

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137753/AOH/2023

Date registered valid: 2 August 2023

Proposal: Variation condition 3 (limitation of express consent) relating to application ref: 136149/AOH/2023 for the installation of one elevated digital display poster sign

Address: Land And Buildings Adjacent To 48 Ashton Old Road, Southside Of Ashton Old Road, Manchester, M12 6LP

Ward(s): Ardwick Ward

Applicant: Wildstone Estates Limited

Agent (if any): Mr Richard Page, Wildstone

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 September 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: N/A (Site visit undertaken on 30 March 2023 in relation to 136149/AOH/2023)

Standard consultations:

Printed: 11 August 2023 Expired: 1 September 2023

Neighbour notifications

Printed: 23 August 2023 Expired: 13 September 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is in a commercial area on the south side of Ashton Old Road, which is a major radial route to and from the city centre. The proposals would replace existing signage that is located within the curtilage of a car repair garage. The site is adjacent to a storage warehouse and opposite a car dealership. There are no immediate residential uses.

Description of Advertisement

Advertisement consent was granted on 13 March 2023 in relation to:

136149/AOH/2023 - Installation of elevated digital poster sign.

The above consent amended 128607/AOH/2020, which was allowed on appeal.

The proposal panel has the same dimensions as a standard 48-sheet hoarding, measuring 6m(w) x 3m(h) x 0.061m(d) and will be positioned 5.65m above ground. The amendment approved under ref:136149/AOH/2023 facilitated the installation of aluminium cladding panels to the side and rear of the advertisement signage to improve its stability and appearance with in the streetscene.

This application seeks to vary condition 3 of advertisement consent ref: 136149/AOH/2023, which states:

- (a) The express advertisement consent hereby granted is limited to a period of five years starting on the date of the commencement of the display of the advertisement hoarding(s).
- (b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) within 7 working days of that commencement.
- (c) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued, and the land/building shall be reinstated in accordance with a scheme previously approved.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding(s) at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

The applicant proposes to vary condition 3 so that express consent expires five years from the date of the authorised advertisement consent. After this time, deemed consent would apply facilitating the retention of the signage and its display.

Site history

- i. 136149/AOH/2023 Application Approved - 31.03.2023
Land And Buildings Adjacent To 48 Ashton Old Road, Southside Of Ashton Old Road, Manchester, M12 6LP
Installation of elevated digital poster sign
- ii. 128607/AOH/2020 Application Refused - 11.01.2021
Adjacent To 48 Ashton Old Road (opposite The Junction With Viaduct Street) , Manchester, M12 6LP
Installation of digital advertisement display to replace existing 96 sheet advert
- iii. 090588/LE/2009/N2 - Application Approved - 09.10.2009
Unit 2, 48 Ashton Old Road, Ardwick, Manchester, M12 6LP.
CERTIFICATE OF LAWFUL DEVELOPMENT for continued use of premises as an MOT service station and garage for a continuous period of 10 years
- iv. 108316/LE/2015/N2 Application Approved - 14.04.2015
48 Ashton Old Road, Ardwick, Manchester, M12 6LP.
Certificate of Lawful Development for existing use as an MOT garage (Class B2)
- v. 027959 Application Approved - 17.12.1986
48, Ashton Old Road, Ardwick.
Single storey rear extension to arches Nos 1-4 and single storey front extension to arches Nos 1 & 2
- vi. F09496 Application Approved - 03.01.1979
Ashton Old Road Sawmills, Ashton Old Road, Ardwick.
Use of former Sawmill for the storage and trade sales of commercial vehicle parts with repair of commercial vehicles with Body Repair, body building and paint spraying, commercial vehicle sales and offices.

vii. F14347 Application Approved - 03.12.1980
48 Ashton Old Road, Ardwick.
Single-storey extension to existing workshop.

viii. 058610/AOH/NORTH2/00 Application Withdrawn - 17.04.2000
Disused viaduct, Ashton Old Rd, Opposite Viaduct St, Ardwick.
External overhead illumination of existing static 2 x 96 sheet wall mounted advert hoardings.

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highway Services – The following comments have been received:

- i. The proposed digital poster is not located on and will not project over the adopted highway network and a projection over license will not be required.
- ii. The location of the digital poster is not considered to generate any adverse impact for vehicles travelling along Ashton Old Road.
- iii. The proposed luminance of the static digital poster is noted as 5000cd/m². This level of luminance should not exceeds the MCC recommended maximum of 600cd/m².
- iv. The proposed digital poster complies with headroom and carriageway clearance requirements.
- v. The digital poster is located on private land, permissions will be required from the landowner to guarantee rights of access.
- vi. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements should be agreed with the Council as local highway authority.

High Speed Two (HS2) Limited – No objection but and informative is requested advising how the delivery of HS2 may impact upon the continued display of the advertisement signage.

Issues

The display of the advertisement has been previously considered with regard to the following legislation, guidance and planning policy and the proposal would not affect these circumstances:

- i. Town and Country Planning (Control of Advertisements) Regulations 2007
- ii. National Planning Policy Framework
 - Section 2 Achieving well-designed places
- iii. Manchester's Local Development Framework: Core Strategy - The Core Strategy 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. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. 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.
 - Policy SP 1 Spatial Principles

- Policy EN 1 Design Principles and Strategic Character Areas
- Policy DM1 Development Management -

iv. Unitary Development Plan saved policies - The following saved UDP policies are relevant to the proposal:

- Policy E3.3 (Environmental Improvement and Protection)
- Policy DC15 - Advertisements, Hoardings & Posters

Justification for varying condition 3 - The applicant maintains that the above condition is unreasonable and onerous and it would require the removal of the advertisement after the expiry of the five year expressed consent. The condition would thereby remove the opportunity to continue to display of the advertisement, which would otherwise legal through deemed consent applicable after the expiry of five years. The condition also requires an onerous requirement for the removal of the signage and reinstatement of the site after the expiry of five years.

The applicant has identified the following advertisement application that were granted consent without a condition requiring removal. In each case the expressed consent for a digital advertisement display was allowed on appeal.

- i. Planning Ref: 133257/AOH/2022. Appeal Ref: APP/B4215/Z/22/3303626. Express consent granted 21 March 2023
- ii. Planning Ref: 134799/AOH/2022. Appeal Ref: APP/B4215/Z/22/3313144. Express consent granted 23 February 2023
- iii. Planning Ref: 133126/AO/2022. Appeal Ref: APP/B4215/Z/22/3302079. Express consent granted 6 October 2023
- iv. Planning Ref: 129892/AO/2021. Appeal Ref: APP/B4215/Z/21/3279379. Express consent granted 17 January 2023
- v. Planning Ref: 132086/AO/2021. Appeal Ref: APP/B4215/Z/22/3291837. Express consent granted 25 March 2023
- vi. Planning Ref: 133411/AOH/2022. Appeal Ref: APP/B4215/Z/22/3304008. Express consent granted 10 November 2022
- vii. Planning Ref: 132690/AO/2022. Appeal Ref: APP/B4215/Z/22/3296481. Express consent granted 30 June 2022

The Inspector's appeal decision allowing the proposal relating to ref: 128607/AOH/2020 (APP/B4215/Z/21/3269491) considered a condition requiring the removal of the advertisement signage to be unnecessary.

The referenced appeal decision have been considered. The appeal decision relating to 128607/AOH/2020 and the same application site has been given particular consideration. As the composition of the advertisement display would not appreciably differ and the comments of the Inspector remain applicable, it is considered that, in this case, proposed variation of condition would be appropriate. The local planning authority would have the opportunity to pursue a discontinuation notice to secure the removal of the implemented display of advertisements should it be considered to be appropriate.

Luminance levels – Advertisement consent granted in relation to 136149/AOH/2023 referenced maximum illumination level of 300 cd/ m2 and these specifications form part of the LPA decision. As daytime illumination levels have not been previously assessed and the proposed levels would not accord with Council guidance it is considered appropriate to amend condition 4 to ensure that maximum lamination levels do not exceed 600 cd/m2.

Conclusion – The variation of condition 3 is accepted and all other conditions reattached to the new advertisement consent.

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: Approve

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

3) Express consent shall expire five years from the date of advertisement consent hereby granted.

Reason: For the avoidance of doubt, pursuant to saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

- 4) (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 600 cd/m² during daylight operation and 300 cd/m² during non-daylight hours / inclement weather.

Reason - In the interests of pedestrian and highway safety and in order to safeguard the amenities of the area pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC15 of the Unitary Development Plan.

5) The advertisement consent hereby approved relates to the display of one, 48 sheet digital advertisement sign following the removal of the existing 96 sheet advertising hoarding, which shall be implemented in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 2 August 2023:

Application forms to display advertisements;
Wildstone covering letter Ref: 13669 dated 14 July 2023
Appendix 1 – Manchester Express Advertising Consents
Appendix 2 – Recommended conditions
Site location plan Ref: 011-0203-0073/PA/01;
Proposed site plan Ref: 011-0203-0073/PA/03;
Proposed Elevations Ref: 011-0203-0073/PA/05;

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) The authorised signage shall be implemented in accordance with the detail of drawing referenced Proposed Elevations 011-0203-0073/PA/05 relating to material specification and external finishes, including the incorporation of an external jet black colour treatment (RAL 9005) to the cladding panels supporting the digital signage structure. The approved external colour treatment shall be applied to the signage prior to the authorised digital signage being brought into use and maintained in situ at all times thereafter.

Reason - In the interests of the visual amenities of the streetscene pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the detail of drawings ref: Proposed Elevations Ref: 011-0203-0073/PA/05, the advertisement consent hereby approved does not confer consent of the erection timber safety fencing to the Ashton Old Road boundary as shown on Proposed site plan Ref: 011-0203-0073/PA/03.

Reason - In the interest of the amenities and appearance of the streetscene as a radial route to and from the city centre pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy E3.8 of the Unitary Development Plan.

Informatives

1) The application site is located within land that may be required to construct and/or operate Phase 2b of a high-speed rail line from Crewe to Manchester, known as High Speed Two. Powers to construct and operate High Speed Two are being sought by promoting a hybrid Bill in Parliament and as a result the application site may be compulsorily purchased. In addition as the HS2 project is not yet at a detailed design stage the applicant is advised to closely follow ongoing progress of the HS2 programme.

2) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements should be agreed with the Council as local highway authority.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services

786 Autos, Unit 3, 48 Ashton Old Road, Manchester, M12 6LP
786 Autos, Unit 2, 48 Ashton Old Road, Manchester, M12 6LP
Unit 1, 48 Ashton Old Road, Manchester, M12 6LP
786 Autos, 48 Ashton Old Road, Manchester, M12 6LP
2A Rondin Road, Manchester, M12 6LL
42 - 46 Ashton Old Road, Manchester, M12 6LP
131 Ashton Old Road, Manchester, M12 6LE
308 Viaduct Street, Manchester, M12 6NE

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester 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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA