

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140078/AOH/2024

Date registered valid: 21 May 2024

Proposal: Installation of 2no. Digital advertisement displays following removal of existing 48-sheet and 96-sheet advert panels

Address: 371 Oldham Road, Manchester, M40 8RR

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Wildstone Estates Limited

Agent (if any): Amon Yiu Carter Jonas

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 September 2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 5 September 2024

Standard consultations:

Printed: 31 May 2024 Expired: 21 June 2024

Neighbour notifications

Printed: 31 May 2024 Expired: 21 June 2024

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The applicant relates to 371 Oldham Road within the Miles Platting and Newton Heath ward of north Manchester. The applicant site for development relates to a small piece of grassed land to the east of the function room venue immediately facing Oldham Road. There are two existing externally illuminated paper sheets to be removed one of which is a 96 sheet and the other a 48 sheet (see Figure 1). The advertisement sign facing southbound of Oldham Road would not be included within this application.



Figure 1, Applicant site

Description of area

The site surroundings are a mix of industrial and commercial uses, populated with warehouse buildings, a concrete and aggregates plant, car parks and ground floor retail units. The nearest residential properties are located at the top floors along Oldham Road, which is approximately 64m to the southeast of the Site (at the closest point).

The Site is located at the gateway of the designated Central Park Strategic Employment Location and Regional Centre to the east, and on the approach to the business and commercial allocation at Oldham Road Goods Yard to the west, where the advertisement as proposed should be positioned. The site is cut off by major roads, namely Oldham Road and Queens Road, identified in the UDP as key radial and orbital routes.

Description of development

The application seeks consent for the installation of 2no. Digital advertisement displays following removal of existing 48-sheet and 96-sheet advert panels.

The proposed panels have the same dimensions as a standard 48-sheet hoarding, measuring 6m(w) x 3m(h) x 0.1m(d) and would be both positioned 2m above ground.

The advertisements are to be made of lightweight digital LED panels.

The brightness would be 300 cd/m² from dusk to dawn and up to 5,000 cd/m² at all other times.

Although the advertisements were stated within the application form as static, the proposed displays would be capable of displaying 6 advertising campaigns at a time, sequencing every ten seconds (i.e. six adverts per minute).

The signs would appear within the street scene when travelling in a southerly direction along Oldham Road towards the city centre and would also be visible to the left hand side of the streetscene when approaching the traffic lights at the junction of Oldham Road and Queens Road from Hulme Hall Lane.

Negotiations during the course of the application

Following Highways concerns with the height of the illuminated signs in relation to the existing traffic signals, the consultee commented the signs would need to be elevated to such a position so that the traffic signal heads sit below the proposed signage. This was not considered an acceptable solution for the LPA and so the assessment of the application is based on the submitted plans, received by the LPA on 21 May 2024.

Planning History

No planning history exists for the piece of land to the east of no.371 Oldham Road (venue function building).

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted and provided the following response:

In order to determine the impact of the signs on the visibility of the traffic signals, MCC Highways recommend that a 'photomontage' or visualisation of the view of the signs is provided. This should be provided for vehicles waiting at the stopline on all approaches to the signals with a view of the proposed signs, including Oldham Road and Hulme Hall Lane. This is to understand whether the signage is likely to interfere with the view of the signals from the drivers perspective.

Following the submission of photomontages of the proposed signs, concerns were raised in particular in relation to highway safety concerns in terms of driver distraction. On this basis, it was confirmed that they could not support the proposed installation of a digital sign in this specific location.

Issues

POLICY

Town and Country Planning (Control of Advertisements) Regulations 2007

Powers to be exercised in the interests of amenity and public safety:

3.—(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 (December 2023)

Section 12 'Achieving Well Designed Places' Paragraph 141 states:

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.

Manchester Core Strategy (2012) 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.

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.

The following Core Strategy policies are considered relevant to this application:

Policy DM1 (Development Management) states that all development should have regard to:

- appropriate siting, layout, scale, form, massing, materials and detail,
- the affects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- vehicular access and car parking
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy EN6 (Central Park Strategic Employment Location) states Central Park is a large scale employment location in East Manchester suitable for 60ha of employment uses. A range of employment types will be encouraged across the whole of the Central Park area including B1 (b) and (c), B2, B8 and sui generis employment uses, with ancillary commercial services supporting the creation of a sustainable employment destination

Unitary Development Plan for Manchester (1995)

Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy.

The following Unitary Development Plan policies are of relevance to this application:

Policies DC15.1 and 15.2 (Advertisements, Hoardings and Posters) state that the City Council will take into account the impact of advertisements on visual amenity and public safety when determining applications for the display of advertisements, including free standing advertisement hoardings.

Policy E3.3 (Environmental Improvement and Protection) states 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.

Both Oldham Road and Queens Road are identified in the UDP as key radial and orbital routes.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The policies of relevance are:
JP- S1- Sustainable development

ISSUES

According to the NPPF (Chapter 12) the main issues for consideration relate to the impact of the proposals on visual amenity and public safety.

Visual Amenity

Within an email received by the agent on 5 September 2024, they state the display of the size of the screen proposed can comfortably assimilate into the street scene given the existing poster displays at the site. However, digital advertisement posters, which have greater brightness than traditional poster boards as well as sequential content, are more visible and have more prominence in the street scape. Therefore, the replacement of traditional poster boards with digital boards is not considered a like-for-like replacement.

It is considered that the proposed advertisement displays by reason of the size, appearance, number and means of illumination, would create an intrusive and over-dominant feature in the street scape along the main vehicular routes of Oldham Road and Hulme Hall Road. This would be contrary to E.3.3 of the UDP which states the policy will seek to 'upgrade the appearance of the City's major radial and orbital road'. Within the policy both Oldham Road and Queens Road are identified and the insertion of the overly dominant features in the form of two advertisements would seek to add clutter into the immediate streetscene and so not positively enhance the immediate context.

The proposal would be viewed in connection with the digital media display on the gable end of the terraced property (622 Oldham Road) to the south east of the applicant site which was allowed at appeal (see planning reference: 128430/AOH/2020). As a result, there would be three internally illuminated signs within a small radius, plus an existing poster display sign, surrounding the junction from Hulme Hall Road and Oldham Road. This is considered to create visual clutter to the immediate area and is in contrary to the aspirations of policy E3.3 to improve the routes from the city centre. Whilst it is acknowledged an internally illuminated sign can be seen further south of Oldham Road (see planning reference: 110389/AOH/2015/N1), the LED sign in that location has different circumstances. The development to the south relates to 1 no. illuminated sign with no other signs in the surrounding area, the surrounding area is more open in context and the proposal sits at a different position in relation to the highway and surrounding junctions.

The proposed development is considered to result in an unduly harmful impact on the visual amenity of the area and would be contrary to the provisions of the TCPA (Control of Advertisements) Regulations 2007, policies SP1 and DM1 of the Manchester Core Strategy

(2012), saved policy DC15 and E3.3 of the Unitary Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone and the National Planning Policy Framework.

Public Safety

Following concerns from the Council's Highway Services department with the height of the illuminated signs in relation to the existing traffic signals, the consultee commented the panels would need to be elevated to such a position so that the traffic signal head sit below the proposed panels. This was not considered an acceptable solution for the LPA and so the assessment of this proposal is based on the submitted plans.

Highway Services reviewed the proposal and stated the photomontages show that the proposed panels currently sit behind the traffic signals which raises highway safety concerns in terms of potential for driver distraction and cannot be supported in this specific location.

Whilst the applicant has sought to justify the acceptability of the proposals no further evidence has been provided to disprove the concerns to overcome the issues raised by Highways. The Council believe there is a material impact and difference between the existing display posters and the proposed digital posters which would be capable of displaying 6 advertising campaigns at a time, sequencing every ten seconds (i.e. six adverts per minute). This continuation of changing images would be more noticeable to drivers and given the positioning of the panels gives rise to the concerns raised by the Council's Highway Services team in relation to public safety.

As such, the proposal is considered to be contrary to the provisions of the TCPA (Control of Advertisements) Regulations 2007, policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC15 and E3.3 of the Unitary Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone and the National Planning Policy Framework.

Conclusion

For these reasons, the proposed development is considered unacceptable on the grounds of both visual amenity and public safety. Therefore, it is recommended that permission for the proposed development is refused.

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 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

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

- 1) The installation of 2no. digital advertisement displays following removal of existing 48-sheet and 96-sheet advert panels by virtue of its siting, scale and appearance would result in an obtrusive feature in the street scene together with causing advertisement clutter with another internally illuminated advertisement hoarding in close proximity of this location. This would have an unduly harmful impact on the visual amenity and character of the local area on an important road route into and out of the city centre. This would be contrary to the provisions of the TCPA (Control of Advertisements) Regulations 2007, policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC15 and E3.3 of the Unitary Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone and the National Planning Policy Framework.
- 2) The installation of 2no. digital advertisement displays following removal of existing 48-sheet and 96-sheet advert panels would create driver distraction as the proposed signs would sit behind the traffic signals. There is insufficient information submitted with the application to demonstrate that the hoardings would not increase the risk of accidents along this section of highway. The hoardings would therefore result in an unduly harmful impact on public safety which is contrary to the provisions of the TCPA (Control of Advertisements) Regulations 2007, policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC15 and E3.3 of the Unitary Development Plan for the City of Manchester (1995), policy JP-S1 of Places for Everyone and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Advertising Right Adjacent 371, Oldham Road, Manchester, M40 8ZZ

33 Alburn Court, Lifton Avenue, Manchester, M40 8DE
22 Alburn Court, Lifton Avenue, Manchester, M40 8DE
23 Alburn Court, Lifton Avenue, Manchester, M40 8DE
25 Alburn Court, Lifton Avenue, Manchester, M40 8DE
26 Alburn Court, Lifton Avenue, Manchester, M40 8DE
28 Alburn Court, Lifton Avenue, Manchester, M40 8DE
3 Alburn Court, Lifton Avenue, Manchester, M40 8DE
31 Alburn Court, Lifton Avenue, Manchester, M40 8DE
34 Alburn Court, Lifton Avenue, Manchester, M40 8DE
35 Alburn Court, Lifton Avenue, Manchester, M40 8DE
37 Alburn Court, Lifton Avenue, Manchester, M40 8DE
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57 Alburn Court, Lifton Avenue, Manchester, M40 8DE
58 Alburn Court, Lifton Avenue, Manchester, M40 8DE
6 Alburn Court, Lifton Avenue, Manchester, M40 8DE
61 Alburn Court, Lifton Avenue, Manchester, M40 8DE
62 Alburn Court, Lifton Avenue, Manchester, M40 8DE
8 Alburn Court, Lifton Avenue, Manchester, M40 8DE
9 Alburn Court, Lifton Avenue, Manchester, M40 8DE
1 Alburn Court, Lifton Avenue, Manchester, M40 8DE
12 Alburn Court, Lifton Avenue, Manchester, M40 8DE
14 Alburn Court, Lifton Avenue, Manchester, M40 8DE
17 Alburn Court, Lifton Avenue, Manchester, M40 8DE
2 Alburn Court, Lifton Avenue, Manchester, M40 8DE
21 Alburn Court, Lifton Avenue, Manchester, M40 8DE
24 Alburn Court, Lifton Avenue, Manchester, M40 8DE
27 Alburn Court, Lifton Avenue, Manchester, M40 8DE
30 Alburn Court, Lifton Avenue, Manchester, M40 8DE
32 Alburn Court, Lifton Avenue, Manchester, M40 8DE
48 Alburn Court, Lifton Avenue, Manchester, M40 8DE
49 Alburn Court, Lifton Avenue, Manchester, M40 8DE
5 Alburn Court, Lifton Avenue, Manchester, M40 8DE
50 Alburn Court, Lifton Avenue, Manchester, M40 8DE
51 Alburn Court, Lifton Avenue, Manchester, M40 8DE
52 Alburn Court, Lifton Avenue, Manchester, M40 8DE
53 Alburn Court, Lifton Avenue, Manchester, M40 8DE
36 Alburn Court, Lifton Avenue, Manchester, M40 8DE
39 Alburn Court, Lifton Avenue, Manchester, M40 8DE
40 Alburn Court, Lifton Avenue, Manchester, M40 8DE

56 Alburn Court, Lifton Avenue, Manchester, M40 8DE
59 Alburn Court, Lifton Avenue, Manchester, M40 8DE
60 Alburn Court, Lifton Avenue, Manchester, M40 8DE
7 Alburn Court, Lifton Avenue, Manchester, M40 8DE
10 Alburn Court, Lifton Avenue, Manchester, M40 8DE
11 Alburn Court, Lifton Avenue, Manchester, M40 8DE
13 Alburn Court, Lifton Avenue, Manchester, M40 8DE
15 Alburn Court, Lifton Avenue, Manchester, M40 8DE
16 Alburn Court, Lifton Avenue, Manchester, M40 8DE
18 Alburn Court, Lifton Avenue, Manchester, M40 8DE
19 Alburn Court, Lifton Avenue, Manchester, M40 8DE
20 Alburn Court, Lifton Avenue, Manchester, M40 8DE
Top Flat, 622 Oldham Road, Manchester, M40 8BA
Ground Floor, 371 Oldham Road, Manchester, M40 8EA
622 Oldham Road, Manchester, M40 8BA
29 Alburn Court, Lifton Avenue, Manchester, M40 8DE
624 - 626 Oldham Road, Manchester, M40 8BA
628 Oldham Road, Manchester, M40 8BA

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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA