

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136224/AOH/2023

Date registered valid: 10 February 2023

Proposal: Installation of 2 x LED Billboard signs following removal of existing totem sign

Address: 2 Cheetham Hill Road, Manchester, M4 4EW

Ward(s): Cheetham Ward

Applicant: Mr Mark Swindells

Agent (if any): Mr Thomas Zub Zub-Architecture

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

Recommendation: Refuse

Date of recommendation: 27.03.2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 23 February 2023 Expired: 16 March 2023

Neighbour notifications

Printed: 23 February 2023 Expired: 16 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: n/a

Tree Preservation Order: n/a

Description of area

The area relates to the environs around the Green Quarter, a residential and commercial neighbourhood of the city centre. The position of the application site also forms a major gateway route into the city centre from north Manchester.

The character of the area is urban in nature and comprises a number of different uses including retail, dining, hotel, entertainment and light industrial as well as residential uses within the Green Quarter.

Cheetham Hill itself is frequently busy with fast moving motor vehicle traffic.

The site relates to the forecourt of the Peninsula building, a 16-storey commercial/office building constructed 2007-2009. Directly adjacent to the site is the Park Inn Hotel, a c250 room four-star hotel.

The site is located at the city centre end of Cheetham Hill Road, at the mouth of the road leading away from the city-centre. A snooker centre sits across the road from the site, as well as a solicitors chambers housed in a Grade II-listed former synagogue.

The site currently comprises a non-digital, vertical sign on site.

Description of development

The development relates to the installation of a large, digital double billboard at the location of the vertical sign currently in situ. The advertisement screens will be three metres by nine metres in size, atop a two metre, 48-centimetre-tall stand. The whole structure will be almost five and a half metres tall in total. The structure supporting the two digital screens will be made of black galvanised steel. The screens themselves will be LED, with a luminance of 5000cd/m2.

Consultations & Notification Responses

Publicity - Letters were sent to surrounding occupiers informing them of the development. No responses were received as a result of this publicity.

Highways – luminance not acceptable. Conditions suggested if approved.

TFGM - No objections

Issues

Relevant policy and legislation

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 Development Plan

The main policies that relate to this application are policies DM1 (Development Management), SP1 (Spatial Principles) and EN1 (Design Principles and Strategic Character Areas) of the Manchester Core Strategy (2012), saved policies DC15 (Advertisements, Hoardings and Posters), DC19 (Listed Buildings) and E3.3 of the Unitary Development Plan for Manchester (1995) and the NPPF.

Relevant Planning History

Two digital billboards were refused on visual amenity grounds at 110-114 Cheetham Hill Road under app. ref. 127006/AO/2020. This was subsequently appealed by the applicant. The Planning Inspectorate concurred with the decision Local Planning Authority and the refusal was upheld on

appeal. Of particular relevance to this application, the inspector considered digital billboards to be more visually prominent than their non-digital counterparts and hence to create a more obtrusive feature when replacing existing non-digital signage.

Principle

The proposal would have an adverse impact upon visual amenity.

It is considered that the proposed billboard, by virtue of its scale, siting, design and position adjacent to a major radial route into Manchester city centre, would form a visually intrusive feature, harmful to the appearance of the site and wider area.

This is outlined further below.

Visual Amenity

There is currently a pillar sign in the location of the proposed for development. This pillar is modest in scale and design at around three metres in height. The pillar sign serves to advertise the Peninsula building's occupiers which are located in the adjacent office development with small, static graphic and text logos. The design of the structure is simple, slender in width and monochrome in colour, with internally illuminated graphic elements.

The impact of the existing pillar sign on the street scene is considered to be appropriate and relates well to its context.

The area surrounding the site comprises several buildings of varying scales, designs and eras, including a Grade-II listed building. The majority of advertisements in the area comprise fascia and projecting signs related to the occupiers of the various buildings. These signs relate to the premises which they are situated.

There is a digital advertisement display directly adjacent to the site of similar proportions to the existing pillar sign the applicant seeks to replace. Policy DC15.1(j) requires cumulative effects of advertisements to be considered. In this case, it is considered that the display of additional digital advertisements at this location would amount to advertisement clutter.

In the existing context, the proposed signage would form a large and incongruous feature, particularly in comparison to the existing signage. The proposed signage is significantly larger in scale than the existing pillar sign, particularly in width. Unlike the existing signage, the proposed signage would not directly relate to the Peninsula building both in form and content, contrary to DC15 (c) which requires consideration of the design of the structures, and the relationship with any premises on which they are located. Furthermore, saved policy E3.3 states that development on key radial routes – such as Cheetham Hill - should improve the appearance of adjacent premises. There would also be advertisement clutter with the digital display.

The Peninsula building, in front of which the proposed billboards will stand, is a distinctive building of some architectural quality whilst the structure supporting the billboards is of a low quality, utilitarian design. It is considered that the proposed supporting structure does not respond adequately to the precedent of high-quality design established by the building. It is therefore considered that the development would detract from the appearance of the Peninsula building and instead create an obtrusive and unattractive feature directly in front of it.

Policy DM1 of the MCS requires councils to consider the effect development will have on existing environmental conditions, including light. Existing advertisements and signs displayed in the

setting of the proposed site are of low luminance levels and, at night, there is a low level of glare from existing adverts on the surrounding area.

The proposed luminance of the billboard is 5000 cd/m². This is vastly greater than the maximum 600cd/m² which would normally be permitted

The luminance level of the proposed advert is therefore considered to be overly bright and would again serve to highlight the dominance of the sign in the street scene.

The applicant has stated that the illumination will be intermittent, suggesting that the displays on the billboards will rotate. This is in direct contrast to the monochrome, static display currently in situ.

The increased illumination and associated greater vividness of the digital displays, combined with the 'movement' that would be created by a rotating display, would create a feature significantly more visually prominent, and therefore more obtrusive in the street scene, than the signage it replaces.

It should also be noted that the application site is situated directly opposite the Great Ducie Street Strategic Regeneration Framework (SRF) area. This seeks to transform this former employment area into a residential led neighbourhood together with improving the visual amenity in the setting of new developments.

In this context of regeneration, the installation of the digital billboards would undermine the positive change the City Council is seeking to implement in the wider area. Furthermore, as the area is redeveloped and becomes more populated, the harm to the amenity of local occupiers caused by the billboard would increase.

The Council has a robust position on new signage along the key arterial routes leading into the city centre, pursuant to the longstanding strategy to upgrade arterial routes reflected in saved policy E3.3 of the UDP (1995) which seeks to improve visual amenity on these roads and encourage high-quality new development.

As stated above, an application for digital billboards further up Cheetham Hill Road was refused in 2020 under app. ref. 127006/AO/2020, a decision subsequently upheld on appeal. 127006/AO/2020 sought to replace existing non-digital billboards with digital versions. The inspector concluded *'that the proposal would cause significant harm to the visual amenity of the locality due to the changes to the nature of the display and ability to successively change images.'* It is considered that the billboards proposed under this application would create similar harm, although arguably greater given that the billboards would replace a substantially smaller pillar sign rather than similarly sized billboards. Given the above, the development would be contrary to policy E3.3 of the UDP and, hence, undermine the strategic aims of the City Council.

Public safety

Highway Services have stated that the level of illuminance is too high. Had the recommendation been to approve the application, further consideration would have been given to this aspect of the proposal including the undertaking of a road safety assessment.

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 development, by virtue of its scale, siting and design, would create a highly prominent and visually intrusive feature in the street scene and would cause advertisement clutter with other existing signage. This would harm visual amenity and detract from the character and quality of the adjacent buildings, including the setting of a Grade-II listed building. The application is hereby refused, pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), policies DM1, SP1 and EN1 of the Manchester Core Strategy, saved policies DC15, DC18 and E3.3 of the Unitary Development Plan and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Transport For Greater Manchester

Basement To Sixth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
Ninth To Twelfth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
Late Rooms Ltd, Eleventh And Twelfth Floors, 2 Cheetham Hill Road, Manchester, M4 4EW
Park Inn Hotel, 4 Cheetham Hill Road, Manchester, M4 4EW
Kelway Ltd, Eighth Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
British Transport Police, Seventh Floor, 2 Cheetham Hill Road, Manchester, M4 4EW
5 Cheetham Hill Road, Manchester, M4 4FY
19 Cheetham Hill Road, Manchester, M4 4FY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL

Appendix 3 – Inspector's appeal decision