

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136024/AOH/2023

Date registered valid: 19 January 2023

Proposal: Installation of 2 x externally illuminated 48 sheet signs and 1 x internally illuminated LED 96 sheet sign

Address: Land At Junction Of Devonshire Street North And Higher Ardwick, Manchester, M12 6JR

Ward(s): Ardwick Ward

Applicant: Mr Darren Alderson, Billboard Advertising Limited

Agent (if any):

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

Recommendation: Refuse

Date of recommendation: 8 March 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 14 February 2023

Standard consultations:

Printed: 1 February 2023 Expired: 22 February 2023

Neighbour notifications

Printed: 15 February 2023 Expired: 8 March 2023

Site notice

Displayed on 14 February for the purposes of public interest.



Fig.1 – Site notice posted along Higher Ardwick boundary.

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

This advertisement application relates to the perimeter of a car park to 37 – 49 Devonshire Street (formerly known as Majid House), which is a five storey red brick warehouse building situated at the south-west junction of Higher Ardwick and Devonshire Street North. The car park is enclosed by timber close boarded timber fencing. Notwithstanding the detail of the submitted application, previously display signage (4 x 48 sheet and 1 x 96 sheet advertisement signs) positioned at the back of footpath have been removed thereby enhancing the setting of 37 – 49 Devonshire Street and its contribution to the streetscene. The surrounding area is predominantly commercial and comprises of warehouse, industrial and manufacturing uses. Devonshire Street North is particularly heavily trafficked as it links to Chancellor Lane and major routes to and from the city centre. The area is also characterised by an operational railway bridge that runs diagonal to the north-east of the site.



Fig.2 – Views of the site perimeter.

Description of development

The position of the proposed signage is show at Fig.3.

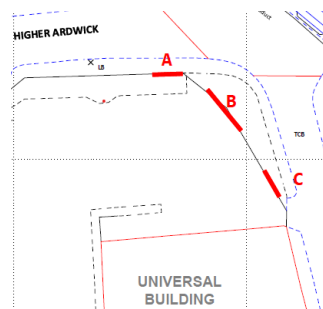


Fig.3 – Proposed signage positions

The main 96 sheet LED sign would be positioned at the intersection of Higher Ardwick and Devonshire Street South. The proposed 48 sheet signs would be positioned to each side of the 96 sheet sign facing towards Higher Ardwick and Devonshire Street South respectively.

The proposed signage would have the following specifications:

- i. The two 48 sheet signs would have dimensions of 3.4 metres (high), 6.4 metres (wide) and 0.35 metres deep. The signs would be positioned 1.55 metres above ground level. The signs would incorporate overhead external trough lighting with static illumination not exceeding 150 cd/m². The signs would incorporate poster display;
- ii. The 96 LED display sign would have dimensions of 3.4 metres (high), 12.7 metres (wide) and 0.6 metres. The sign would be positioned 2.5 metres above ground level. The display would be statically illuminated to level not exceeding 300 cd/m². The display would involve changing images at 10 second intervals.

Site history

The site has previously been the subject of application referenced:

- i. 119306/LE/2018 - Proposed installation of a 48 sheet LED internally illuminated advertisement panel to replace two existing panels
Refused: 21.11.2018
Allowed in appeal on 2 May 2019 (Ref: APP/B4215/Z/18/3216997)
- ii. 042918/AO/CENTL2/93 - Erection of 1 x 48 sheet and 2 x 96 sheet non illuminated advertisement hoardings including boundary treatment comprising steel railings, seating and litter bins.
Approved: 2 June 1993
- iii. 042419 - Erection of 4 x 48 sheet and 3 x 96 sheet non-illuminated advertisement hoardings
Refused: 18 November 1992

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highways – The following comments have been received:

- i. As the proposed signage will not be located on and will not project over the adopted highway network, a projection over licence will not be required.
- ii. The location of the signage is not considered to generate any adverse impact for vehicle travelling along Devonshire Street North, Higher Ardwick and Temperance Street.
- iii. The proposed luminance of the signage will not exceed 300cd/m² which is acceptable.
- iv. Detail is sought on proposed installation arrangements from a highway perspective.
- v. It is noted that an LED lighting panel will be used. It is recommended that the standard condition relating the control of the operation of illuminated signage be attached to the advertisement consent if it is granted:

Environmental Heath – It is recommended that the standard condition relating the control of the operation of illuminated signage be attached to the advertisement consent if it is granted.

Network Rail – No objection.

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 LPA, fails to accord with its development plan and therefore is considered to be unacceptable in terms of harm to visual amenity 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. It 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. The Framework has been related to the proposed development, with reference to:

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 - 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.' It also 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.

In this case, it is not considered that the proposal would positively contribute to the streetscene by virtue of the collective siting and prominence of the signage, including the characteristics of the 96 sheet signage. The proposal would not therefore accord with Chapter 12 of the NPPF.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG:

- i. Consultation and pre-decision matters.
- ii. Advertisements - The related PPG sets how amenity should be assessed in relation to the display of advertisements. In this case particular consideration has been given the visual impact of the proposed signage on the character of the area and the extent to which passer-by by may be aware of the related advertisements. As part of the assessment the scale of proposed signage needs to be considered. In this case, the commercial character of the surrounding area is acknowledged. However, it is the potential harm to the character and appearance of the signage in relation to Higher Ardwick and Devonshire Street South is a primary concern. The guidance also highlights the need to consider potential effects on public safety. It makes specific reference to consideration of potential harm associated with the size of signage and the brightness of display. These concerns are also pertinent to the proposal.

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.

In this case, 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 roads, as routes to and from the city centre. The resulting impact is considered to be harmful and contrary to policy SP1.

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.

The inclusion of illuminated changes to the 96 sheet display within a cluster of signs would have a harmful impact on the neighbouring and prominent junction of Higher Ardwick and Devonshire Street South. The proposal would thereby be contrary to policy EN1.

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 the 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.

In this case, the prominence of the proposed advertisement adversely affect the character and appearance 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 Higher Ardwick and Devonshire Street South.

Unitary Development Plan saved policies - The following saved policies of the UDP are considered to be relevant:

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 proposed signage has been assessed in relation to:

- i. The general location of the proposed development and the effect on visual amenity;
- ii. Public safety resulting from the positioning of the design of the display;
- iii. The scope for posters and hoardings to make a positive contribution to the locality;
- iv. 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.

For the reasons previously outlined, the proposals would fail to be positively related to the streetscene, which relates to roads forming important routes to and from the city centre. Particular consideration has been given to the prominence of the proposed advertisement and its relationship to neighbouring built form. Given these concerns, it is considered that the proposal would be contrary to saved policy DC15 of the UDP.

Principle – The applicant has provided a detailed justification for the proposed display of the signage and maintains that its appearance, location and relationship to the street would accord with the guidance within the NPPF. It has also been argued that the proposal is consistent with the principles established through appeal decision ref: APP/B4215/Z/18/3216997.

The applicant's position is not accepted. It is considered that proposal differs materially from the advertisement signage allowed under appeal referenced APP/B4215/Z/18/3216997. These differences are related to the extent of its display area, which would increase from 48 to 96 sheets. The nature of the proposed display (involving internally illuminated changing images) and its increased height ground level would also depart from the previous 96 sheet poster display. The resulting adverse impact on the streetscene and harm to the amenity of pedestrians and other road users would be unacceptable.

Impact on the streetscene - It is acknowledged that prior to their removal, five signs were located around the perimeter of the adjacent car park. The removal of this signage has reduced visual clutter to Higher Ardwick and enhance the setting of the neighbouring warehouse building and its contribution to the streetscene. The proposals would lead to the grouped and prominent positioning of three signs in concentrated section of the streetscene. The incorporation of changing images within the 96 sheet signage would represent a significant departure from the established relationship of signage to the streetscene. The 96 sheet sign would have add 800mm in height to the existing circumstances further adding to the prominence of the sign. It is considered that the proposal would thereby harmfully impact on the streetscene.

Design and impact on the streetscene – The proposed external structures would be consistent with this related forms of advertisement signs. The appearance and illumination to the proposed 46 sheet signs would also be reflective of the previously installed hoardings, including its external appearance and the maintenance of poster displays. The major change in circumstance would be related to the characteristics of the proposed 96 sheet display, increases to the height of the structure and its visual relationship to adjacent new signage. The introduction of illuminated changes to the 96 sheet display within a cluster of signs would have a harmful impact on the neighbouring and prominent junction of Higher Ardwick and Devonshire Street South.

Highways issues and function of the proposed signage - Highway Services have confirmed that the siting of the proposed signage is acceptable with regard to its operation and impact on the highway. Proposed illumination levels would be acceptable and capable of being managed by condition. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity and the appearance of a section of highways leading to major roads and radial routes.

Conclusion – The proposed 96 sheet internally illuminated LED advertising signage would by virtue of its height, extent of its illuminated display area and overly prominent positioning and appearance, would represent a departure from the previously established display of advertisement signage. Furthermore, the adverse visual impact of the 96 sheet advertising sign would be exacerbated by the reinstatement of two, 46 sheet advertising signs. The concentrated siting of advertisement signage, in close proximity to the junction of Higher Ardwick and Devonshire Street South, would have a cumulative, unduly prominent and obtrusive impact on the streetscene relating to major routes to and from the city centre and setting of neighbouring buildings at 37 – 49 Devonshire Street. The proposals would thereby be contrary to Council policy and the guidance within the National Planning Policy Framework.

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

Reasons for recommendation to refuse

1) The proposed 96 sheet internally illuminated LED advertising signage would by virtue of its height, extent of its illuminated display area and overly prominent positioning and appearance, would represent a departure from the previously established display of advertisement signage. The adverse visual impact of the 96 sheet advertising sign would be exacerbated by the reinstatement of two, 46 sheet advertising signs. The concentrated siting of advertisement signage, in close proximity to the junction of Higher Ardwick and Devonshire Street South, would have a cumulative, unduly prominent and obtrusive impact on the streetscene relating to major routes to and from the city centre and setting of neighbouring buildings at 37 – 49 Devonshire Street. The proposal would thereby have an unacceptable and detrimental impact on local amenity, including the amenities of pedestrians and other road users, and be contrary to policies EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management) and SP1 (Spatial Principles) of the Core Strategy for the City of Manchester, saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan and the guidance within the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

Chancellors Sandwich Bar, Chancellor Lane Unit 2, Blind Lane, Manchester, M12 6JY
Unit 5, Thames Industrial Estate, Higher Ardwick, Manchester, M12 6DD
42 Higher Ardwick, Manchester, M12 6DA
Fifth Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Third Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Ground Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Second Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
Fourth Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR
First Floor, 37 - 45 Devonshire Street North, Manchester, M12 6JR

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA