MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139634/AOH/2024
Date registered valid:	26 March 2024
Proposal:	Advertisement consent for the display of an internally illuminated digital LED adverting display (6metres x 3metres)
Address:	92 Claremont Road, Manchester, M14 4RR
Ward(s):	Whalley Range Ward
Applicant:	Wildstone Estates Limited
Agent (if any):	Miss Nilufa Yasmin, Carter Jonas
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: **20/05/2024**

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 11/04/2024

Standard consultations:
Printed: 9 April 2024 Expired: 30 April 2024

Neighbour notifications
Printed: 9 April 2024 Expired: 30 April 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 an end of terrace property on the corner of Claremont Road and Princess Road. The property features a hot food takeaway to the ground floor takeaway with existing signage and residential to the first floor. The building currently features 2no poster hoardings on the gable end facing Princess Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



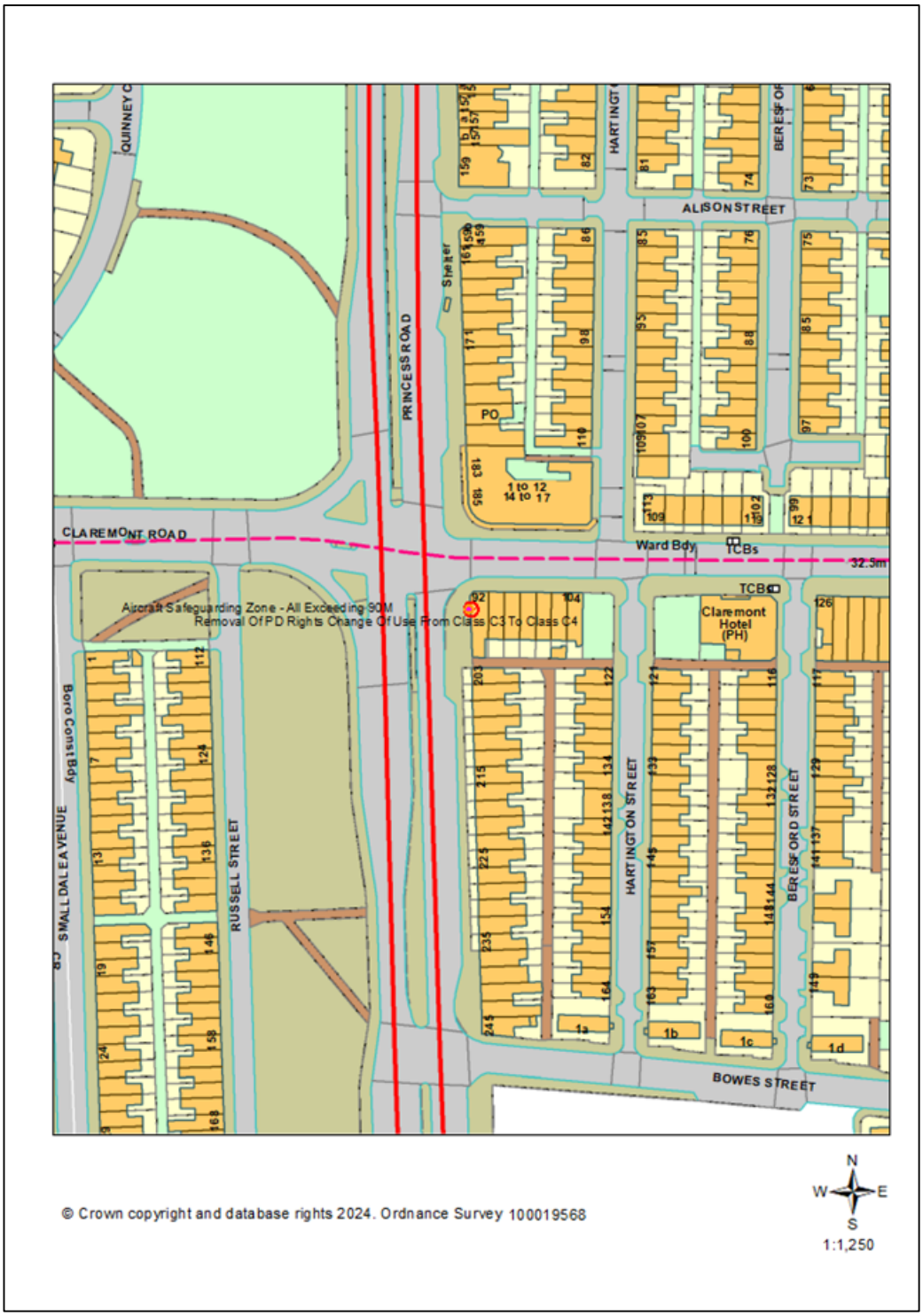
Figure 1. View from Claremont Road on the west side of Princess Road



Figure 2. View from pavement on Princess Road.

Description of area

The proposal is in a mixed retail/residential part of the Whalley Range ward of Manchester. The property is located on the junction with Princess Road, a busy Arterial A Road forming one of the main routes from the south of the City to the Centre. Frontages along this part of Princess Road are generally retail/hot food takeaway.



Description of development

The applicant proposes the advertisement consent for the display of an internally illuminated digital LED adverting display (6metres x 3metres).

The proposed panel measures 6m(w) x 3m(h) x 0.061m(d) and will all be positioned 4.38m above ground. This is consistent with the existing size but with a slight reduction in height from the ground.

Brightness would be 300cd/sqm from dusk to dawn and up to 5,000cd/sqm at all other times dependent on time of day/year and ambient conditions.



Figure 3. Existing and proposed plans

Planning History

079115/AO/2006/S1
Description: Installation of internally illuminated fascia sign and projecting box sign
Decision: Approve 06/06/2006

077746/FU/2005/S1
Description: Change of use from shop (Class A1) to hot food take away (Class A5) including erection of flue at rear of property
Decision: 23/01/2006

ENF/2620/00/SOUTH1
Description: Enforcement Enquiry - Suspected unauthorised 1x48 trivision wall mounted hoarding.
Decision: Closed

ENF/2538/00/SOUTH1
Description Enforcement Enquiry - Adv hoardings have been erected on gable end.
Decision: Closed

ENF/2450/00/SOUTH1
Description: Enforcement Enquiry - Unauthorised illuminated rotating advert hoarding on the gable wall
Decision: Closed

It is of note that there has been some enforcement activity in the past however the existing hoarding has been in place over 10 years and therefore has deemed consent.

27224
Change of use from a retail shop to a cafe/snack bar
Decision: Approved 12/11/1986

F14759
Description: Change of use from shop unit to amusement centre.
Decision: Refused 04/02/1981

F/AD02595
Description: Illuminated double sided box sign, projecting over the highway on front elevation of shop.
Decision: Temporary Approved 26/06/1980

Consultation, notification & publicity responses

Consultations

Manchester City Council Highways Services
Manchester City Council Highways Service were consulted on this application.

Highways Services asked the applicant for photomontage to fully assess the location of the proposed development and effect on the local junction.

The applicant sent a photomontage and Highways Services confirmed the location of the digital advertising display is not considered to generate any adverse impact for vehicles travelling along Claremont Road and Princess Road.

Manchester City Council Environmental Health
Manchester City Council Environmental Health were consulted on this application.

They had no objection to the proposed development and recommended a condition be attached on luminance.

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 2 - Economy and the City Centre
        - EC 1 - Employment and Economic Growth in Manchester
    - Objective 6 Environment
        - EN 1 - Design Principles and Strategic Character Areas
- 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-Strat5: Inner Areas
    - Sustainable and Resilient Places
        - JP-S1: Sustainable Development
    - Places for Jobs
        - JP-J1: Supporting Long-Term Economic Growth
    - 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 6 – Building a strong, competitive economy
    - 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 factors in amenity terms that warrant refusal.

Its is noted that although the application cannot be refused on the basis of public safety, the proposal, in the view of the LPA, fails to accord with its development plan as it is unacceptable in terms of visual impact and excessive prominence within the street.

After careful consideration, it is concluded that the proposed development opposes 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 proposed digital signage would replace existing paper-based hoarding at the site.

The location of the development is in a predominantly residential setting and although an existing paper-based hoarding has been accepted into the location, the introduction of an illuminated digital signage with rotating display would materially change the relationship of advert to the street scene in a way that is harmful to the location.

The hoarding is located over 4000mm above ground level further exacerbating the issue as noted above by placing the proposed advert in a prominent location in relation to other signage in the area.

Officers consider the new development to be unacceptable in its 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.
The proposed digital signage would replace an existing hoarding.

Although the existing hoarding has gained deemed consent, a full assessment of an advertising hoarding at this location has never been made. Given the nature of the back illuminated, digital signage this would present a material change to the nature of the advertising at the location and present a harmful presence to the character of the mostly residential area and fail to positively contribute to good urban design in this part of Manchester.

It is noted that businesses along this stretch of Princess Road have illuminated shop frontages and advertisements however these are generally smaller ground level adverts which better incorporated into the character of the area and don't impact as harshly on the residential dwellings opposite.

In general, the proposed development has a harmful impact on the surrounding areas. The design, scale, and appearance all oppose the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.
The proposal is expected to have a negligible effect on privacy.

The proposal is expected to have a negative effect on local light. The increase illuminance of a backlit digital sign would have a harmful effect on local light in this predominately residential environment.

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. Highways requested a photomontage and were content that the proposed signage would not have a negative effect on traffic signals.

Overall, the proposal has harmful impact so, it opposes this principle of development management.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
The proposal does not change how people can get in and out of the building.

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

Refuse storage and collection.
The proposal itself has little impact on waste from the site.

The proposal is in accordance with this development management principle.

Vehicular access and car parking
The proposal doesn't change how vehicles access and park at the property, so it follows the development management principle.

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 proposal has negligible impact on green infrastructure.

The proposal is therefore in accordance 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’.

The proposal would have negative effect to the predominately residential area and impact the local neighbourhood.

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

Objective 2 - Economy and the City Centre

EC 1 - Employment and Economic Growth in Manchester
This policy outlines the overall strategy for employment and economic growth in Manchester.

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 borders both the 'Central Character Area' and 'Southern Character Area'.

The area is predominantly residential so greater weight is placed on the Southern Character Area where appropriate development along the radial routes such as Princess Parkway should be commensurate in scale with the prominence of its location.

We consider the backlit digital signage to be incommensurate and be overly prominent in the predominantly residential location of the immediate area.

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

On balance, the proposal opposes the principles of the Core Strategy.

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.

The proposed backlit digital display would have a harmful impact on the visual amenity and fail to a have positive impact on the locality. The proposal would also be obtrusive and, by way of its illumination and changing images, intrude on the residential amenity of the area.

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-Strat5: Inner Areas
This policy outlines the spatial strategy for the Inner Areas of the City Region which includes the urban fringe around the City Centre.

We consider this proposal to accord 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.

Places for Jobs

JP-J1: Supporting Long-Term Economic Growth
The policy outlines the ambition to have a thriving, inclusive and productive economy in all our boroughs.

We consider this proposal to accord 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.

For the reasons outlines in DM 1 and EN 1 sections we consider this proposal to oppose with the principles of this policy.

On balance we consider the proposal to opposed with the principle of the Places for Everyone Plan.

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 6 - Building a strong, competitive economy

Section 6. of the NPPF outlines the development management principles to help create the conditions in which businesses can invest, expand, and adapt.

Section 12 - Achieving well-designed places

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

For the reasons outlines in DM 1 and EN 1 sections we consider this proposal to oppose with the principles of this policy.

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 regulations.

It is noted that that the proposal is refused on its failure to meet the principles of the LPAs development plan rather than the public safety conditions within the above legislation.

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 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.

Conclusion

The proposed advertising hoarding would by virtue of its location, design and appearance would have a detrimental impact upon visual amenity thereby constituting an unduly obtrusive, incongruous, and over dominant feature within the street scene. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area. It is noted that the development could have a positive effect on the local economy however, on balance, the public harm outweighs the benefit of the proposal and is counter to policies of the Core Strategy, UDP, PfE and NPPF.

Recommendation: Refuse

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner. We assessed the proposal with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan, Places for Everyone Plan and other material considerations. Problems were found with the proposal however their was no viable scheme for approval.

Reasons for refusal

1. **Amenity harm**

   The proposed advertisement display by reason of its size, location, design, appearance, elevated position, means of illumination and method of display, would create an unduly obtrusive and over-dominant feature in the street-scene, and would form an incongruous feature within the street scene. The proposed display would thereby appear out of context with its location, adjoining a main radial route to/from Manchester City Centre and in a predominately residential area. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and surrounding residents, contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, SP1 and DM1 of the Manchester Core Strategy, saved policies, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester, policy JP-P1 of the Places for Everyone Plan and policies of the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services

93 - 95 Claremont Road, Manchester, M14 4RG
99 Claremont Road, Manchester, M14 4RG
97 Claremont Road, Manchester, M14 4RG
Unit 1, 185 Princess Road, Manchester, M14 4RL
104 Claremont Road, Manchester, M14 4RR
102 Claremont Road, Manchester, M14 4RR

Timpson, Unit 2, 187 Princess Road, Manchester, M14 4RL
104A Claremont Road, Manchester, M14 4RD
102A Claremont Road, Manchester, M14 4RD
100A Claremont Road, Manchester, M14 4RD
98A Claremont Road, Manchester, M14 4RD
96A Claremont Road, Manchester, M14 4RD
94A Claremont Road, Manchester, M14 4RD
92A Claremont Road, Manchester, M14 4RD
187 Princess Road, Manchester, M14 4RL
Flat 12, 183 Princess Road, Manchester, M14 4RH
Flat 9, 183 Princess Road, Manchester, M14 4RH
Flat 6, 183 Princess Road, Manchester, M14 4RH
Flat 4, 183 Princess Road, Manchester, M14 4RH
Flat 1, 183 Princess Road, Manchester, M14 4RH
Flat 16, 183 Princess Road, Manchester, M14 4RH
94 Claremont Road, Manchester, M14 4RR
185 Princess Road, Manchester, M14 4RL
Flat 17, 183 Princess Road, Manchester, M14 4RH
Flat 15, 183 Princess Road, Manchester, M14 4RH
Flat 14, 183 Princess Road, Manchester, M14 4RH
Flat 11, 183 Princess Road, Manchester, M14 4RH
Flat 10, 183 Princess Road, Manchester, M14 4RH
Flat 8, 183 Princess Road, Manchester, M14 4RH
Flat 7, 183 Princess Road, Manchester, M14 4RH
Flat 5, 183 Princess Road, Manchester, M14 4RH
Flat 3, 183 Princess Road, Manchester, M14 4RH
Flat 2, 183 Princess Road, Manchester, M14 4RH
203 Princess Road, Manchester, M14 7LT
98 Claremont Road, Manchester, M14 4RR
96 Claremont Road, Manchester, M14 4RR
100 Claremont Road, Manchester, M14 4RR

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 Zone - All Exceeding 90M
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA