Listed Building'. No representations have been received as a result of this publicity

LOCAL RESIDENTS - None received

HIGHWAYS

- The proposed advertising display is not located on and will not project over the adopted highway network, as such Projection over License will not be required.
- The location of the advertising display is not considered to generate any adverse impact for vehicles travelling along Cheetham Hill Road.
- The proposed luminance of the advertising display is noted as 600cd/m2 which is considered to be in line MCC recommended maximum of 600cd/m2.
- Operatives undertaking servicing / maintenance thereafter will be expected to comply fully with the relevant traffic laws, including any local parking and movement restrictions.
- Detail is sought on proposed installation arrangements from a highways perspective. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).
- It is recommended that the following planning condition should be applied:-
  (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.

POLICIES

NATIONAL PLANNING POLICY FRAMEWORK

Chapter 2. Achieving sustainable development

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Chapter 12. Achieving well-designed places

124. The creation of high quality 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.

125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

131. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

Chapter 16. Conserving and enhancing the historic environment

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

186. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.

193. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

194. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term
through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

LOCAL DEVELOPMENT FRAMEWORK CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (ADOPTED 11 JULY 2012)
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

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.

Policy EN1 'Design principles and strategic character areas' states that all development in Manchester will be expected to follow the seven principles of urban design. 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. Proposals for new development must clearly detail how the proposed development addresses the design principle, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategic objectives.

EN 3 Heritage
- Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.
- New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

- Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

UNITARY DEVELOPMENT PLAN SAVED POLICIES

DC15.1 States that the Advertisement Regulations require that, amenity and public safety are the only considerations in determining an application for advertisement consent. Material planning considerations include the cumulative impact on visual amenity, the scale and relation to existing buildings and impact on public safety.

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.

Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

E3.3 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.

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 2007

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 regulations state the factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

ISSUES

PRINCIPLE OF DEVELOPMENT

The submitted application is for the replacement of 2 no. existing illuminated 48-sheet advertisement displays with 2 no. illuminated 48-sheet digital advertisement displays.

The proposal is to replace the existing sign with an LED multiple static advertisement on rotation.

The proposal seeks to remove the existing 2 no. adverts in a 'V' formation fronting Cheetham Hill Road and replace with a new LED digital advertising display on existing plinth. The proposed display would be in the same position and size as the existing signs, being one-sided facing west onto the key radial route.

The signs would have dimensions of height 3.0m x width 6.0m x depth: 0.12m and would be mounted on the existing advertisement stand which is approx. 2.7 metres in height.

The applicants state that the advertisement would display static images only (i.e. no moving images or animations) with a new image materialising every 10 seconds.

POSITION OF DEVELOPMENT

The proposed adverts will replace the existing adverts within the curtilage of the vacant and cleared site fronting Cheetham Hill Road. Although the site is cleared this could potentially form a future development site, however currently there is no record of planning permission in relation to this site.

The site is situated on Cheetham Hill Road, which is a main arterial route to and from the City Centre. The current advert and new advertisement would be viewed by vehicle users and pedestrians heading north and south along Cheetham Hill Road.

The display panels are proposed at the same location as the existing panels, the overall dimensions appear to be the same with the overall depth of panels have been reduced from 0.3m to one of 0.12m, due to the digital structure.

The change in circumstance relates to the nature of the display of advertisements. It is considered that the introduction of an illuminated display of changing images would present as a substantial change to the relationship of the signs and to the local street scene, and the character of the local area, especially the adjacent Grade II Listed St Chads Church. It is therefore considered that the proposal is not acceptable, pursuant to Core Strategy policies EN1, SP1 and DM1 and saved UDP policies E3.3, DC19 and DC15.

The proposed adverts would be juxtaposed with the grade II listed St Chads church. They would be viewed within its setting and forward of its front building line. By virtue of their appearance, position, means of illumination and moving images, would create an intrusive and incongruous feature in the context of this building. The adverts would harm the setting the listed building and also the visual amenities of the local area and the arterial radial route.

The proposed advertisement display by reason of its appearance, position, means of illumination and moving images, would create an intrusive and incongruous feature within the character of the street-scene, along one of the City's main arterial routes, together with being harmful to the setting of the adjacent grade II church, to the detriment of visual amenity.

The proposed sign would be located on Cheetham Hill Road, a major arterial route connecting the City Centre to North Manchester. The location would be most visible to vehicle/pedestrian traffic travelling to and from the City Centre. The proposal is considered to be directly contrary to saved Policy E3.3 which seeks to improve the appearance of the city's main arterial routes.

The agent was advised of the above concerns in a series of emails.

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

Adjacent the application site is a Grade II listed building, St Chads church which forms a significant land mark within the character of the local street scene when viewed from both north and south of Cheetham Hill Road.

The proposal would create a significant visual impact as the development in terms of its position, means of illumination and moving images, would create an intrusive and incongruous feature and overall appearance would not preserve and enhance the character of the adjacent Grade II Listed Building.

Whilst it is noted that there is currently a sign in situ of the same size (that is internally illuminated), the proposal relates to a LED sign with moving images. It therefore considered that this would form an incongruous feature against the adjacent Grade II listed building and would cause less than substantial harm. When applying the planning balance, where the balance is in favour of preservation of the heritage asset, it is not consider that there a sufficient public benefits which outweigh that harm.

Part 16 of the NPPF (National Planning Policy Framework) makes reference to considering potential impacts regarding conserving and enhancing the environment.

