

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137403/AOH/2023

Date registered valid: 26 June 2023

Proposal: Conversion of 2 no. externally illuminated advertisement displays to 1 no. internally illuminated advertisement display.

Address: Land Northwest Of Oldham Road At The Entrance To Back Hampson Street, Manchester

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Wildstone Estates Limited

Agent (if any): Alder King Planning Consultants

Case officer: Max
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Gibson 6359

Recommendation: Refuse

Date of recommendation: 16/08/2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 4 July 2023 Expired: 25 July 2023

Neighbour notifications

Printed: 4 July 2023 Expired: 25 July 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: n/a

Tree Preservation Order: n/a

Description of area

The area relates to a stretch of Oldham Road that runs along the western periphery of Miles Platting, to the north of Manchester's City Centre. 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 is vacant lots, with some derelict buildings and a carwash. To the rear of the vacant lots are sidings leading up to the railway.

The site relates to a section of boundary treatment on the southern corner of Helga Street where it converges with Oldham Road. The fencing previously had two illuminated non-digital billboards installed. To the rear of the boards is a vacant, overgrown lot, whilst a bus stop is on the pavement directly in front of the billboards. There are two digital billboards on the opposite corner of Helga Street.

Description of development

The development relates to the removal on 2no. illuminated, non-digital billboard and the installation of 1no. digital billboard. The support/fencing below the southern-most of the two billboards would be removed, leaving no boundary treatment to screen the vacant lot behind.

Consultations & Notification Responses

Publicity - letters were sent to surrounding occupiers informing them of the development, no representations have been received as a result of this publicity.

Highways Services - no objections, condition controlling illuminance, transitions and remote cut-off.

Issues

Policy

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), 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).

Issues

The Advertisement Regulations require that applications for shop signs 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 display by virtue of its digital 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 (see Fig. 1) and the 'movement' created by the rotation of the advertisements at a rate of up to 10 seconds. Therefore, it is considered that the proposed billboard would create harm to visual amenity by of this increased prominence.



Figure 1: Showing non-digital billboard left side of Helga Street, digital billboard right side of Helga Street

Source: Google Maps

The proposed billboard must also be considered within its immediate and wider context. Saved policy DC15 states that the cumulative effects of adverts must be assessed. In this instance, whilst the number of billboards would be reduced from two to one, the aforementioned increased prominence of digital displays will ensure the advert has a greater presence in the street scene. There are already two digital billboards at the location across the mouth of Helga Street. The bus stop directly in front of the proposed location also has a doubled sided advert. In this context, the grouping of adverts is considered to amount to an unacceptable level of clutter at the location.

Policy E3.3 of the UDP states that 'The Council will upgrade the appearance of the City's major radial and orbital roads and rail routes.' The proposed development site is on Oldham Road, one of Manchester's major arterial routes into the City Centre. The current appearance of the locale is severely degraded, with derelict buildings and overgrown vacant lots surrounding the proposed development site. The upgrade the appearance of location such as this is therefore considered a priority for the City Council.

To help facilitate this aim, the City Council is supporting high-quality residential led development on the vacant lots surrounding the site. Policy DC15.1 (d) requires the council to consider the effects advertisements would have on the permanent redevelopment of land. Planning permission was granted for the 'Erection of a 6 storey building to form 90 residential apartments (Use Class C3a) following demolition of existing structures with associated access, car parking, amenity space, landscaping and other associated works' under 127971/FO/2022 on a site that includes the proposed location of the advertisement under consideration. Furthermore, more development is due to be brought forward at other adjacent locations.

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, therefore undermining a longstanding aim of the council's reflected in saved policy E3.3. Furthermore, the City Council seeks to protect visual amenity for future occupiers and allow for the creation of high-quality, visually attractive residential development along this part of Oldham Road.

Public Safety

Manchester City Council Highways Services were consulted and raised no concerns over highways safety. The proposed illuminance is within the level considered acceptable from a highways safety perspective. A condition was requested to control the illuminance, length of display and to ensure the screen could be remotely switched off in the event of a malfunction.

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

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

1)The proposed billboard, by virtue of its design and siting, would form an unattractive and obtrusive feature in the street scene that, when viewed in conjunction with other advertisements at the location, would create an unacceptable level of advertisement clutter along Oldham Road, thereby harming visual amenity. Additionally, the proposed billboard would be unsuitable on a major arterial route into Manchester city centre, where the city is promoting improvements and high quality design as part of the ongoing regeneration activity. This would be contrary to the provisions of policies SP1, DM1 and EN1 of the Manchester Core Strategy (2012), saved policies E3.3 and DC15 of the Unitary Development Plan for Manchester (1995), Sections 12 and 16 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

3 Droitwich Road, Manchester, M40 8ED

3 Fir Street, Manchester, M40 8EJ

271 Oldham Road, Manchester, M40 7PS

1 Droitwich Road, Manchester, M40 8ED

St Cuthberts Church, Oldham Road, Manchester, M40 7AQ

5 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