

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140015/AOH/2024

Date registered valid: 28 June 2024

Proposal: Removal of an existing 48 sheet backlight panel to be replaced by two digital 48 sheets.

Address: Land At The Corner Of Oldham Road & Cipher Street, Manchester, M4 5HD

Ward(s): Piccadilly Ward

Applicant: Mr David Esterkin Manchester Industrials Limited

Agent (if any): Mr Tim Thomas The Thomas Partnership

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 23 August 2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 5 July 2024 Expired: 26 July 2024

Neighbour notifications

Printed: 5 July 2024 Expired: 26 July 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

The application site is located on the corner of the A62 Oldham Road and Cipher Street to the north of the expansive Royal Mail office. The Ancoats Conservation Area is situated on the other side of Oldham Road directly opposite the site. The site comprises a small, triangular area of hard standing with a fence along the western edge of the site. To the rear is an area of trees and shrubbery, together with a commercial storage yard.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area relates to a stretch of Oldham Road that runs along the western periphery of Miles Platting, which lies within Manchester City Centre's New Cross zone. The character of the area comprises different uses, including light industrial, residential, ecclesiastical and takeaway restaurants. On the development side of Oldham Road, much of the land comprises commercial and industrial properties, with some residential uses and vacant lots.



Figure 1. Map showing Manchester's City Centre boundary, including the New Cross Zone
(Source: City centre strategic plan 2015-2018 [City centre strategic plans | Manchester City Council](#))

Description of development

The development relates to the removal of an existing 48 sheet backlight panel to be replaced by two digital 48 sheets.

Consultations & Notification Responses

Publicity – letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health – no objections, condition requested controlling display content, rotation and illuminance.

Highways Services – no objections, condition requested controlling display content, rotation and illuminance.

Issues

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.

The main policies that relate to this application are 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), DC18 (Conservation Areas) and E3.3 of the Unitary Development Plan for Manchester (1995) and Sections 12 and 16 of the NPPF.

An overarching aim of both the Manchester Core Strategy (2012) and the Unitary Development Plan for Manchester (1995) is the improvement of visual amenity and the general uplift of the appearance of the city. This is reflected in policy SP1, which expects development of high-quality design that enhances the appearance of surrounding area, DM1 which requires development to have regard to be appropriate in design, siting scale and massing and have regard to the character of the surrounding area and EN1 which seeks to improve the experience of all at street level.

This is supported by Section 12 of the National Planning Policy Framework, in particular paragraph 130 which emphasises the importance of good design in new development that is sympathetic to the character and heritage of its surrounding area and paragraph 136 which states that ‘the quality and character of places can suffer when advertisements are poorly sited and designed’. Therefore, development which is in contravention of these aims and would harm visual amenity will be resisted by the City Council.

LOCATION PLAN 1:1250

SPECIFICATION DRAWING 1:100

EXISTING EAST ELEVATION

NOTE

FARRIE CLEWS
LANDSCAPE ARCHITECTS

OLDHAM ROAD, CORNER OF CATHER STREET, MANCHESTER U4 5HD

2 x Digital 48 Sheet Display

Existing East Elevation

20/08/2024

PI 4803-008

Scale 1:1000

Left hand side: Billboard design submitted under application reference 095582/AOH/2011/N1
Right hand side: Existing billboard design submitted under application 140015/AOH/2024
(Source: Planning portal)



Figure 3. Photograph showing in situ billboard and unapproved design.
(Source: Author's own)

Nevertheless, as the billboard has been in situ for a period of 12 years, it does benefit from deemed consent. The proposal that has been submitted differs significantly from both the approved and in situ displays. The proposed display would differ from the existing in two essential manners which would make it significantly more obtrusive within the street scene: the digital nature of the display and the additional 'face' to the structure, which would create 2no. billboards in place of the 1no. in situ.

The replacement of a single display with 2no. digital displays is considered to result in a greater impact on the appearance of this stretch of Oldham Road. Whilst the existing display can only be viewed heading westwards into the City Centre, the new arrangement of back-to-back displays would ensure visibility heading both directions along Oldham Road. This would result in an increased prominence within the street scene and ensure the displays would be a dominant feature in the sightline of both pedestrians and motorists when travelling along this key arterial route.

The digital displays, by virtue of the design, would form a more prominent element within the street scene than the existing non-digital billboard. This is due to the brighter illuminance, more vivid colours and the 'movement' created by the rotation of the advertisements

at a rate of up to 10 seconds. This would ensure that the proposed advertisement display would be especially obtrusive within the street scene. Therefore, it is considered that the proposed billboard would create harm to visual amenity by virtue of this increased prominence.

Recent decisions by the Planning Inspectorate have concurred with this assessment of digital advertisement displays. A digital display was refused under application reference 127006/AO/2020. The Inspector dismissed the subsequent appeal, under appeal ref: APP/B4215/Z/20/3257260 (appended to this report), noting that:

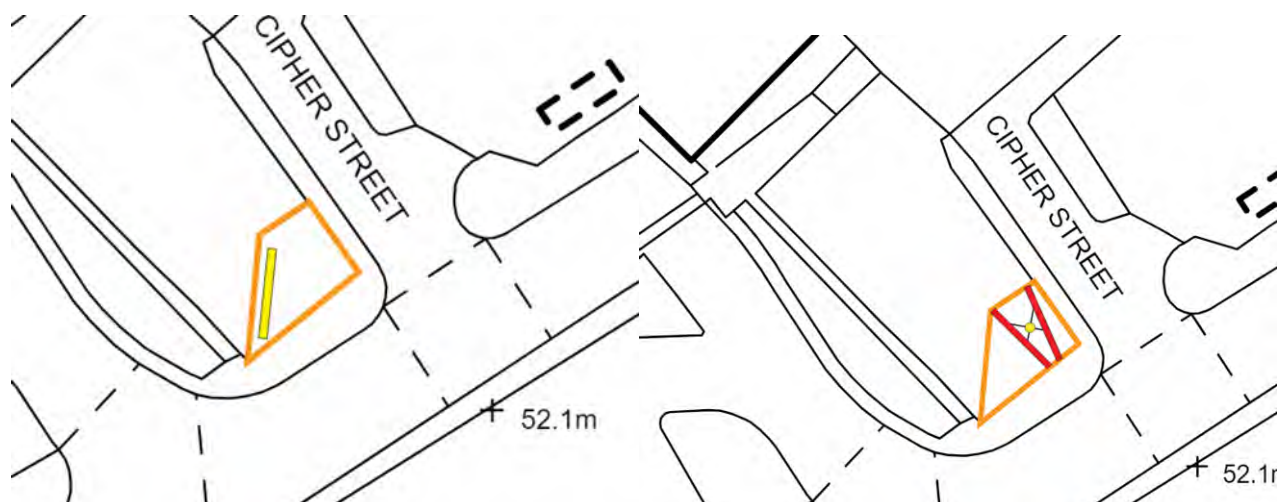
The significant changes would arise from the use of LED displays and a capability to regularly scroll through individual static images up to a frequency of one every 10 seconds. Although the displays would be slimmer and appear more modern than their existing counterparts, the combined effects of the generally brighter and vivid images, when taken with the 'movement' of the changing individual displays, would cause them to be more obtrusive and increase their visual prominence in comparison to the existing hoardings.

A digital billboard was refused under application reference 133244/AOH/2022, with the appeal against this decision was dismissed under appeal ref: APP/B4215/Z/22/3305629 (appended to this report). The inspector considered that digital displays have increased visual prominence over traditional displays:

'The current arrangement displays paper advertisements externally illuminated by downlights. The differences would be particularly due to the qualities of the paper material and the distinct effect of the lighting which washes down the sign. By contrast the proposed LED sign would have a constant and consistent illumination with a more strident appearance that would catch the eye in a more noticeable manner in both daylight and hours of darkness.'

Together with the additional display face on the proposed structure, the proposed advertisement billboards would be different in location and orientation to the existing. In their planning statement, the applicant has stated *'The Proposed Display will mimic the Existing Display inasmuch that the westbound panel retains the exact position of the existing panel and is complimented by the addition of a westbound panel on the reverse.'* As can be seen in the submitted site plans, the proposed billboard would have a different orientation and location to the existing and so is not considered to mimic the existing structure.

DC15.1 (c) requires the assessment of structures of the boards themselves. The proposed supporting structure is of a utilitarian design that is of little visual interest and



Existing display

Proposed display

Figure 4. Site maps side by side comparison.

(Source: Applicant's submitted plans Dwg. No. PY4663-003 A/ PY4663-004 A received by the City Council, as Local Planning Authority, on 28/06/2024)

Whilst the existing orientation ensures that the advertisements are largely viewed in the context of neighbouring trees and the Royal Mail depot, the additional display and the new orientation of both panels would result in drivers viewing the displays in context of the Ancoats Conservation Area across Oldham Road when approaching from distance (see below).

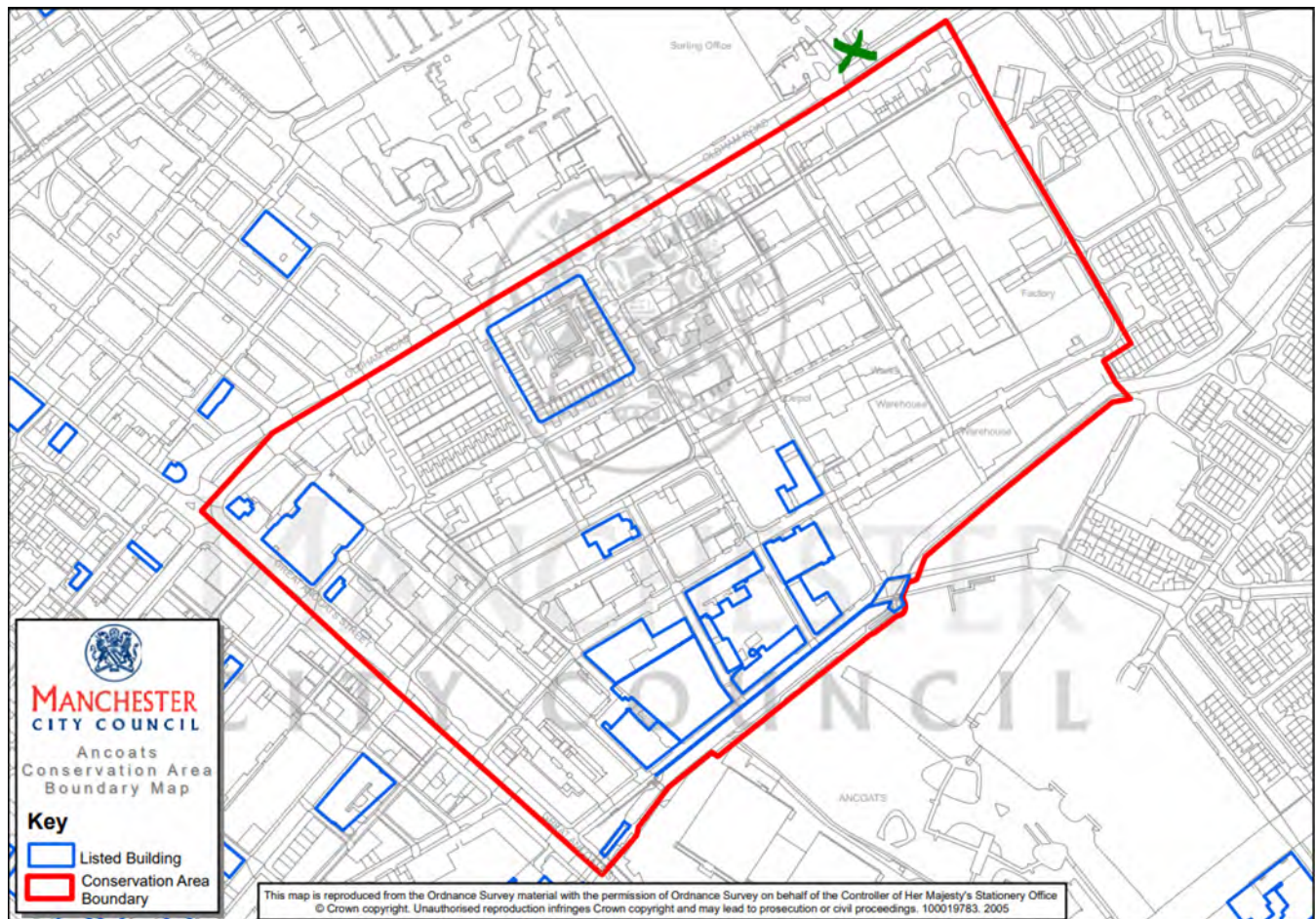


Figure 5. Maps showing Ancoats Conservation Area with development site marked with green X.

(Source: Manchester City Council [Conservation Area maps | Manchester City Council](#))



Figure 6. Image showing relationship with conservation area highlighted in red.
(Source: Author's own)

This would detract from the special character and appearance of the Ancoats Conservation Area through the creation of a feature in the street scene that would be read as a clearly modern intervention within the historic environment. Additionally, whilst the adjacent trees might somewhat obscure views of the west facing display from further distances at present, their presence as a screen cannot be relied upon long term.

