



Planning

Growth & Development

Delegated officer report for planning application

Application no. 140037/AO/2024

Date registered valid: 17 May 2024

Proposal: Installation of 2 x free-standing paper billboards following removal of existing advertisement panel

Address: Land Adjacent To Middleton Old Road, Manchester, M9 8DS

Ward(s): Harpurhey Ward

Applicant: Mr Fogel

Agent (if any): Friedman Fried

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 11/07/2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 11/07/2024

Standard consultations:

Printed: 30 May 2024 Expired: 20 June 2024

Neighbour notifications

Printed: 30 May 2024 Expired: 20 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

Proposal relates to a parcel of land sandwiched between Middleton Old Road and Rochdale Road. The land is currently grassed with a small coppice of trees adjacent to The Grove public house. The site has a steep gradient sloping down towards Middleton Old Road with a public footpath inserted in the middle of the site linking the two roads for a pedestrian walkway.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



Figure 1. View from Rochdale Road

Description of development

The applicant is proposing the Installation of 2 x free-standing paper billboards following removal of existing advertisement panel.

The panels are paper based and measure 3.7m x 5.4m and stand 4 meters from ground to the base of the panel.

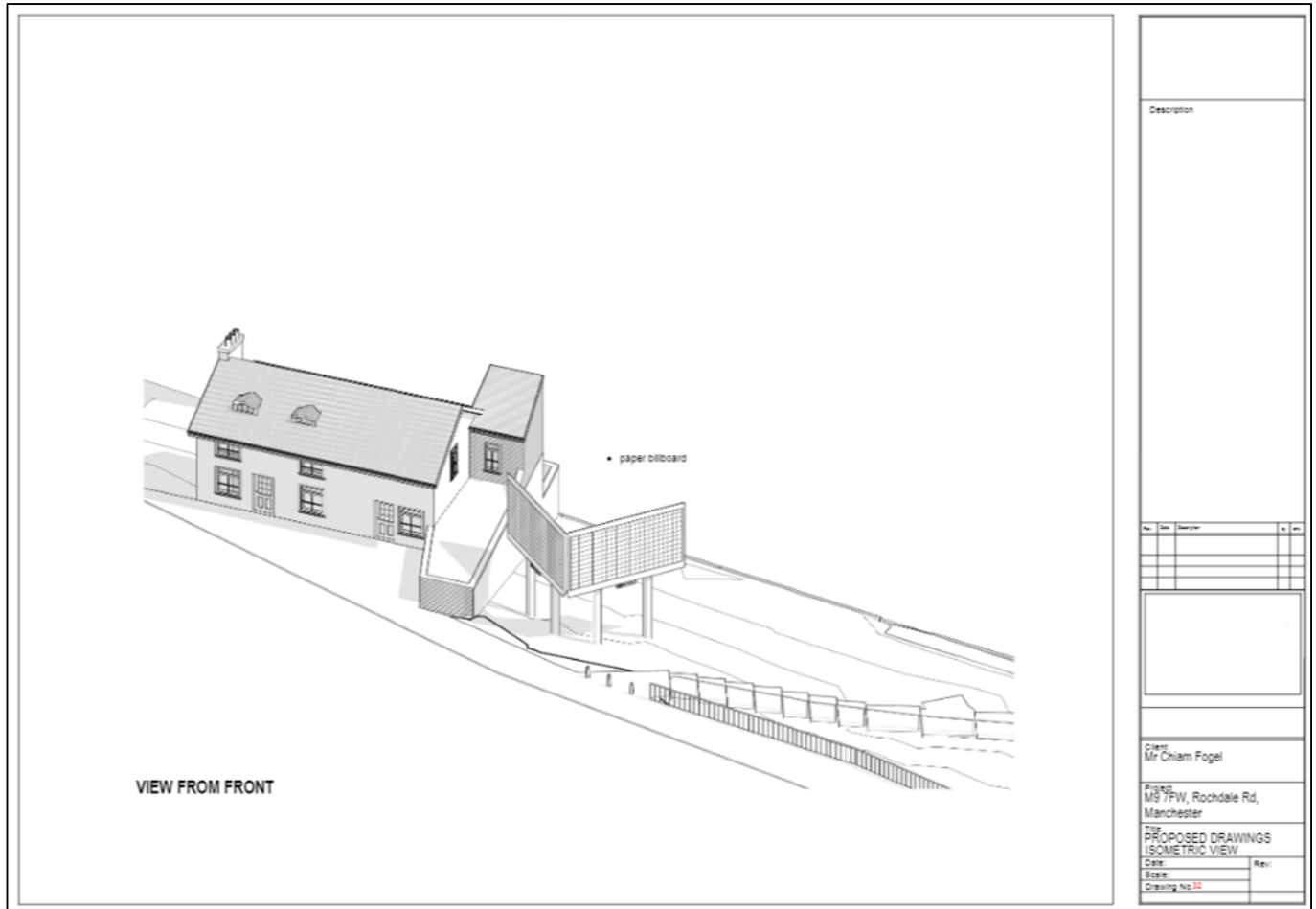


Figure 3. Proposed signage.

Planning History

It is of note that until at least Aug 2021 there was an advertising board in a similar location which has been removed and was not present when visiting the site. There is no explicit planning approval for the old board, and it would have had deemed consent. The existing plans submitted show the board in situ however at present the board is not present and was likely removed.

132003/AOH/2021

Description: Installation of two free standing LED static image advertising panels following removal of existing advertisement hoarding

Decision: Refused 16/12/2021

132002/FO/2021

Description: Remove free-standing advertising panel and replace with two free standing LED static image advertising panels.

Decision: Application returned

F14948

Description: CITY COUNCIL DEVELOPMENT Landscaping of vacant land to form public open space.

Decision: Approve 04/03/1981

Consultation, notification & publicity responses

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application.

Highway Services have no objections to the proposal.

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application.

Environmental Health have no objections to the proposal.

Notifications

Local Residents

As stated in Appendix 1, people who live near the area were told about the proposal.

No one commented, objected, or gave their opinion on this application.

Relevant policies & the principle of development

Summary of relevant policy

Applications for planning permission must be assessed against the local development plan, unless there are important reasons not to, as stated in planning law.

In considering this application, we consider the following policies relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#) The City Council adopted the core strategy on July 11, 2012. It is the key document in the Manchester Local Plan. The plan determines how Manchester will grow and is used to review development applications. Parts of the policies have been superseded by the Places for Everyone Plan. We consider the following Core Strategy Policies relevant to this proposal.
 - Development Management and Planning Obligations
 - DM 1 - Development Management
 - Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (partially superseded)

- Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 9 – Green Infrastructure
- [Extant Unitary Development Plan \(UDP\)](#) - The Core Strategy replaced most of the UDP. However, some UDP Development Control policies are still in effect. The following extant policy are still considered relevant to this proposal.
 - DC15 - Advertisements, Hoardings and Posters.
- [Places for Everyone Plan Joint Development Plan Document 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.
 - Strategy
 - JP-Strat6: Northern Areas
 - Sustainable and Resilient Places
 - JP-S1: Sustainable Development
 - JP-S2: Carbon and Energy
 - JP-S4: Flood Risk and the Water Environment
 - JP-S5: Clean Air
 - JP-S6: Resource Efficiency
 - Greener Places
 - JP-G6: Urban Green Space
 - JP-G7: Trees and Woodland
 - Places for People
 - JP-P1 Sustainable Places
- [The National Planning Policy Framework \(The NPPF\)](#) – The NPPF was first published on 27 March 2012 and updated on 24 July 2018, 19 February 2019, 20 July 2021, 5 September 2023 and 19 December 2023. It sets out the government’s planning policies for England and how these are expected to be applied. We consider the following sections relevant to this proposal.
 - Section 4 – Decision-making
 - Section 12 – Achieving well-designed places
- [Town and Country Planning \(Control of Advertisements\) Regulation 2007](#) – This regulation is a law in England. It controls how advertisements are developed.
 - Section 3 - Powers to be exercised in the interests of amenity and public safety

Principle of the development

The proposal's principle is unacceptable. There are several factors in amenity terms would warrant refusal.

After careful consideration, it is concluded that the proposed development opposes policies of the Manchester Core Strategy, Extant UDP, Places for Everyone Plan and the NPPF. This conclusion is based on the assessment in the sections that follow.

The Manchester Core Strategy Development Plan (2012-2027)

We have assessed the proposal against the following policies of the Core Strategy.

Development Management and Planning Obligations

DM 1 – Development Management

New developments must adhere to the 'Development Principles' and design guidance in the Supplementary Planning Documents.

We have assessed the proposal against the following issues.

Appropriate siting, layout, scale, form, massing, materials, and detail

The height and display of the proposed signage in the location would be overly dominant for the local area.

Due to the sloping nature of the site the hoardings as viewed from Middleton Old Road would dominate the street scene and provide a level of overshadowing to the area and adjacent properties.

As noted in the planning history the site previously had an advertising board with deemed consent. The proposed boards are significantly larger than previous and would be more dominant in the street scene.

In general, the siting, layout and scale of the development opposes with this development management principle.

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.

The local area is characterised by residential dwellings with open green space to maintain a sense of openness between the two roads. The proposed development would have a negative effect on this character.

It is of note that slightly further up Rochdale Road there are a significant number of Advertising hoardings (5) and any further hoardings along this stretch of road would lead to further advertising space in an already advertising heavy stretch of road.

In general, the proposed development would have a negative impact on the surrounding areas. The design, scale, and appearance oppose with the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposed size and scale would be overly dominant in the location impacting on the residential amenity of local residents and potentially over dominant when viewed from neighbouring residential property.

The proposal has a negligible effect on privacy.

The proposal is expected to have a minimal effect on local light.

The proposal in of itself has a negligible effect on local noise levels or vibration.

The proposal is expected to have a negligible effect on air quality or odours.

The proposal is expected to have a negligible effect on litter, vermin, or birds.

The proposal is expected to have a minimal effect on road safety and traffic generation.

Effects relating to biodiversity, landscape, archaeological or built heritage

The applicant and consultees did not find any contamination or stability issues at the site.

The proposal does not sit within a Conservation Area or near a designated heritage asset.

The proposal is exempt from biodiversity net gain rules.

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Green Infrastructure including open space, both public and private

The location of the site is on a green space sandwiched between Middleton Old Road and Rochdale Road.

The exact location of the proposed signage is in an area with multiple trees. The applicant has not provided any details on the effects on the local arboriculture.

The proposal would harm the local green space and have a potentially harmful effect on the trees in the vicinity.

The proposal is therefore in opposition with this development management principle.

Flood risk and drainage.

The site is not located in a flood risk area and therefore does not require a flood statement or assessment.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

Objective 1 - Spatial Principles

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

We consider this proposal to accord with the principles of this policy.

Objective 6 Environment

EN 1 – Design Principles and Strategic Character Areas

This policy outlines the key design principles for development in Manchester. All development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the ‘Northern Character Area’.

We consider this proposal to oppose with the principles of this policy.

EN 9 – Green Infrastructure

This policy outlines the principles to maintain existing green infrastructure in terms of its quantity, quality, and multiple function.

The development is considered to oppose with the aspirations of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced most of the UDP, but some UDP policies still apply to this proposal.

DC15 - Advertisements, Hoardings and Posters

This policy outlines the key issues when considering development of Advertisements, Hoardings and Posters.

We consider this proposal to oppose with the principles of this policy.

Places for Everyone Plan (2022 – 2039)

We have assessed the proposal against the following policies of the Places for Everyone Plan.

Strategy

JP-Strat6: Northern Areas

This policy outlines the spatial strategy for the North of the City Region which includes Northern areas of Manchester.

We consider this proposal to oppose with the principles of this policy.

Sustainable and Resilient Places

JP-S1: Sustainable Development

This policy outlines how, to help tackle climate change, development should aim to maximise its economic, social, and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.

We consider this proposal to oppose with the principles of this policy.

Greener Places

JP-G6: Urban Green Space

This policy outlines how we can ensure there is an appropriate scale, type, quality and distribution of accessible urban green space that can support a high quality of life and other important green infrastructure functions.

We consider this proposal to oppose with the principles of this policy.

JP-G7: Trees and Woodland

This policy outlines how we will work to deliver the aims and objectives of the Greater Manchester Tree and Woodland Strategy, aiming to significantly increase tree cover, protect and enhance woodland, and connect people to the trees and woodland around them.

We consider this proposal to oppose with the principles of this policy.

Places for People

JP-P1 Sustainable Places

This policy outlines how we aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places.

We consider this proposal to oppose with the principles of this policy

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework explains the government's planning policies for England. It also explains how to use these policies.

At all stages of the application, we have adhered to and considered the NPPF.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

We consider this proposal to oppose with the principles of the NPPF.

Town and Country Planning (Control of Advertisements) Regulations 2007

The Town and Country Planning (Control of Advertisements) Regulation 2007 is an act of the United Kingdom Parliament regulating the development of advertisements in England.

Section 3

Section 3 outlines the powers to be exercised in the interests of amenity and public safety by the local planning authority.