As stated in the NPPF the harm amounts to 'less than substantial harm' and whilst public benefits do exist they do not weigh the level of harm to the character of the adjacent Grade II Listed Church.

In line with the requirements of paragraph 196 of the NPPF, an assessment of the benefits of the scheme have been considered in order to determine if the benefit that exist outweigh the harm caused to the adjacent Grade II Listed Building. In this regard, consideration has must be given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

PLANNING APPEAL EXAMPLES (as attached)
The examples below are most recent dismissed appeal decisions. The examples are similar to the advertisement application proposed.

Appeal Ref: 3250326 - Appeal Dismissed 7 July 2020
125643/AOH/2019 - 58 Cheetham Hill Road
Installation of 48 sheet advert to support LED digital poster to replace existing sign REFUSED 7/2/20 - Visual and Residential Amenity

Paragraphs 6 & 9 of the Planning Inspector's decision states the following: -

Paragraph 6 "….Its prominence would also be amplified by its LED design and the changing nature of the images, and it would be a far more eye catching feature than at present…."

Paragraph 9 "…that the proposed advertisement would be detrimental to the interests of visual amenity…"

The Planning Inspector clearly has identified issues in relation to the changing nature of the images and the existing signage at the site, overall the inspector has identified that the proposal would be detrimental to the interest of visual amenity.
Appeal Ref: 3248697 - Appeal Dismissed 2 July 2020
125515/AOH/2019 - 438 Cheetham Hill Road
Installation of 1 no. 48-sheet advertisement hoarding with digital LED display of the same size REFUSED 15/1/20 - Visual Amenity

Paragraphs 5, 6 & 10 of the Planning Inspector's decision states the following:-

Paragraph 5 "The existing display at the appeal site is large in size but its presence is generally consistent with the character and commercial nature of the surrounding area. It comprises of a fixed poster display that is not illuminated, which means that it currently has a passive impact upon the amenity of the surrounding area, when viewed amongst the many other displays that are present. In this context, the existing hoarding does not draw any significant attention to itself as an individual feature within a street scene that is already highly populated by advertisements"

Paragraph 6 "The proposed advertisement would become a visually dominant feature on this side of Cheetham Hill Road. As a result, and due to the fact that the appeal site is prominent and it occupies a position on a major road heading into the city centre, the proposal would be an intrusive and overly-dominant feature, and it would cause significant harm to the amenity of the surrounding area".

Paragraph 10 "… the proposal would cause significant harm to amenity due to its positioning and its illumination… ".

The Planning Inspector clearly has identified issues in relation to the illumination and the visual impact it would have on the surrounding area

Appeal Ref: 3248230 - Appeal Dismissed 15 June 20
125208/AOH/2019 - 661 Stockport Road, Manchester
Advertisement Consent for the replacement of the existing externally illuminated 48 sheet poster advert with a internally illuminated 48 sheet LED digital advertisement REFUSED 3/2/20 - Visual Amenity

Paragraphs 6, 7 and 10 of the Planning Inspector's decision states the following:-

Paragraph 6 "The scale and positioning of the proposal would be similar to the existing poster advertisement, however it would vary significantly as it would display digital images. Whilst the images would be static, they would change on a sequential rotation. Although the rate of change would be no more than once every ten seconds, the images would nevertheless be significantly sharper than those currently displayed. All these factors would cause the proposal to be more apparent and overly dominant in the street scene than the existing advertisement."

Paragraph 7 "…Therefore, due to its elevated position, scale and method of display, the proposed advertisement would be highly prominent in the locality. It would be a visually incongruous and overly dominant addition to the street scene and would erode the character of the area…"

Paragraph 10 "…the proposal would result in unacceptable harm to the visual amenity of the area…"

The Planning Inspector clearly has identified issues in relation to the digital images, changing on a sequential rotation within the character of the street scene and existing advertisement. The Inspector has also recognised that the proposed advertisement would be highly prominent within the street scene and erode the character of the area and furthermore would result in unacceptable harm to the visual amenity of the area.

CONCLUSION
It is considered that the proposed advertisement LED digital advertisement display by reason of its appearance, position, means of illumination and method of display, would create a, intrusive and incongruous feature in the character of the local street-scene along one of the City's main arterial routes (Cheetham Hill Road) and furthermore create a harmful impact upon the adjacent Grade II Listed Building, St Chads Church to the detriment of visual amenity.

The proposed advertisement is therefore contrary to saved policy DC15, DC19 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, SP1, EN3 and EN1 of the Manchester Core Strategy, The Town and Country Planning (Control of Advertisements) Regulations 2007 and the National Planning Policy Framework (NPPF).

<u>Human Rights Act 1998 considerations</u>

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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance a solution that was acceptable to both the Local Planning Authority, and the applicant/agent could not be reached as the nature of the proposal was considered to be unacceptable.

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

1) The proposed LED digital advertisement display by reason of its appearance, position, means of illumination and method of display, would create a, intrusive and incongruous feature in the character of the local street-scene along one of the City's main arterial routes (Cheetham Hill Road) and create a harmful impact upon the adjacent Grade II Listed Building, St Chads Church to the detriment of visual amenity. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, EN3, SP1 and DM1 of the Manchester Core Strategy and saved policies DC15.1, DC15.2, DC19 and E3.3 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

[redacted]

Appendix 2 – Planning constraints

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1