

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136096/AOH/2023
Date registered valid: 30 January 2023
Proposal: Installation of internally illuminated LED digital sign to gable wall
Address: 735 Ashton Old Road, Manchester, M11 2HD
Ward(s): Clayton & Openshaw Ward

Applicant: Mr Samiul Choudhury
Agent (if any): Mr Ben Kelly, West Green Planning Ltd
Case officer: Ian Jarvis
Tel: 0161 234 4079
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Recommendation: Refuse
Date of recommendation: 15 March 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 8 February 2023 Expired: 1 March 2023

Neighbour notifications

Printed: 8 February 2023 Expired: 1 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: Not applicable

Tree Preservation Order: Not applicable

This application relates to a side gable wall of a two storey commercial property, which fronts onto Ashton Old Road, a busy radial route to/from Manchester City Centre. On the western side of the building (i.e. facing traffic moving away from the City Centre), it is proposed to install a high level illuminated new 48 sheet digital advert display. The proposed display would have dimensions of 6 metres x 3 metres and the base of the sign would be approximately 3.5 metres above ground level. The site sits adjacent to a row of terraced properties, which are set-back from Ashton Old Road, so the area in front of the proposed display is quite open in nature.

The applicant has indicated that the advertisement would present a range of static images and would not contain any movement or animation with a new image every 10 seconds.

The applicant states that the gable wall has supported a 48 sheet display, in the past, but no evidence has been submitted, to verify this, and there is no record of any previous consents, for an advertisement display on this gable.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highways Services - Makes the following comments:

The proposed digital sign will be located on the gable wall of 735 Ashton Old Road, which is directly adjacent to an area of grassed land. The applicant should confirm that they have a formal written agreement to guarantee rights of access over any land which falls outside of the site's red line.

The proposed digital sign is not located on and will not project over the adopted highway network. As such, a Projection over License will not be required.

The location of the proposed digital sign is not considered to generate any adverse impact for vehicles travelling along Ashton Old Road.

The proposed luminance of proposed static digital sign is noted as 300cd/m², this is considered to be in line with the MCC 600cd/m² maximum.

The proposed digital poster complies with headroom and carriageway clearance requirements.

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.

Strategic Area and Citywide Support Manager - No objections. The proposed operational condition, suggested by the applicant, is considered to be acceptable.

Issues

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

- (1) 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 above requirements have been taken into account in the assessment of the advertisement consent application. Whilst it is considered that the application cannot be refused on the basis of public safety, the proposal, in the view of the Local Planning Authority, fails to accord with its development plan as it is unacceptable in terms of visual impact and excessive prominence within the street.

National Planning Policy Framework - 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 11 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should 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 or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given 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:

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this (paragraph 126).

Paragraph 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In this case, it is not considered that the development would positively contribute to the streetscene and would harmfully affect the visual amenity of the area. It is considered that the nature of the signage would materially and harmfully change the relationship of the site to the streetscene. The incorporation of changing images within the display would also give the signage far greater prominence, than a fully static display, and lead to a visually obtrusive

feature in this location. It is therefore considered that the proposals would not accord with the NPPF.

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 SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

In this case, it is considered that the proposal would be harmful to the visual amenities of the area and the character of the built environment. The proposed advertisement signage would impact upon the immediate streetscene and would be visible from adjacent busy roads. The resulting impact is considered to be harmful and contrary to policy SP1.

Policy EN1 relates to Design Principles and Strategic Character Areas. It states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance 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, particularly on major radial and orbital road and rail routes.

The design of the proposed advertisement signage is typical for this form of advertisement. However, as stated, the introduction of illuminated signage and the nature of digital signage, including the incorporation of changing images would materially and harmfully change the relationship of the site to the streetscene. It is therefore considered that the proposed advertising display would fail to positively contribute to urban design in the locality and the quality of the streetscene and would thereby be contrary to policy EN1.

Policy DM 1 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:-

- Appropriate 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk
- Existing or proposed hazardous installation.

In this case, the prominence of the proposed advertisement would adversely affect the character and composition of the streetscene. It is also considered that the signage and its operation would be harmful to the visual amenity of pedestrians and drivers travelling along the adjoining routes, and potentially harmfully impact upon the amenity of the occupiers of the immediately adjoining residential properties

UNITARY DEVELOPMENT PLAN

The site is unallocated within the Manchester City Councils Unitary Development Plan Development Plan (adopted 1995). However, the general policy for advertisement hoardings is Saved policy DC15.

DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining such applications, for free standing hoardings and wall mounted posters the council will take account of the following matters in assessing these interests:

- a) the general location of the proposed development and the effect on visual amenity
- b) the scope for posters and hoardings to make a positive contribution to the locality
- c) the design of the structures, and the relationship with any premises on which they are located
- d) the effect of the proposal on permanent redevelopment of the land
- e) public safety resulting from the positioning of the design of the display
- f) the ease with which the structure is capable of being satisfactorily maintained
- g) the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent
- h) the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development
- i) the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities
- j) the number of advertisements in the locality and their cumulative effect on visual amenity

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 of 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 effect the flow of traffic, by reason of its position, size or design will not be permitted

DC15.3 Where having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

Saved policy E3.3 relates to sites along radial and orbital routes, which includes Ashton Old Road, and seeks to ensure that all new development, along these routes, is of the highest quality. The sign is positioned perpendicular to Ashton Old Road and adjoins an area of open land, and combined with its elevated position means that it would have a long range of visibility down Ashton Old Road, for vehicles travelling away from the city centre.

For the reasons outlined, the proposals would fail to be positively related to the surrounding context. Particular consideration has been given to the prominent high level position of the sign adjacent to a key radial route through the city and the additional prominence of the signage due to illumination and incorporation of changing images, which would materially affect the character of the streetscene. On this basis it is considered that the proposal would be contrary to saved policies DC15 and E3.3 of the UDP.

Principle - The applicant states that previously there was a 48 sheet advertisement display on site, but there is no record of advertisement consent ever having been granted on site, and there is no evidence to support this claim. Even if a 48 sheet advert was displayed on the site, the Council will not have had the opportunity to consider whether an illuminated display is appropriate in this location.

No regard can therefore be given to this, and the proposal has been assessed as a new display on the site. It is not considered that the proposed signage would be viewed contextually with any business signage along Ashton Old Road, as it is at a much higher level. Also, a significant concern relates to the impact of introducing illuminated advertising to the location, with changing images in a highly prominent location, especially given the very high position of the display on the side of the property. It is considered that these circumstances would have an obtrusive impact on the streetscene and adversely affect the character of the area. The principle of the proposed advertisement display is therefore considered to be unacceptable.

Design and Impact on the streetscene - Given the height and size of the illuminated display, it is considered that its elevated position means that it would have a long range of visibility along Ashton Old Road, and it is considered that the incorporation of changing images would give the signage far greater prominence, than a fully static sign, and would be a visually obtrusive addition to this location.

Residential amenity - The close proximity, of the nearest properties, means that the occupiers, of those properties, could be subject to some overspill illumination.

Highways issues and function of the proposed signage - Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity and this major radial route.

Applicant comments - The applicant contends that the proposal is for a format of advertising that is extremely commonplace and has existed on gable ends of buildings across the UK for decades and is therefore an appropriate location for a sign of this size and type. It is accepted that advertisement displays are present, on gable walls, and there are numerous examples where the City Council has approved such signs. However, this does not mean that they are acceptable on all gable walls, and in this case, site circumstances, and the nature of the proposed display, warrant a refusal of consent.

The applicant also contends that the openness of the site does not provide unobstructed long views of the site on the approach, but it is not agreed that this is the case, and it is considered

that the set-back of adjacent houses, and area of open land, in front of the proposed display, adds to the overall detrimental impact of the sign.

The applicant has cited examples of other displays, on radial routes, where advertisement consent has been granted, including on Ashton Old Road, but each case is considered on its own merits, and in relation to its own site circumstances. Also, the examples quoted are generally on sites where there has been a previous history of long-standing displays, which is a factor in the decision. In this case, there is no previous history of any advertisement hoardings being displayed on this gable.

The applicant considers that the proposal will result in an improvement to the building, through the rendering and painting of the façade. Whilst this would represent a visual improvement to the site, they are of a relatively minor nature and would not compensate for the significant visual impact of the proposed display, which would draw attention away from what would remain a blank gable wall.

Conclusion - The proposed advertising display would, by virtue of its location, design and appearance, have a cumulatively and detrimental impact on visual amenity thereby constituting an unduly obtrusive, incongruous and over dominant feature within the streetscene. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area contrary to government guidance contained in chapter 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) and saved policies E3.3, DC15.1 and DC15.2 (Advertisements, Hoardings and Posters). The applicant was advised of the Council's concerns, but they did not wish to withdraw the application.

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 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 adjacent to a main radial route, and would form an incongruous feature within the street scene. The proposed display would thereby appear out of context with its location. The proposal would therefore have an unacceptable and detrimental impact on the visual amenity of the area and surrounding occupiers, contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, SP1 and DM1 of the Manchester Core Strategy and saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

727 Ashton Old Road, Manchester, M11 2HD
729 Ashton Old Road, Manchester, M11 2HD
741 Ashton Old Road, Manchester, M11 2HD

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA