MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141288/AO/2024
Date registered valid:	18 October 2024
Proposal:	Installation of LED totem
Address:	2 Cheetham Hill Road, Manchester, M4 4EW
Ward(s):	Cheetham Ward
Applicant:	Mr Gavin Scarr-Hall The Peninsula Group
Agent (if any):	Mr Thomas Zub Zub-Architecture
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**10/12/2024**

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 11 November 2024

Standard consultations:
Printed: 29 October 2024 Expired: 19 November 2024

Neighbour notifications
Printed: 29 October 2024 Expired: 19 November 2024

Site notice
Posted: n/a Expired: n/a

Press advert
Published: 5 November 2024 Expired: 26 November 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to the forecourt of the Peninsula building, a 16 storey commercial/office building constructed 2007-2009. Directly adjacent to the site is the Park Inn Hotel, a c250 room 4 star hotel. The site is located at the city centre end of Cheetham Hill Road, at the mouth of the road leading away from the city-centre. A snooker centre sits directly across the road from the site, as well as a solicitors chambers housed in a Grade II listed former synagogue. At present, there is a non-digital, vertical sign on site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: **Not applicable**

Description of area

The area relates to the environs around Cheetham Hill, a major gateway route in to the city centre from the north of Greater Manchester. It sits just outside of Manchester's city centre. The character of the area is totally urbanised and comprises a number of different uses including retail, dining, hotel, entertainment and light industrial. Cheetham Hill itself is frequently busy with fast moving motor vehicle traffic. The area has a rich history of welcoming emigrees from around the globe, first from Ireland, then a Jewish community and finally south Asian, Caribbean and Middle Eastern communities. Consequently, the area is extremely demographically diverse and has business, community centres and places of worship catering for a wide range of people.

Description of development
The development relates to the removal of 1no. advertising totem and the erection of 1no. digital advertisement screen totem.

Consultations & Notification Responses
Publicity - a press notice was placed in the local press advertising the works as those affecting the setting of a listed building. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

MCC Highways Services – No objections provided no red or green displayed on screens. To be controlled by condition.

Environmental Health – following condition recommended:

a) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 600 cd/m2 during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

b) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method.

c) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

d). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays

e) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background or automatically switch off.

Issues

Planning history

136224/AOH/2023 - Installation of 2 x LED Billboard signs following removal of existing totem sign. **Refused.**

This application was refused for the following reason:

The proposed development, by virtue of its scale, siting and design, would create a highly prominent and visually intrusive feature in the street scene and would cause advertisement clutter with other existing signage. This would harm visual amenity and detract from the character and quality of the adjacent buildings, including the setting of a Grade-II listed building. The application is hereby refused, pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), policies DM1, SP1 and EN1 of the Manchester Core Strategy, saved policies DC15, DC18 and E3.3 of the Unitary Development Plan and the NPPF

Relevant policy and legislation

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 main policies that relate to this application are The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), policies DM1 (Development Management), SP1 (Spatial Principles) and EN1 (Design Principles and Strategic Character Areas) of the Manchester Core Strategy (2012), saved policies DC15 (Advertisements, Hoardings and Posters), DC19 (Listed Buildings) and E3.3 of the Unitary Development Plan for Manchester (1995) and the NPPF.

Issues

The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. An assessment of the proposals under these criteria is outlined below.

Visual amenity

There is currently a triangular totem in situ at the development site. This totem in monochrome, comprising a black structure with white lettering. The wording and logos comprise those of the tenants in the Peninsula Building, the forecourt of which houses the development site. The advertisement comprises two totems with curved screens facing the road, placed at an angle a little over 90 degrees to each other and touching along their vertical axes. The design is simple and unobtrusive, comprising curved LED screens on a black metal base and a slender frame. A small white Peninsula logo would also be present on the base. It is larger in size to the existing totem

The content of the screen would be limited to directional and informational content relating to Peninsula building and its occupiers. The limited nature of the content should help reduce the impression of advertisement clutter to a small degree. The nature of the content is supported pursuant to policy DC15.1 (c) as it relates properly and directly to the premises on which the totems would be situated.

The site for this totem is within the setting of the Grade II-listed building and would be read as a

modern intervention, to the detriment of the building's character and appearance thereby leading to a small degree of less than substantial harm. However, on balance, the harm is considered acceptable by virtue of the long distance between the listed building and the development site, ensuring the screen is only present in longer views of the listed building. Thus, the character of the listed building would not be overly diminished when viewed from any public vantage points, whilst providing a public benefit as it would aid wayfinding to the Peninsula Building.

Public safety

The proposed advertisement would be close by to a busy junction on Manchester's ring road. Hence, it has the potential to cause driver distraction and interfere with views of signals at junction heads directly adjacent to the site. The application was assessed by MCC Highways Services, who recommended that no content be displayed with red or green colours to avoid dangerous interactions with signals at the junction heads. A condition controlling this element of the content is attached to this approval. The illuminance level has been set to 600cd/m2, the maximum safely recommended by Environmental Health and Highways Services. Likewise, this shall be controlled by condition.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

Condition(s) to be attached to decision for approval

1) 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.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Drawing - Proposed V4-GA-001 PLANS AND ELEVATIONS INC. LOCATION PLAN received by the City Council, as Local Planning Authority, on 18 October 2024

Reason - to ensure the development is carried out in accordance with the approved plans pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

3) a) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 600 cd/m2 during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

b) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method.

c) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

d). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays

e) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background or automatically switch off.

Reason - to protect the amenity of local occupiers pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

4) No signage, logos or other advertisment content shall be displayed with the colours red or green on the digital screens hereby approved for the lifetime of the development.

Reason - to avoid driver distraction and unsafe interactions with nearby junction heads in the interests of public safety pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and the Town and Country Planning (Control of Advertisements) Regulations 2007.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Park Inn Hotel, 4 Cheetham Hill Road, Manchester, M4 4EW
Kelway Ltd, Eighth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
Late Rooms Ltd, Eleventh And Twelth Floors, 2 Cheetham Hill Road, Manchester, M4 4EW
5 Cheetham Hill Road, Manchester, M4 4FY
British Transport Police, Seventh Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
19 Cheetham Hill Road, Manchester, M4 4FY
Basement To Sixth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
Ninth To Twelfth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL