

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138439/AOH/2023

Date registered valid: 21 November 2023

Proposal: Removal of the existing display followed by the installation of an internally illuminated advertisement of similar dimensions.

Address: Land Between 317 And 325 Oldham Road, Manchester, M40 8ED

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Thomas Johnston JCDecauxUK

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 05/01/2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 23 November 2023

Expired: 14 December 2023

Neighbour notifications

Printed: 23 November 2023

Expired: 14 December 2023

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 site relates to a vacant site adjacent to 325 Oldham Road, which is used for ad hoc parking and contains a static billboard. The ground is unmade and overgrown, and the lot is bounded by a low-quality timber fence with a railway line behind. There are commercial premises directly adjacent to the south and a new residential development, comprising a renovated non-designated heritage asset to the north.

Listed building: Not applicable

Conservation area: n/a

Tree Preservation Order: n/a

Description of area

The area relates to the border between Miles Platting and Collyhurst, north of Manchester's city centre. The character of the area comprises a few different uses, including commercial and residential premises. It is not within a conservation area.

Description of development

The development relates to the installation of a digital advertisement billboard, which would replace an existing, internally illuminated static billboard.

Consultations & Notification Responses

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

Highways Services - no objection, condition requested as follows to control the following:

(a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.

- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
 - (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
 - (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
 - (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
 - (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather.
- Or for signs less than 10m²
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

Environmental Health - no objection, condition requested as follows to control the following:

- No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- No individual advertisements shall be displayed for duration of less than 10 seconds.
- Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non-daylight hours / inclement weather

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007

The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
 - (b) any other relevant factors.
- (2) Without prejudice to the generality of paragraph (1)(b)—
- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
 - (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
- (4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity and impact upon public safety. The main policies that relate to the

assessment of the proposal are the Town and Country Planning (Control of Advertisements) Regulations 2007 and Core Strategy policies DM1 (Development Management), SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas) and EN3 (Heritage), the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC15 (Advertisements, Hoardings and Posters) and E3.3 (Environmental Improvement and Protection) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

Issues

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

Visual amenity

The proposed billboard would replace an existing billboard that would appear to benefit from deemed consent, although it has never been granted express consent by the City Council. The existing billboard forms an unsightly feature in the street scene and significantly detracts from character and appreciation of the recently renovated non-designated heritage asset which it abuts.

Digital advertisement posters, which have greater brightness than traditional poster boards and rotating content, are more visible and hence have more prominence in the street scape. Digital adverts are often highly colourful and garish, which combined with the luminance has the potential to particularly obtrusive. The rotation of content, in this case six different displays sequencing up to every 10 seconds, would create a 'movement' to the advertisement which would necessarily draw the eye and contribute to the billboard's dominant position within the street scene. Therefore, it is considered that a digital advertisement billboard at this site would form an overly obtrusive feature in the street scene, above and beyond the billboard currently in situ - notwithstanding the harm to visual amenity the existing billboard already creates.

The proposed billboard, by virtue of its digital display, would form an incongruous feature in the setting of a non-designated heritage asset at 325 Oldham Road, which has recently undergone significant, sensitive renovation. DC15.1(c) states that the council should consider the relationship a hoarding has to the premises at which they are located. The proposed billboard would form an unsightly, dominant which would obscure the majority of the building's gable wall. It would also be creating a jarring juxtaposition between the historic character of the non-designated heritage asset and the modern design of the digital display. Hence it is considered that this would detract from the appearance of the adjacent building.

The development at 325 Oldham Road is emblematic of the City Council's approach to development along radial routes, pursuant to saved policy E3.3 which 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 development would undermine the positive change and visual uplift the City Council seeks through development such as that at 325 Oldham Road and a new residential development directly to the south of the site recently granted permission under app. ref. 127971/FO/2022. Therefore, it is considered the proposed development would directly contradict this longstanding aim of the City Council.

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

Article 35 Declaration

n/a

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

1) The proposed digital hoarding sign by reason of its size, appearance, position, means of illumination and method of display, would fail to respond positively to its surroundings, creating a dominant and incongruous feature which would have an unduly harmful impact on the character of the local street-scene. This would harm visual amenity and detract from the character and quality of the adjacent buildings, including the setting of a non-designated heritage asset. Additionally, the digital hoarding would be unsuitable on a major arterial route into Manchester city centre (Oldham Road), where the city is promoting improvements and high quality design as part of the ongoing regeneration activity. The application is hereby refused, pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), policies DM1, SP1, EN3 and EN1 of the Manchester Core Strategy, saved policies DC15 and E3.3 of the Unitary Development Plan and the NPPF

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

3 Johnson's Square, Manchester, M40 7QW
1 Johnson's Square, Manchester, M40 7QW
Flat 7, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 6, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 5, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 4, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 3, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 2, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 1, Johnson House, 327 Oldham Road, Manchester, M40 7PS
325 Oldham Road, Manchester, M40 7PS
First Floor, 325 Oldham Road, Manchester, M40 7PS
Second Floor, 325 Oldham Road, Manchester, M40 7PS
29 Droitwich Road, Manchester, M40 8ED
313 - 317 Oldham Road, Manchester, M40 7PS
23 Droitwich Road, Manchester, M40 8ED
33 Droitwich Road, Manchester, M40 8ED
31 Droitwich Road, Manchester, M40 8ED
27 Droitwich Road, Manchester, M40 8ED
25 Droitwich Road, Manchester, M40 8ED

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
Area Team Boundary - Name: CENTRAL