The site lies outside of the Ancoats Conservation Area, however, as shown in Figure 6, by virtue of its proximity and positioning in relation to the Ancoats Conservation Area, the City Council considers the development site forms an integral part of the setting of the conservation area. A billboard was refused directly opposite the development site under application reference 137288/AOH/2023, with the decision subsequently upheld by the Planning Inspectorate on appeal under Appeal Ref: APP/B4215/Z/23/3329390 (decision appended to this report). The inspector concurred with the assessment that large, digitally illuminated billboard would be harmful to the visual amenity of the Ancoats Conservation Area and unsympathetic to its character.

“The scale of the proposal and method of illumination are such that it would be an incongruous feature whose prominence would lead to unacceptable harm to the visual amenity of the area. It would be visible for a significant distance along Oldham Road and would be viewed partly in the context of the more traditional buildings. Consequently, the proposal would be unsympathetic to the character of the CA.”

The City Council considers that the proposed billboard would have a similar impact. Furthermore, when viewed from by pedestrians on the Western side of Oldham Road heading southward, by virtue of the less oblique avenue in relation to the Grade II listed Victoria Buildings (see Figure 6 in yellow), one of the Ancoats Conservation Area's most significant buildings, this impact would be greater.

Changing context and relationship with regeneration

Since the appeal decision on the existing billboard in 2012, the New Cross Neighbourhood Development Framework (NDF) was adopted by the City Council in 2015. The development site falls within the boundaries of the New Cross NDF Zone B (see below).

New Cross Zones NDF refresh
Core Development Proposals
Zone C and Zone B (partial)

Study area

Turley

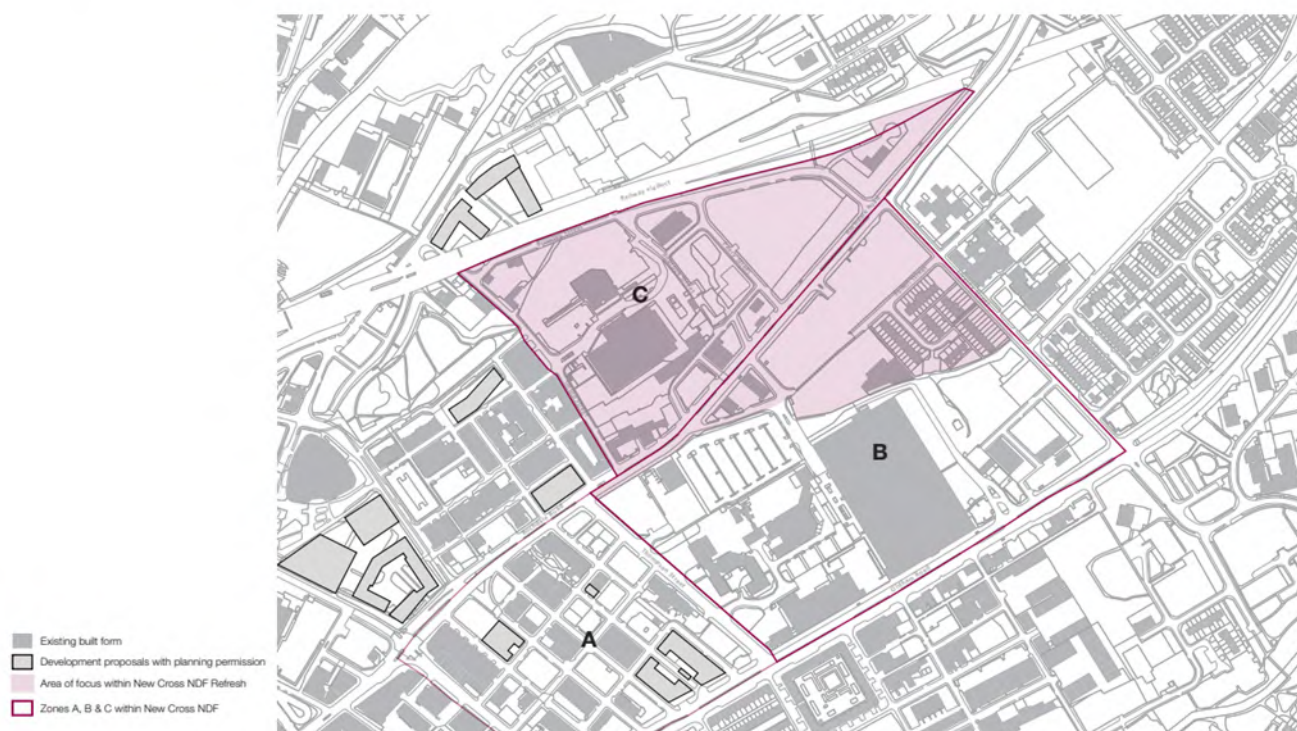


Figure 7. New Cross NDF Zones

(Source: New Cross NDF Update Neighbourhood Development Framework Update 2016 [New Cross | Manchester City Council](#))

Hence, whilst the character of the surrounding area is, at present, largely commercial and industrial, this is due to change. The NDF aims to deliver residential-led redevelopment of the area lying between Oldham Road and Rochdale Road. Already, the majority of plots within Zone A have been delivered, resulting in a dramatic visual uplift to the frontages along Oldham Road in this section of the NDF area (see below).



Figure 8. Showing frontage along Oldham Road in New Cross NDF Zone A. Left hand side shows situation in 2011 when application reference 095582/AOH/2011/N1 was submitted/ Right hand side shows situation as of August 2024.
(Sources: Google Maps/ Author's own)



Figure 9. Pedestrian footway view showing the relationship of the existing billboard to Zone A developments highlighted in red and conservation area highlighted in blue.
(Source: Author's own)

Clearly, over the nine years since the adoption of the New Cross NDF, the rate of change has been rapid and delivery of Zone A successful, with several new residential developments approved since 2016 (see 112015/FO/2016/N1; 125681/FO/2019; 125686/FO/2019) and now occupied. Thus, in the coming years, it is expected that Zone B is due to undergo a similar rate of change, transforming the character of the area around the application site from commercial to residential. This zone of the NDF has a small number of very large land ownerships, which should help facilitate development being brought forwarded rapidly. Hence, the City Council seeks to protect visual amenity for future occupiers and improve this major road route, as directed by local policy, and support the creation of high-quality, visually attractive residential development along this part of Oldham Road that would be unblemished by unsightly advertisement hoardings.

In conjunction with the New Cross NDF, a number of elements of the development plan relevant to the development, which support the City Council's regeneration aspirations and highlight the importance of securing the uplift of visual appearance through high quality development, supported by policy SP1 of the MCS which states that all development should create '*well designed places that enhance or create character.*' The first is the Poland Street Zone NDF (PSZ NDF), which includes the eastern side of the stretch of Oldham Road on which the development site sits.

Section 6.4 of the PSZ NDF notes the poor-quality appearance, legibility and safety of this part of Oldham Road, thereby serving as a poor threshold into Ancoats. The proposed billboard, whilst not within PSZ NDF area but sitting directly adjacent to it, would exacerbate the poor-quality appearance of this threshold. This would be counter the aims laid out in 7.3 to create a positive interface between Oldham Road and Ancoats through, in part, people friendly street space. An overbearing, at almost six metres in height, and visual striking digital billboard would not be on a human scale.

As with the opposite side of Oldham Road, the PSZ NDF area is due to undergo significant change over the next decade and regeneration is progressing apace. A five-storey, mixed-use commercial and residential building has been constructed directly adjacent to the site. Again, this highlights the pace of change and the differing context to when the appeal was allowed in 2012.



Figure 10. The relationship with new development referenced in application reference 137288/AOH/2023 / appeal ref: APP/B4215/Z/23/3329390 highlighted in blue.
(Source: Author's own)

The visual uplift of Manchester's radial routes is a longstanding aim of the City Council, reflected in saved policy E3.3 of the Unitary Development Plan (1995). E3.3 seeks the upgrade of the appearance of premises adjacent to Manchester's main radial routes, of which Oldham Road is one of the most significant. The proposed billboards would be of low-quality, utilitarian design and form an unsightly, dominant element in the street scene. Therefore, it is considered the proposed development would directly contradict this longstanding aim of the City Council.

To conclude, the City Council wishes to highlight the rapidly changing character of the area to residentially led and hence wishes to protect the amenity of future occupiers and the appearance of the developments that will be brought forward in the coming years. It is considered that the presence of the advertisements would undermine the ability of the City Council to manage and promote the positive change and enhancements that are being sought at this location, which would undermine a longstanding aim of the City Council's reflected in saved policy E3.3, as well as the aims of the New Cross NDF and Poland Street NDF.

Public Safety

It is considered that the proposed billboard would not give rise to any dangers to passing pedestrians or drivers, provided there is adherence to conditions suggested by MCC Highways Services and Environmental Health that would control elements of the display including illuminance, content and transitions. Therefore, there are no public safety concerns which would warrant a refusal.

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

Reason for recommendation to refuse

1) The proposed billboard, by virtue of its siting, scale, design and appearance and materiality, would form an unattractive and obtrusive feature in the street scene. The advertisement would fail to respond positively to its surroundings, creating a dominant and incongruous feature along this part of Oldham Road which would be detrimental to visual amenity. In addition, the advertisement fails to preserve or enhance the setting of the Ancoats Conservation Area and would be detrimental to aspirations of the New Cross NDF Zone B and the ongoing regeneration of the Poland Street Zone which seeks to improve the character and appearance of Oldham Road. This would be contrary to the provisions of policies SP1, DM1 and EN1 of the Manchester Core Strategy, saved policies DC15 and DC18 of the Unitary Development Plan, Sections 12 and 16 of the National Planning Policy Framework, the New Cross NDF and the Poland Street Zone NDF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

184 - 186 Oldham Road, Manchester, M4 6BQ
208 Oldham Road, Manchester, M4 6BQ
95 Oldham Road, Manchester, M4 5FS
CLIVE HURT PLANT HIRE LIMITED, Clarion Street, Manchester, M4 5HE
202 - 206 Oldham Road, Manchester, M4 6BQ
198 - 200 Oldham Road, Manchester, M4 6BQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL