

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135312/AOH/2022

Date registered valid: 28 October 2022

Proposal: Replacement of existing 48 sheet advert display with a digital panel display on gable end of building

Address: 408 Stretford Road, Manchester, M15 4AE

Ward(s): Hulme Ward

Applicant: Urban & Provincial Advertising Ltd, 1 Bartholomew Lane, London, EC2N 2AX

Agent (if any): Alder King Planning Consultants, Pembroke House, 15 Pembroke Road, Bristol, BS8 3BA

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 12.12.2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 11 November 2022

Standard consultations:

Printed: 9 November 2022 Expired: 30 November 2022

Neighbour notifications

Printed: 9 November 2022 Expired: 30 November 2022

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Area

The application site is an end terrace, two storey building located at the end of a mixed retail units with residential apartments at first floor located on the northern side of Streford Road. The application unit is currently occupied by a takeaway at ground floor alongside a public house 'Three Legs of Man'. On the opposite side of Streford Road is a 3 storey building comprises commercial units at ground floor and residential above. A 3-5 storey residential building is situated to the west of the site, separated by Erskine Street. The wider area consists of a mix of residential and commercial premises.

The western elevation of the application property currently supports 1 x non-illuminated advertisement board.

Description of development

Planning permission is sought for the replacement of the existing static advertisement board with an LED display advertisement. The proposed advertisement is to be the same size, position and orientation as the existing.

Consultations & Notification Responses

Local residents were notified however none responded.

Highways Comments:

The proposed advert display will not be 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 advert display is not considered to generate any adverse impact for vehicles travelling along Stretford Road and Erskine Road.

The proposed luminance of the advert display is noted as 600cd/m². This level of luminance is within the MCC recommended maximum of 600cd/m², therefore we accept the proposed luminance.

The advert display will be located on private land, permissions will be required from the landowner.

Detail is sought on proposed installation arrangements from a highways perspective. Maintenance vehicles to be parked nearby must take into consideration of the surrounding parking restrictions. The applicant is advised that any requirements for temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Highways stated the following condition must be attached to any approval:

- (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.
- Or for signs less than 10m²
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

Trafford Council Comments:

Recommend a refusal for this application based on the amenity impacts to the nearby residential flats.

There was a nearby example dealt with by another case officer at Trafford Council for 381 Stretford Road, application number 102969/ADV/20. This was refused given the amenity impacts to neighbouring dwellings situated across the street. Particularly given the illuminance of the sign at night and the proximity to neighbouring windows. This was also appealed and dismissed (reference - APP/Q4245/Z/21/3272781)

The current proposal would have a very similar context to the refused application including the illuminance of the sign and separation distance to habitable room windows. Therefore I believe the proposal would likely warrant a refusal.

Legalisation

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

- 1) The Local Planning Authority would exercise its power 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);
- 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.

Policy

In considering the impact of the application on visual amenity and public safety, regard was had to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), The Town and Country Planning (Control of Advertisement) (England) Regulations 2007, The Adopted Core Strategy for the City of Manchester, The Guide to Development SPD and the saved policies of the Unitary Development Plan for the City of Manchester. The relevant policies are as follows:

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018 and 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:

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.

Government Guidance on advertisements within the NPPG Paragraph 026 advises that advertisements should be controlled only in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

Government Guidance on advertisements within the NPPG Paragraph 079 advises that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state within Part 1 Regulation 3 that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

The following policies within **Manchester Core Strategy** are considered relevant:

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes.

Policy DM1 (Development Management) of the Core Strategy states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail and the effects on amenity and the character of the surrounding area.

Policy SP1 (Spatial Principles) of the Core Strategy 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 and protecting and enhancing the built and natural environment.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC15 relates to advertisement hoardings and posters. The main matters to be considered in the context of this application are:

- The general location of the proposed advertisements and the effect of visual amenity;
- The number of advertisements in the locality and their cumulative effect on visual amenity.

Issues

Principle

The proposal would have an unacceptable and detrimental impact on the amenity of the area contrary to Government Guidance contained in Section 7 (Required Good Design) of the National Planning Policy Framework, and the saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters) of the Unitary Development Plan for Manchester, and EN1 (Design Principles and Strategic Character Areas), SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester.

Visual Amenity

In terms of assessing the impact of the proposed advertisement on amenity this is taken to mean both the quality and character of the site and immediate locality together with the impact on residential amenity of any neighbouring and nearby properties.

The character of the surrounding area is mixed residential and commercial. The proposed replacement sign is to be sited in the same location as the existing and of the same size. Whilst the location and dimensions would be comparable to the existing, the nature of the display involving digital and changeable images would be significantly changed and thereby adversely affect the character of the streetscene.

Furthermore, the application to further enhance the visual presence of the hoarding by the means of changing images would be considered to have a detrimental impact within the area when viewed from within the streetscene.

The illuminated advert would be approximately 22 metres from facing habitable room windows. Particularly during the evenings and night time, it is considered that there is a possibility of undue glare and disturbance as a result of the design, siting and proposed level of illuminance. It should be noted the agent entered into negotiations regarding the level of illuminance proposing a reduction in night-time illuminance to 100cd/m² and limited operational hours. However, it is deemed the suggested conditions would not overcome the harm identified to both the streetscene and nearby residential flats with a direct view of the proposal and the submitted light spread diagram shows that they would be directly affected.

The example below is another advertisement hoarding application situated along Stretford Road within the local vicinity that proposed a digital, LED illuminated 48-sheet poster display unit that has been refused by Trafford Council and via appeal decisions. The example is similar to the advertisement application proposed.

Reason 1) The proposed signage by virtue of its size, siting and level of illuminance in relation to neighbouring residential properties to the west of the application site is considered to be detrimental to the level of residential amenity that the occupants of these properties could expect to enjoy, particularly during hours of darkness. The proposal is therefore contrary to Core Strategy Policy L7 and relevant national guidance contained in NPPF.

Appeal Ref: 3272781- Appeal Dismissed 16 August 2021- 381 Stretford Road Manchester, M15 4AD

Paragraphs 7, and 8 of the Planning Inspector's decision states the following:-

Paragraph 7 " The intermittent change of the illuminated display would significantly attract attention to them, accentuating the proposal's visual prominence... Result in a prominent, incongruous form of advertising which would appear as a harmful and dominating feature in the street scene. When viewed in the context of nearby domestic properties this would emphasise the intrusive appearance of the display."

Paragraph 8 "... The proposal would have a harmful effect on the visual amenity of the area."

The Planning Inspector clearly has identified issues in relation to the digital images, changing on a sequential rotation within the character of the street and existing advertisement. The Inspector has also recognised that the proposed advertisement would be highly prominent within the streetscene and erode the character of the area.

Public Safety

The proposed advertisement hoarding complies with headroom and carriageway clearance requirements. However the proposed illuminance of the advertisement hoarding is noted at 300cd/m² and 100cd/m² during the evening which is in line with MCC recommended maximum 600cd/m² and therefore there are not considered to be any public safety issues associated with the proposal.

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: REFUSAL

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be contrary to the development plan and therefore determined in a timely manner.

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

- 1) The proposed signage by virtue of its size, siting and level of illuminance in relation to neighbouring residential properties to the west of the application site is considered to be detrimental to the level of residential amenity that the occupants of these properties could expect to enjoy. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to Government Guidance contained in Section 7 (Requiring Good Design) of the National Planning Policy Framework, and the saved policies DC15.1 and DC15.2 (Advertisements, Hoardings and Posters), of the Unitary Development Plan for Manchester, and EN1 (Design Principles and Strategic Character Areas), SP1 (Spatial Principles), and DM1 (Development Management of the Core Strategy for the City of Manchester).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Corporate Property
Trafford Council

72 - 74 Erskine Street, Manchester, M15 4BP
72A Erskine Street, Manchester, M15 4BP
Top Flat, 402 Stretford Road, Manchester, M15 4AE
377F Stretford Road, Manchester, M15 4AW
377D Stretford Road, Manchester, M15 4AW
377A Stretford Road, Manchester, M15 4AW
377G Stretford Road, Manchester, M15 4AW
Booze Crooze, 377E Stretford Road, Manchester, M15 4AW
377C Stretford Road, Manchester, M15 4AW
377B Stretford Road, Manchester, M15 4AW
79 Erskine Street, Manchester, M15 4BP
402 Stretford Road, Manchester, M15 4AE
379 Stretford Road, Manchester, M15 4AE
381 Stretford Road, Manchester, M15 4AE

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: SOUTH AREA