

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136149/AOH/2023

Date registered valid: 3 February 2023

Proposal: Installation of elevated digital 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 Justin Kenworthy Stantec UK Ltd (formerly Barton Willmore LLP)

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

Recommendation: Approve

Date of recommendation: 30 March 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 30 March 2023

Standard consultations:

Printed: 16 February 2023 Expired: 9 March 2023

Neighbour notifications

Printed: 16 February 2023 Expired: 9 March 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.

The existing sign is elevated by 5.65 metre above ground level and attached the parapet above the doorway to a garage that returns into the service yard to the site. The orientation of the existing signage thereby runs from north to south and comprises a traditional paper display with downward trough lighting. It is equivalent to a 96-sheet hoarding with a display area of 12 metres (length) x 3 metre (high).

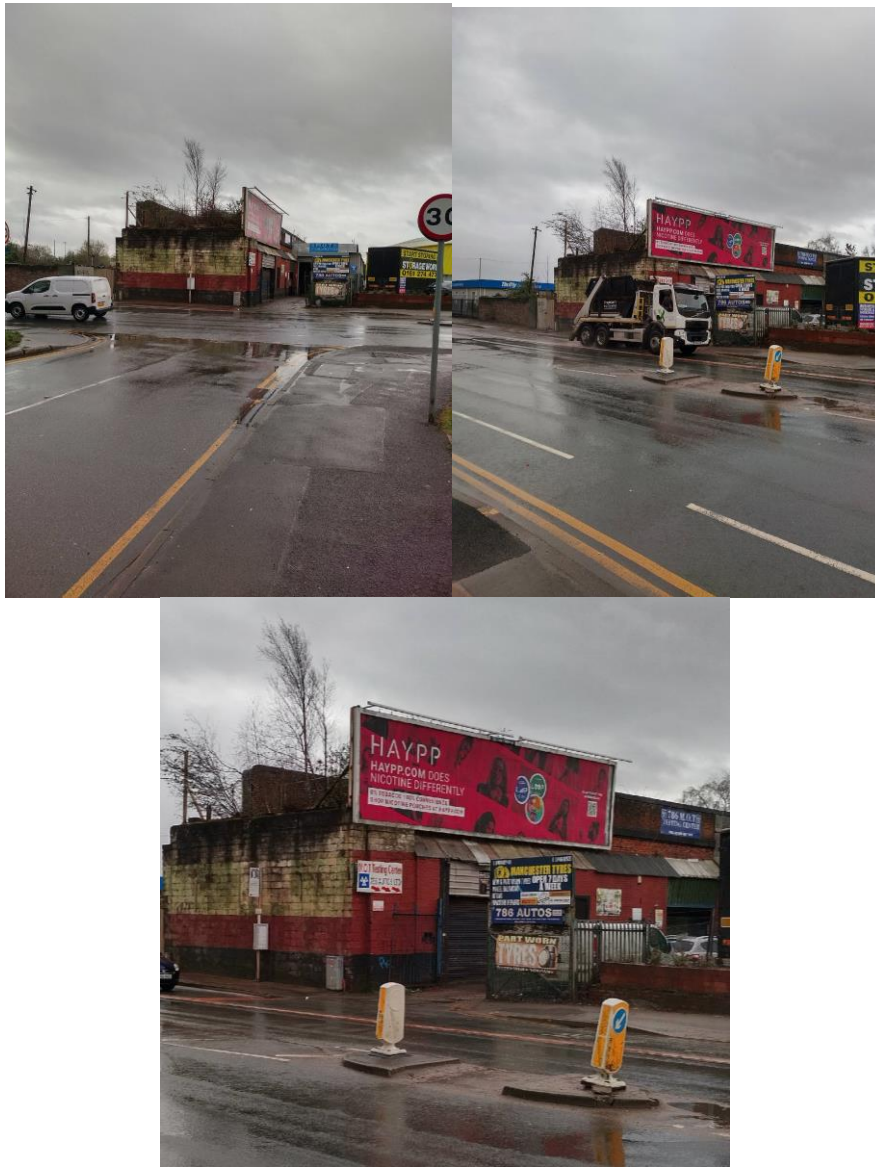


Fig.1 – Application site viewed from Ashton Old Road.

Description of development

Advertisement consent was refused on 11 January 2021 in relation to application ref: 128607/AOH/2020 - Installation of digital advertisement display to replace existing 96 sheet advert.

However, advertisement consent was allowed under appeal reference APP/B4215/Z/21/3269491 on 6 July 2021.

In addition to the standard condition specified in the advertisement regulations the following conditions were attached by the Planning Inspector:

- 1) The intensity of the illumination of the digital advertising screen permitted by this consent shall be no greater than 300 candelas per square metre during hours of darkness.
- 2) The advertising screen shall not display any moving, or apparently moving images, or sequencing of images over more than one advert.
- 3) The advertisement display shall not change more frequently than every 10 seconds and the interval between advertisements shall be instantaneous.

The proposals replicate the previous proposals and incorporate:

- i. The removal of the existing signage and installation of the proposed 48 sheet replacement signage with an internally illuminated static display. It would be located in the same location as the existing signage with a north to south configuration albeit with reduced display area of 6 metres (length) x 3 metres (high). The applicant has confirmed:
- i. The proposed display would not contain animation, videos or flashing images;
- ii. Sequential advertisements would change no more than once every 10 seconds;
- iii. Illuminance levels would not exceed 300 cd/sqm during night-time operation. However, day-time illuminance of 5000 cd/sqm has been proposed.

Points i, ii and iii are consistent with the details allowed on appeal.

The applicant has indicated that 'since being allowed consent, it has been noted that the D-Poster proposal needs to be adjusted to include a supporting structure as the railway viaduct cannot support the digital panel without further structural support. Therefore, this application is similar to the previously approved application, but has been adjusted to reflect the changes in circumstances.'

The above involves the incorporation of the installation of aluminium cladding panels to the side and rear of the advertisement sign as shown at Fig.2. The proposed cladding would match the height and width of the advertisement sign. The cladding presented to Ashton Old Road would project by 1.76 metres from the back of the sign and would have a jet black finish RAL 9005. The previously approved signage is shown at Fig.3.

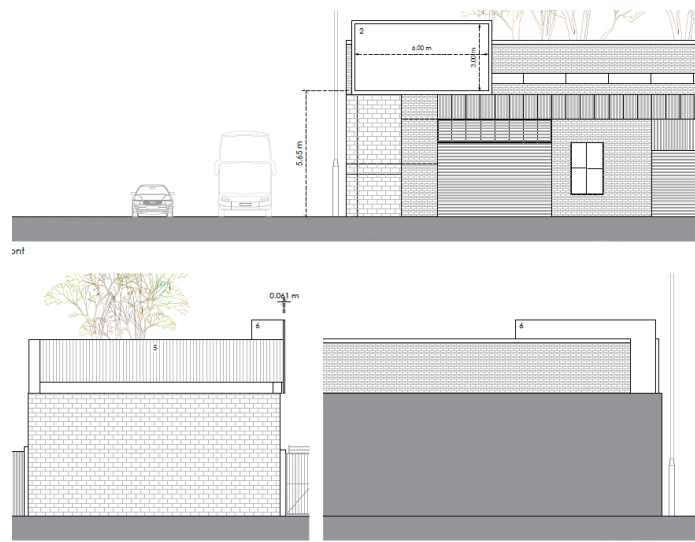


Fig.2 – Proposed signage (Ref: 136149/AOH/2023)

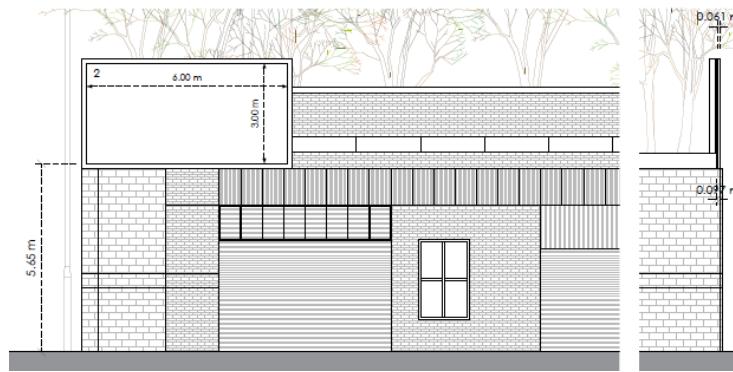


Fig.3 Signage approved on appeal (Ref: APP/B4215/Z/21/3269491)

Consultations & Notification Responses

Local residents – 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 and a projection over license will not be required.
- ii. The location of the digital poster would not adversely impact vehicles travelling along Ashton Old Road.
- iii. The proposed luminance of the static digital poster is noted as 300cd/m², this is considered acceptable as it is in line with the MCC 600cd/m² maximum.
- iv. The proposed digital poster complies with headroom and carriageway clearance requirements.
- v. Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need to be agreed with the Council as local highways authority.
- vi. It is recommended that the following planning condition should be applied:-

- (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.

Environmental Health – Recommend a condition that replicates the detail of the condition requested by Highways.

Network Rail – No objection.

High Speed Two (HS2) Limited - The following comments have been received:

- i. Previous HS2 comments relating to 128607/AOH/2020 confirmed that whilst the site fell wholly within land safeguarded for Phase 2b of HS2. As the applicant sought a temporary advertisement consent (i.e. until 02/11/2025) and that was aligned to the Phase 2b construction programme. no objections were raised in safeguarding or planning terms.
- iv. Prior to final determination of the application the Council and applicant are reminded that the site remains wholly within land safeguarded for Phase 2b of HS2, which the government has indicated will be progressed.
- v. Plans for HS2 may be subject to change. However, it apparent that the applicant seeks a five-year temporary consent to display the replacement digital poster, which is no longer fully aligned to the [timescale for] Phase 2b construction programme in this location.
- vii. Therefore any advertisement consent and implemented works to replace the existing display will be time limited due to HS2 interest in acquiring the land through future Phase 2b Act powers.
- viii. Should temporary advertisement consent be granted an informative advising the HS2 construction programme in the vicinity of the application site and related compulsory purchase powers should be attached to the decision.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

- (1) The Local planning authority would 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 would not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The above requirement has been related to the assessment of the current advertisement consent application and the detail of the appeal decision that allowed the preceding advertisement consent relating to application ref: 128607/AOH/2020. It is not considered the proposed introduction cladding panels would depart substantially the characteristics of the authorised advertisement display and the revised detail would not raise public safety concerns.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and

necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'. The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development.' In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Framework has been related to the proposed development, with reference to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

Chapter 12 Achieving well-designed places

Paragraph 124 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The characteristics, appearance and operation of the advertisement signage would not depart from the proposals allowed on appeal. The introduction of suitability coloured cladding panels would not be unduly harmful to the appearance of the streetscene, amenity or public safety. Chapter 12 would thereby be accorded with.

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 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

Policy EN 1 Design Principles and Strategic Character Areas - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised.

Policy DM1 Development Management - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are: impact of the signage on the surrounding areas in terms of its design, scale and appearance of the proposed signage and its relationship to the character of the surrounding area and its effects on amenity.

Given the relatively minor impact of the changes to the display structure and the principles established by the appeal decision, it is considered that the proposal would accord with Core Strategy policies SP1, EN1 and DM1.

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

Policy E3.3 (Environmental Improvement and Protection) - Is relevant as the application site is situated on a City Centre radial route. Policy E3.3 confirms the council will upgrade the appearance of the city's major radial and orbital roads and rail routes. Whilst it is not considered that proposal would contribute to Ashton Old Road (as radial route to and from the city centre), as it would lead to the introduction of highly prominent and obtrusive illuminated advertising hoarding in an elevated position, this matter has been tested at appeal, and the appeal was allowed.

Policy DC15 - Advertisements, Hoardings & Posters - In addition to Policy DC14, reference is made to the following, which is relevant to this application:

Policy DC15.1 - The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In this case the wall mounted posters have been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. The scope for posters and hoardings to make a positive contribution to the locality;
- iii. The number of advertisements in the locality and their cumulative effect on visual amenity.

Policy DC15.2 - In assessing the interests of amenity and safety the Council will take account of the following criteria:

- a. Developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
- b. They should be in scale with the locality and relate properly to the site on which they stand;
- c. They should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- d. A proposal, which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

Again, consideration has been given to the relatively minor impact of the changes to the display structure and the principles established by the appeal decision that states that the proposal would accord with the above policies. On this basis, saved policies DC15.1, DC15.2 and E3.3 would continue to be accorded with.

Principle – As stated the development would be satisfactorily related to the principles established by appeal decision ref: APP/B4215/Z/21/3269491. This decision remains relevant as, notwithstanding the comments of HS2, the immediate circumstances affecting the site have not changed since the issue of the appeal decision.

Timescale – The applicant has indicated that the signage will be displayed for 5 years. The display of the signage has therefore been conditioned to this timescale. It is also noted that the signage may also be removed as part of the HS2 works.

Design and Impact on the streetscene – The proposed cladding would be appropriately related to the previously authorised dimensions of the signage. The additional visual impact of the of the proposal would be related to the 1.76 metre projection of a cladding panel from the rear of the signage. This projection and the resulting relationship to Ashton Old Road would be offset by the condition application and retention of a jet black colour treatment. On this basis, the design and visual appearance of the development is considered to be acceptable.

Highways issues and function of the proposed signage – The appeal decision was considered on the basis that the day-time signage luminance of the signage at 5000cd/m² was proposed. The Planning Inspector did not seek to control its luminance but attached limited operational controls that remain relevant to the proposals. This include measures to manage the intensity of the illumination of the digital advertising screen to be no greater than 300 candelas per square metre during hours of darkness. The attached condition relating to the operation of the signage are consistent with the measures suggested in the applicant's submission.

HS2 – The information requested by HS2 has been included.

Safety fencing - The applicant has indicated the inclusion of 1.9 metres high close boarded safety fencing to the roof perimeter to Ashton Old Road. This fencing did not form part of the previous appeal proposal and does not form part of the advertising structure. The fencing requires a separate planning permission due to its height above ground level. The detail of the fencing has been excluded from the consideration of this advertising application.

Conclusion - The proposed advertising hoarding would retain the features of the previously approved signage with changes introduced by the inclusion of and supporting structure having a limited impact on the streetscene. The principal of the proposal is therefore considered to be acceptable.

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) (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.

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 300cd/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 policy DC15 of the Saved 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 3 February 2023:

Application forms to display advertisements;

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;

Covering letter from Barton Willmore (now Stantec) Ref: 31871/A5/JK dated 16 January 2023.

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.

Informative

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 at:

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.hs2.org.uk%2Fin-your-area%2Flocal-community-webpages%2Fwestern-leg%2F.%25E2%2580%259D&data=05%7C01%7Ccarl.glennon%40manchester.gov.uk%7Cfa944e9af6ed4f515a3808db134333a3%7Cb0ce7d5e81cd47fb94f7276c626b7b09%7C0%7C1%7C638124951579492468%7CUnknown%7CTWFpbGZsb3d8eyJWlloiMC4wLjAwMDAiLCJQljoiv2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=OqdLQVUOXLC6HQBwYeUnliYG204A3cbTvWIG6PoLODg%3D&reserved=0>

2) The details of fencing to be erected adjacent to the elevated Ashton Old Road boundary, as shown on drawing ref: Proposed Elevations Ref: 011-0203-0073/PA/05, should be submitted for consideration as part of a separate planning application.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Environmental Health
Network Rail

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

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
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