1. A 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 proposal has been assessed against this criterion and is deemed in accordance with the public safety, however the proposal fails to meet the amenity standards when assessed against the local development plan.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- [Guide to Development in Manchester Supplementary Planning Document and Planning Guidance \(April 2007\)](#)
- [Manchester Residential Quality Guide \(July 2016\) \(MRQG\)](#)
- [Manchester, Salford, and Trafford Strategic Flood Risk Assessment](#)
- [Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems](#)

- [Manchester City Council Planning and Noise Technical Guidance \(2022\)](#)
- [Air Quality & Planning Technical Guidance \(2022\)](#)
- [Planning and Contaminated Land Technical Guidance \(2021\)](#)
- [Greater Manchester Joint Waste Development Plan Document \(GMJWDPD\)](#)
- [Waste Storage and Collection Guidance for New Developments \(2017\)](#)
- [Hot Food Takeaway Supplementary Planning Document \(2017\)](#)
- [Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards \(2020\)](#)
- [Manchester Tree and Woodland Action Plan 2024-2034](#)
- [Manual for Streets \(2007\)](#)
- [National design guide & National Model Design Code \(2021\)](#)
- [Outdoor advertisements and signs: a guide for advertisers \(2007\)](#)

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.

Conclusion

The design, size, and shape of the proposal are not acceptable in this area. This proposal will cause problems for the people nearby and change the look of the street. The proposal will have a harmful impact. It goes against the Core Strategy, UDP, NPPF policies, and other considerations.

Recommendation: Approve

Article 35 Declaration

The officers worked with the applicant in a positive and proactive manner however issues with the scheme were insurmountable and couldn't be rectified through negotiations.

Reasons for recommendation to refuse

1. Visual harm to the character of the area

The proposed advertising display would by virtue of its size, location, design, appearance have a detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous, and over dominant feature within the street scene and in a prominent location on Rochdale Road, a main radial route. The proposal would contribute to an excessive amount of advertising hoardings along this stretch of road. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and be contrary to policy SP 1, and EN 1 of the Manchester Core Strategy; DC15 of the Extant UDP; JP-Strat6, JP-S1, JP-P1 of the Places for Everyone Plan and Section 4 and 12 of the NPPF.

2. Residential amenity harm

The advertisement display, size, appearance, elevated position in close proximity to residential properties presents an intrusive feature to the residents on the opposite side of the road to the site on Rochdale Road, to the detriment of residential amenity. The proposed advertisement is therefore contrary to policy SP 1, and EN 1 of the Manchester Core Strategy; DC15 of the Extant UDP; JP-Strat6, JP-S1, JP-P1 of the Places for Everyone Plan and Section 4 and 12 of the NPPF.

3. Harm to green space and local trees.

The location of the proposal would be on an open green space with local trees. The proposals size and scale in the location has the potential to have a harmful impact on the local green space and arboriculture to the detriment of the area contrary to policies to policy SP 1, EN 1 & EN 9 of the Manchester Core Strategy; DC15 of the Extant UDP; JP-Strat6, JP-S1, JP-G6, JP-G7 and JP-P1 of the Places for Everyone Plan and; Section 4 and 12 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

938 Rochdale Road, Manchester, M9 7EP
942 Rochdale Road, Manchester, M9 7EP
936 Rochdale Road, Manchester, M9 7EP
940 Rochdale Road, Manchester, M9 7EP
25 Middleton Old Road, Manchester, M9 8DS

23 Middleton Old Road, Manchester, M9 8DS
21 Middleton Old Road, Manchester, M9 8DS
Flat 5, 19 Middleton Old Road, Manchester, M9 8DS
Flat 4, 19 Middleton Old Road, Manchester, M9 8DS
Flat 3, 19 Middleton Old Road, Manchester, M9 8DS
Flat 2, 19 Middleton Old Road, Manchester, M9 8DS
Flat 1, 19 Middleton Old Road, Manchester, M9 8DS
932 Rochdale Road, Manchester, M9 7EP
930 Rochdale Road, Manchester, M9 7EP
934 Rochdale Road, Manchester, M9 7EP
928 Rochdale Road, Manchester, M9 7EP
1097 Rochdale Road, Manchester, M9 7FW
17 Middleton Old Road, Manchester, M9 8DS
926 Rochdale Road, Manchester, M9 7EP
924 Rochdale Road, Manchester, M9 7EP
1095 Rochdale Road, Manchester, M9 7FW

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 Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA