



Appeal Statement

117 Stockport Road, Manchester, M12 6AA

July 2022

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Reviewed by: Gary Morris

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1.0 Introduction

- 1.1 This statement has been prepared by Alder King Planning Consultants on behalf of Wildstone Group Limited ('the Appellant'). It relates to an appeal against the decision issued by Manchester City Council ('the Council') on 6 June 2022, at 117 Stockport Road, Manchester, M12 6AA ('the appeal site'), to refuse advertisement consent for the:

"Removal of existing 48 sheet advertisement and replacement with 48 sheet illuminated digital display" (LPA ref: 133411/AOH/2022).

- 1.2 The application was validated on 11 April 2022 and subsequently refused in a decision notice dated 6 June 2022, citing the following single reason for refusal:

- 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."*

- 1.3 The decision notice and case officer's delegated report is attached at **Appendix 1** of this statement.

2.0 Site Description and Planning History

Site Description

- 2.1 The appeal site is situated to the north of Stockport Road on the western building elevation at 117 Stockport Road, Manchester, M12 6AA. In the immediate context, the site lies next to and facing commercial businesses with residential dwellings lining the south of Stockport Road here.
- 2.2 The site currently supports one externally illuminated 48 sheet paper and paste advertisement billboard which faces west and is visible to traffic travelling east along Stockport Road.
- 2.3 The appeal site is an established location for advertising, having demonstrably supported one externally illuminated 48-sheet billboard for over 13 years. The planning history of the site at 117 Stockport Road confirms that advertisement consent was granted on 31/10/1988 for “one non-illuminated 48 sheet advertisement hoarding” (LPA ref: 32609). In any case, photographic evidence, using Google Streetview, confirms that the existing billboard has remained in place, and has been externally illuminated, since at least September 2008. This therefore benefits from deemed consent under Class 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- 2.4 The appeal site is not located within a conservation area and is not in close proximity to any listed buildings.

Planning History

- 2.5 Aside from the advertisement consent application subject to this appeal, the following applications for works to 117 Stockport Road are considered to be of relevance:
- 031892 | advertisement consent for illuminated fascia name sign and illuminated double sided projecting box sign. Approved 23/08/1988.
 - 032609 | advertisement consent for one non-illuminated 48 sheet advertisement hoarding. Approved 31/10/1988.
 - 115015/FO/2017 | external alterations involving installation of new double doors to Stockport Road elevation. Approved 07/03/2017.
 - 115016/AO/2017 | installation of non-illuminated high level sign and one doorway sign. Approved 07/03/2017.

3.0 Proposal

3.1 The proposal at the appeal site seeks to directly replace the existing, traditional, externally illuminated 48-sheet paper and paste advertisement billboard with a 48-sheet digital screen equivalent ('D-Poster') which will display static advertisements on rotation. The position, size and orientation of the proposed D-Poster is consistent with the existing billboard on the appeal site to be removed. The proposed works include removal of the existing lighting trough.

3.2 The specification of the proposed D-Poster is as follows:

- Advertisement type – hoarding;
- Height – 3m;
- Width – 6m;
- Depth – 0.061m;
- Height from the ground to the base of the advertisement – 4.65m;
- Maximum projection of the advertisement from the face of the building – 0.097m;
- Maximum height of any individual letters and symbols – 300cm;
- Advertisement materials – lightweight LED panels;
- Multicoloured text and background;
- Internally illuminated;
- Illuminance levels – 200cd/m²;
- Static illumination.

3.3 The site location and existing and proposed site plans, including elevations, submitted with the application are provided at **Appendix 2** of this statement.

3.4 The proposal will meet the modern requirements of advertisers and allow the existing advertising network to be better managed, monitored and maintained largely remotely. This will bring a wide range of benefits, including:

- Reduction in vehicle trips for reposting adverts (i.e. from an average of 34 trips to 2);
- Eradicating the need to print posters and avoiding the associated waste involved in the production process;

- Ability to broadcast emergency messaging (i.e. public health messaging);
- Ability to use void periods for non-commercial campaigns;
- Opportunity for more creative real time and locally relevant advertising;
- Opportunity to integrate additional hardware to meet Smart City objectives.

- 3.5 Content will be controlled remotely in real time from a Networks Operation Centre ('NOC') and the appeal site will be monitored remotely 24/7 to facilitate responsive maintenance. Diagnostics software will report and resolve the majority of issues remotely.
- 3.6 The proposed D-Poster will be controlled by light sensors to vary the brightness of the screen according to the brightness of the day. During daytime hours, the brightness of the screen will reduce automatically when ambient lighting conditions are less bright. This will ensure that the level of luminance of the advertisement is sensitive to change in daytime from sunrise to sunset and from summer to winter. This is also in the interest of the Appellant to reduce energy consumption as much as possible.
- 3.7 The quality of the image produced will mimic that of a traditional poster board, with the overall aim of the proposal being to replace the existing billboard, utilising modern technology, with no associated adverse impacts.
- 3.8 Only static images (i.e. no moving images or flashing lights) will be displayed, but the advertisement will be capable of changing to display new adverts every ten seconds. This is in line with industry standard units of advertising space for sale, and in compliance with the outdoor media code. The changeover between adverts will take place instantly with no fading or other effects in order to minimise the potential for driver distraction.
- 3.9 The following conditions have become established as best practice for roadside digital displays and will be applied to control the operation of the digital poster in the interests of amenity and public safety:
- Static images to be displayed only (no moving or flashing images);
 - Changes between adverts to take place instantly with no sequencing, fading, swiping or merging of images;
 - Advertisements to change no more frequently than once every ten seconds;
 - At no time shall the Luminance level of the signs exceed the thresholds contained within the Institute of Lighting Professionals (ILP) guidance document PLG05 – The Brightness of Illuminated Advertisements 2015 (or any subsequent amendment/replacement to this guidance).
- 3.10 Where circumstances demand, additional controls or variations of these conditions may be acceptable to the appellant, for example, the appellant would accept a condition requiring the sign to be turned off between the hours of 00:00 and 05:00. It is noted that at application stage the luminance of the D-Poster

was proposed at 300cdm2 however the appellant would also accept a condition limiting the level of illumination during hours of darkness to 200cdm2, against an industry standard of 300cdm2.

4.0 Planning Policy

- 4.1 Applications for advertisement consent are to be determined in accordance with the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 ('the Regulations'). The Regulations state that local planning authorities are to consider factors in the interests of amenity and public safety, taking into account the provision of the development plan insofar as they are material, and any other relevant factors.
- 4.2 The National Planning Policy Framework 2021 (NPPF) sets out the Government's planning policies and how these are expected to be applied. The overarching theme of the document is sustainable development and it seeks to achieve positive improvements in the quality of the built, natural and historic environment. The NPPF places great importance on the design of the built environment as a key aspect of sustainable development.
- 4.3 With regard to advertisements, paragraph 136 of the NPPF reflects the Regulations, stating that:
- "A separate consent process with 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."*
- 4.4 National Planning Practice Guidance sets out that *"in practice, amenity is usually understood to mean the effect on the visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement"*.
- 4.5 Local plan policies cited by the Council in the refusal reason for application 133257/AOH/2022 are as follows:
- policies DC15.1, DC15.2 (Advertisements, Hoardings and Posters) and E3.3 (Environmental Improvements and Protections) of the Unitary Development Plan for Manchester; and
 - policies EN1 (Design Principles and Strategic Character Areas), SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester.

5.0 Grounds for Appeal

5.1 This section of the appeal statement sets out the grounds for appeal in relation to the proposed replacement of the existing advertisement on the appeal site with a D-Poster advertisement, following the Council's refusal of advertisement consent ref: 133411/AOH/2022.

5.2 As set out above, proposals for advertisement consent must be considered in terms of amenity and public safety only. In refusing advertisement consent at the appeal site, the Council cite the impact on amenity as the sole reason for refusal. Notwithstanding this, both elements are considered in turn below to justify the acceptability of the proposed works.

Fall-Back Position

5.3 As set out within section 2 of this statement, the appeal site is an established location for advertising, having supported 1 no. 48-sheet externally illuminated billboard for over 13 years. Google Streetview photographic evidence confirms that the existing advertisement board at the appeal site has remained in place since at least September 2008. As the size and nature of the advertisement has not altered in over ten years, the existing signage benefits from deemed consent under Class 13(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The case officer's delegated report comments that *"the applicant states that the signage has been in situ since 2008, and this is accepted, but no illumination of the sign, has every been allowed"*. Notwithstanding this, the fact that the externally illuminated billboard has been in place on the site for over 10 years establishes its lawful position thereby the principle for development.

5.4 In this regard, the principle of development for one externally illuminated 48-sheet billboard is already established on the appeal site. Should this appeal be dismissed, then the site will be retained in its current state. This amounts to the fall-back position.

5.5 The proposed works are consistent with the fall-back position with regard to size, positioning and orientation on the appeal site. The proposals should therefore only be considered with respect to any unacceptable impact by the proposed change from external to internal illumination and the introduction of sequential advertisement change.

Public Safety

5.6 The application was not refused on the grounds of public safety. Notwithstanding this, we consider below the merits of the proposed signage in terms of public safety. Given the fall-back position, consideration should only be given to the proposed change from an externally illuminated billboard to a D-Poster on the appeal site and any associated impact of this change.

5.7 We note the consultation response received by the Council's 'Highways Services' team as set out in the case officer's delegated report (**Appendix 1**). This states that:

“the proposed digital display does not extend over the adopted highway...the location of the digital display is not considered to generate any adverse impact for vehicles travelling along Stockport Road or Syndall Street. The proposed luminance of the static digital display is noted at 300cd/m2. This level of luminance is within the MCC recommended maximum of 600cd/m2, therefore they accept the proposed luminance”.

- 5.8 The Council's Highway Services team did not object to the application, subject to a condition containing general digital advertisement operational restrictions which are consistent with those proposed within our application submission and so are agreeable.
- 5.9 When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task.
- 5.10 The proposed D-Poster would be seen by traffic travelling east along Stockport Road which is well lit, straight, level and has excellent forward visibility. Road users would be fully capable of glancing content far in advance of the appeal site without being distracted from the road or traffic conditions ahead and would be entirely capable of viewing advertisements whilst maintaining stopping distances and an awareness of surrounding traffic movements.
- 5.11 The appeal site is also visible to traffic pulling out from Cavanagh Close, turning out on to Stockport Road. This is consistent with the existing position. The proposed works comprise the replacement of an externally illuminated billboard with a D-Poster of the same size. It is considered this change would not give rise to any material impact on the level of distraction caused to any road users such that it would have the potential to impact on public safety.
- 5.12 It should be noted that drivers are almost always continually assimilating sensory inputs from multiple sources whilst driving. It is not considered that the presence of the proposed D-Poster at the appeal site would represent a material departure from the types of features that drivers are used to seeing at the roadside, and are commonplace along Stockport Road. The proposal would therefore not appear an incongruous feature.
- 5.13 The introduction of a sequential change in the adverts on the appeal site billboard will not have a material impact on the level of distraction as the changeover will be instantaneous and not more frequent than once every 10 seconds. This will reduce eye dwell time on the D-Poster and therefore the potential for a distraction is low. In this regard, free flowing traffic along Stockport Road will see most road users pass the sign without seeing a sequential advert change and in times of stop-start traffic, road users will be travelling very slowly. The introduction of a sequential advert change on the signage at the appeal site is therefore considered to pose no increase in risk to public safety.
- 5.14 It is further noted that at night time the fall-back position comprises an externally illuminated billboard with no operational time restrictions. As set out within this statement, should the inspector deem it necessary the appellant would accept a condition requiring the sign to be turned off between the hours

of 00:00 and 05:00 and so approval of the proposal gives the opportunity to essentially remove advertisements on the site during these hours.

- 5.15 Under these circumstances, such a familiar feature of Stockport Road and the surrounding highway network would not constitute a hazardous distraction to anyone exercising a reasonable standard of care. Consequently, the proposal would not give rise to public safety issues, which would prevent the granting of an express advertisement consent.
- 5.16 This is consistent with the Council's assessment, with the case officer's delegated report (**Appendix 1**) stating that *"...it is considered that the application cannot be refused on the basis of public safety..."* and that *"Highways Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms."* Our assessment of the proposal is in accordance with the Council in this regard in that the proposed replacement signage would give rise to no unacceptable impact to public safety.

Amenity

- 5.17 The application for advertisement consent was refused for one reason as the Council considered that:
- "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 within 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."*
- 5.18 Paragraph 136 of the NPPF is clear that *"Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts"*. Moreover, the NPPG sets out that *"in practice, 'amenity' is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement."*
- 5.19 It is considered that the Council gave insufficient weight to the fall-back position on the appeal site along with its consideration of the context of the surrounding area. The case officer's delegated report states that *"the principle concern would relate 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"* (underlined for emphasis). The proposal merely constitutes a different form of signage illumination rather than the introduction of illuminated advertising to the location. This is already established by the fall-back position and the nature of the proposed D-Poster is such that it seeks to mirror that of a traditional poster and paste billboard with regard to visual prominence.

- 5.20 The case officer's delegated report further states that the proposal *"would have an obtrusive impact on the streetscene and adversely affect the character of the area"*. The character of the area is such that this is made up of a mix of commercial units including the post office building to which the existing/proposed signage is affixed along with the commercial warehousing units which are the buildings closest to facing the signage. Commensurate to the immediate area, a plethora of signage is in place associated with the Post Office, the warehousing commercial buildings and McDonalds to the east.
- 5.21 The Council's reason for refusal states that the proposed D-Poster would *"create an unduly obtrusive and over-dominant feature in the street-scene...and would form an incongruous feature within the street scene"*. With regard to the prominence of the proposed signage, the height from the ground is consistent with the existing externally illuminated billboard on the appeal site. The case officer's delegated report states that *"its elevated position means that it would have a range of visibility along Stockport Road, and it is considered that the incorporation of changing images would give the signage far greater prominence and would be a visually obtrusive addition to this location"*. It is firstly noted that due to the treed landscaping in front of the signage to the west along with the positioning of the commercial buildings beyond, the signage is not considered to be in an overly prominent position. In fact, travelling east along Stockport Road, the signage does not come into view until at a distance of circa 75m. Moreover, this is far less prominent than the existing freestanding roadside McDonalds signage to the east of the appeal site which exceeds the height of the signage on the appeal site and is far more visually prominent. To this end the appeal site is considered wholly appropriate for advertisement signage of the type proposed.
- 5.22 The proposal constitutes a like-for-like replacement of signage on the appeal site with regard to size, position and orientation. The proposal seeks to replace the existing dated billboard which has been in place for over 13 years with a modern digital screen. This will have no adverse impact on visual amenity. The proposed advertisement incorporates the latest technology to ensure that it is not more visually prominent than externally illuminated advertisement hoardings such as the one currently in position on the appeal site. In this regard, please see **Appendix 3 & 4** which provides comparison photographs of an example site in Warrington before and after a new D-Poster was installed and the D-Poster technical information sheet respectfully. The level of illumination of the proposed D-Poster will be set to ensure that the proposed advertisement is not visually materially different from the existing position with this being externally illuminated.
- 5.23 The position and orientation of the proposed signage within the appeal site is such that there are no sensitive receptors in close proximity facing the signage. Moreover, the existing signage is itself illuminated and so it is considered that the change in the proposed signage to internal illumination represents minimal visual difference. During the day, the proposed level of illuminance will be set to mirror that of a traditional poster and paste board, in line with the current position of the site. At night time, the proposed signage represents a change from being externally illuminated to internally illuminated. The controls proposed over the level of luminance along with the orientation of the D-Posters will ensure that this material changes does not cause material harm to amenity.

- 5.24 It is noted that street lighting lines Stockport Road with a column directly adjacent to the site, offering a further degree of illumination to the existing signage, beyond the lighting trough fixed above the billboard. Given the control measures forming part of the proposed works at the site, it is considered that there would be little perceptible difference in lighting levels from the proposal to any nearby receptors.
- 5.25 When considering the merits of the proposed digital advertisement board, it is important to note that should consent not be forthcoming, the fall-back position amounts to what already exists on the site which constitutes an externally illuminated poster and paste billboard. The principle of the proposed use is therefore already established and the current poster board would remain in situ should the proposed digitalisation not be approved.
- 5.26 Visually, owing to the nature of the existing signage on the appeal site, it is considered that the proposal would give rise to no material visual change to the site and sufficient control will be in place to ensure there is no detrimental impact on amenity when compared to the current lawful position. As already set out in this statement, should the inspector deem it necessary the appellant is willing to agree to further conditions for example, a condition requiring the sign to be turned off between the hours of 00:00 and 05:00. The current externally illuminated billboard on the site is subject to no such restriction and so in the event this proposed condition is deemed necessary, the proposal would represent a much less visible feature in the street scene than the existing signage during night time hours. The appellant would also accept a condition limiting the level of illumination during hours of darkness to 200cdm², against an industry standard of 300cdm².
- 5.27 With further regard to the extent of light omitted by the proposed D-Poster, the lighting diagram provided at **Appendix 5** illustrates the extent of light spill from the signage at 3% brightness (<200cdm²). This is based on a 'worst-case scenario' of a full white screen. The lighting diagram demonstrates that a D-Poster set at a brightness of 200cdm² would fully meet the ILP guidance for pre and post-curfew levels of light at residential windows in proximity to the appeal site. The extent of light spill will fall short of reaching any residential windows therefore poses no risk of causing light to filter into any residential property. Regarding visual amenity, this diagram also serves to show the extent that the proposed signage will be visible in the street scene with light omission directed north-westerly over Stockport Road and Syndall Street posing no adverse impact to the visual amenity of the area.
- 5.28 The case officer's delegated report states that *"there are a number of residential properties on the opposite side of Stockport Road, some of which would have direct views of the display, and which could be subject to some overspill illumination"*. **Appendix 5** is provided in response to this which evidences that the extent of light spill would not reach any residential property.
- 5.29 Ultimately, it is considered that the proposed replacement advertisement signage on the appeal site would not give rise to any adverse impact with regard to amenity. We do not agree with the Council's assessment of the proposal in this regard and find that the D-Poster would sit comfortably on the appeal site while posing to unacceptable impact to the amenity of the immediate area. Advertisements by their very nature are designed to attract attention. In considering the extant lawful position on the appeal site,

the immediate context and the proposed D-Poster operation controls we consider that there is no resultant unacceptable impact to amenity (nor public safety) in accordance with provisions set out in the NPPF.

6.0 Conclusion

- 6.1 In accordance with the NPPF, advertisements should only be controlled where they are harmful to amenity or public safety.
- 6.2 Current signage on the appeal site comprises a 48-sheet externally illuminated billboard. This has been in place for over 13 years therefore benefits from deemed consent under Class 13 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The existing signage would remain in place should this appeal be dismissed.
- 6.3 The proposal constitutes the replacement of existing signage with a 48-sheet internally illuminated D-Poster.
- 6.4 The Appellant is in agreement with the Council in its conclusion that the proposed D-Poster would constitute no harm to public safety.
- 6.5 With regard to amenity and the Council's reason for refusal of the application, the case as set out within this appeal statement demonstrates that sufficient controls on the proposed signage would ensure no adverse impact to the amenity of the area.
- 6.6 To this end, it is respectfully requested that the appeal is allowed, and advertisement consent is granted for the proposed works.

Appendix 1: Application 133411/AOH/2022 Decision Notice & Case Officer Delegated Report

Town & Country Planning (Control of Advertisements) (England) Regulations 2007

Refusal of Advertisement Consent

Applicant

Wildstone Group Limited
Barton Hall
29 Gloucester Street
Cirencester
GL7 2DJ

Agent (if used)

Alder King
Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Clifton
Bristol
BS8 3BA

Part 1 – Particulars of the application/development

Proposal: Removal of existing 48 sheet advertisement and replacement with 48 sheet illuminated digital display

Location: 117 Stockport Road, Manchester, M12 6AA

Date of application: 11 April 2022

Application number: 133411/AOH/2022

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

Article 35 Declaration

Officers have attempted to work 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 applicant was advised of the City Council's concerns, in relation to this advertisement, and invited to withdraw the application, but no response was received.

Reason(s) for decision

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.

Date: 6 June 2022

Signed:

A handwritten signature in black ink, appearing to read 'Julie Roscoe', written over a horizontal line.

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision refers only to that required under the Town and Country (Control of Advertisements) (England) Regulations 2007 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent or approval for the proposed development, or to grant consent or approval subject to conditions, they may appeal to the Secretary of State in accordance with section 78 of the Act as amended by the Regulations within eight weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133411/AOH/2022

Date registered valid: 11 April 2022

Proposal: Removal of existing 48 sheet advertisement and replacement with 48 sheet illuminated digital display

Address: 117 Stockport Road, Manchester, M12 6AA

Ward(s): Ardwick Ward

Applicant: Wildstone Group Limited Barton Hall, 29 Gloucester Street, Cirencester, GL7 2DJ

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

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 6 June 2022

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 14 April 2022 Expired: 5 May 2022

Neighbour notifications

Printed: 14 April 2022 Expired: 5 May 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

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

This application relates to a side wall of a large two storey post/sorting office building, at the corner of Stockport Road and Syndall Street. There is currently a 48 sheet hoarding at high level on the side wall, with overhead illumination, although there is no record of advertisement consent having been granted on this site. The applicant states that there has been a 48 sheet hoarding on this site since at least 2008 and the signage therefore benefits from deemed consent.

It is proposed to remove this hoarding and to replace it with an illuminated digital display of the same size and in the same position. The proposed display would therefore have dimensions of 6 metres x 3 metres and the base of the sign would be approximately 4.65 metres above ground level.

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

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

The proposed digital display does not extend over the adopted highway. Therefore, a Projection over License will not be required.

The location of the digital display is not considered to generate any adverse impact for vehicles travelling along Stockport Road or Syndall Street.

The proposed luminance of the static digital display is noted as 300cd/m². This level of luminance is within the MCC recommended maximum of 600cd/m², therefore they accept the proposed luminance.

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.

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, paragraphs 10 and 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 advertisement hoarding to the streetscene. The incorporation of changing images within the display would also give the signage far greater prominence 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 illumination and the nature of digital signage, including the incorporation of changing images would materially and harmfully change the relationship of the advertisement display 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.

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 Stockport Road, and seeks to ensure that all new development, along these routes, is of the highest

quality. The sign is positioned perpendicular to Stockport Road and adjoins an area of currently open land, this combined with its elevated position means that it would have a range of visibility down Stockport Road, for vehicles travelling 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 the signage has been in situ since 2008, and this is accepted, but no illumination of the sign, has ever been allowed. The proposed signage would be viewed contextually with some business signage along Stockport Road. However, the principle concern would relate 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 - Whilst the height and size of the display of the replacement signage would largely replicate existing circumstance, the nature of the display involving the introduction of illumination with digital and changeable images would be significantly changed and thereby adversely affect the character of the streetscene. In particular, its elevated position means that it would have a range of visibility along Stockport Road, and it is considered that the incorporation of changing images would give the signage far greater prominence and would be a visually obtrusive addition to this location.

Residential amenity - The sign itself would be positioned on a commercial property, but there are a number of residential properties on the opposite side of Stockport Road, some of which would have direct views of the display, and which 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 major roads / radial routes.

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).

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

Officers have attempted to work 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 applicant was advised of the City Council's concerns, in relation to this advertisement, and invited to withdraw the application, but no response was received.

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

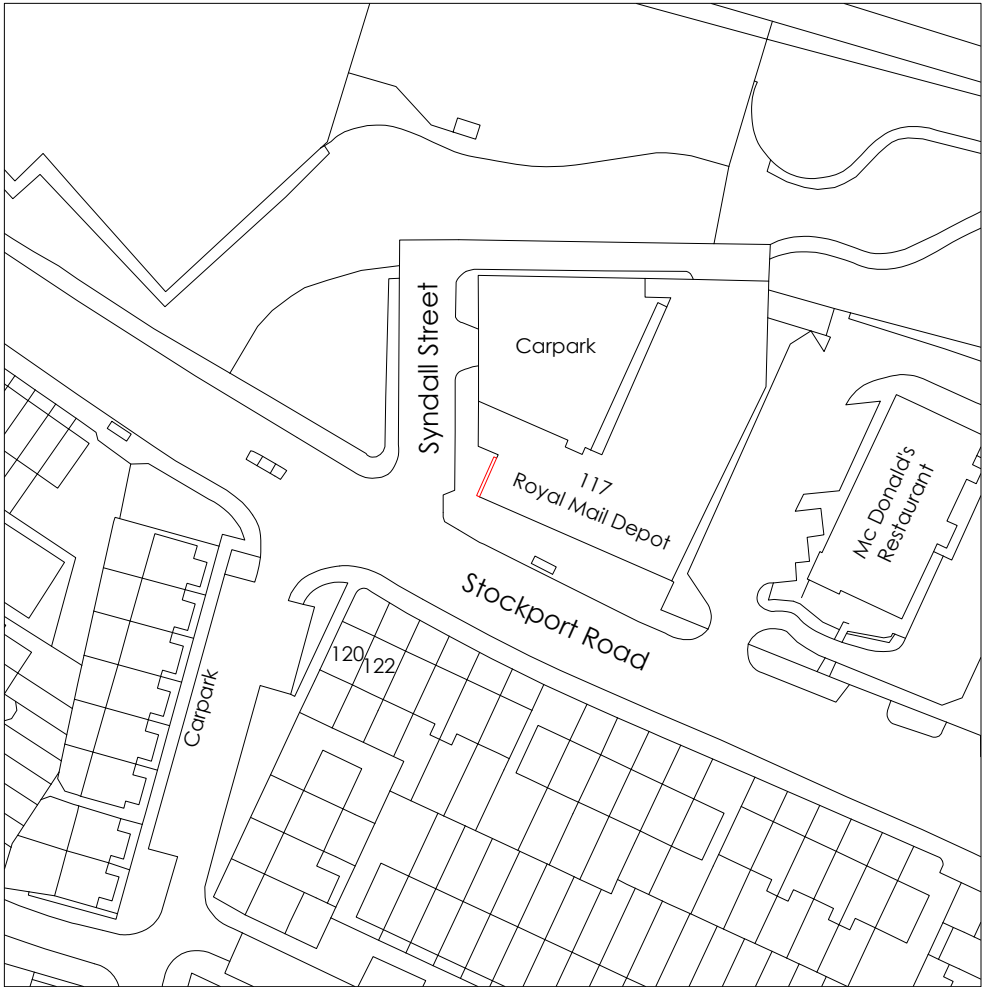
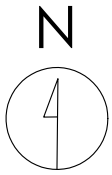
Highway Services

120 Stockport Road, Manchester, M13 9DZ
124 Stockport Road, Manchester, M13 9DZ
126 Stockport Road, Manchester, M13 9DZ
122 Stockport Road, Manchester, M13 9DZ
2 Cavanagh Close, Manchester, M13 9DF
4 Cavanagh Close, Manchester, M13 9DF
8 Cavanagh Close, Manchester, M13 9DF
6 Cavanagh Close, Manchester, M13 9DF
Post Office, 117 Stockport Road, Manchester, M12 6AA
118 Stockport Road, Manchester, M13 9DZ
116 Stockport Road, Manchester, M13 9DZ
114 Stockport Road, Manchester, M13 9DZ
Drive Through Restaurant, 129 Stockport Road, Manchester, M12 4AB
Booker Cash And Carry, Stockport Road, Manchester, M12 6AJ
Roy Hall Cash And Carry, Stockport Road, Manchester, M12 6AJ
Selco, Stockport Road, Manchester, M12 6AJ

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
Area Team Boundary - Name: NORTH2

Appendix 2: Application 133411/AOH/2022 submitted plans



Crown copyright and database rights (2021) OS (100063368)

0 20m 40m 100m

Title
Site Location Plan

Address
117 Stockport Road, Manchester, M12 6SB

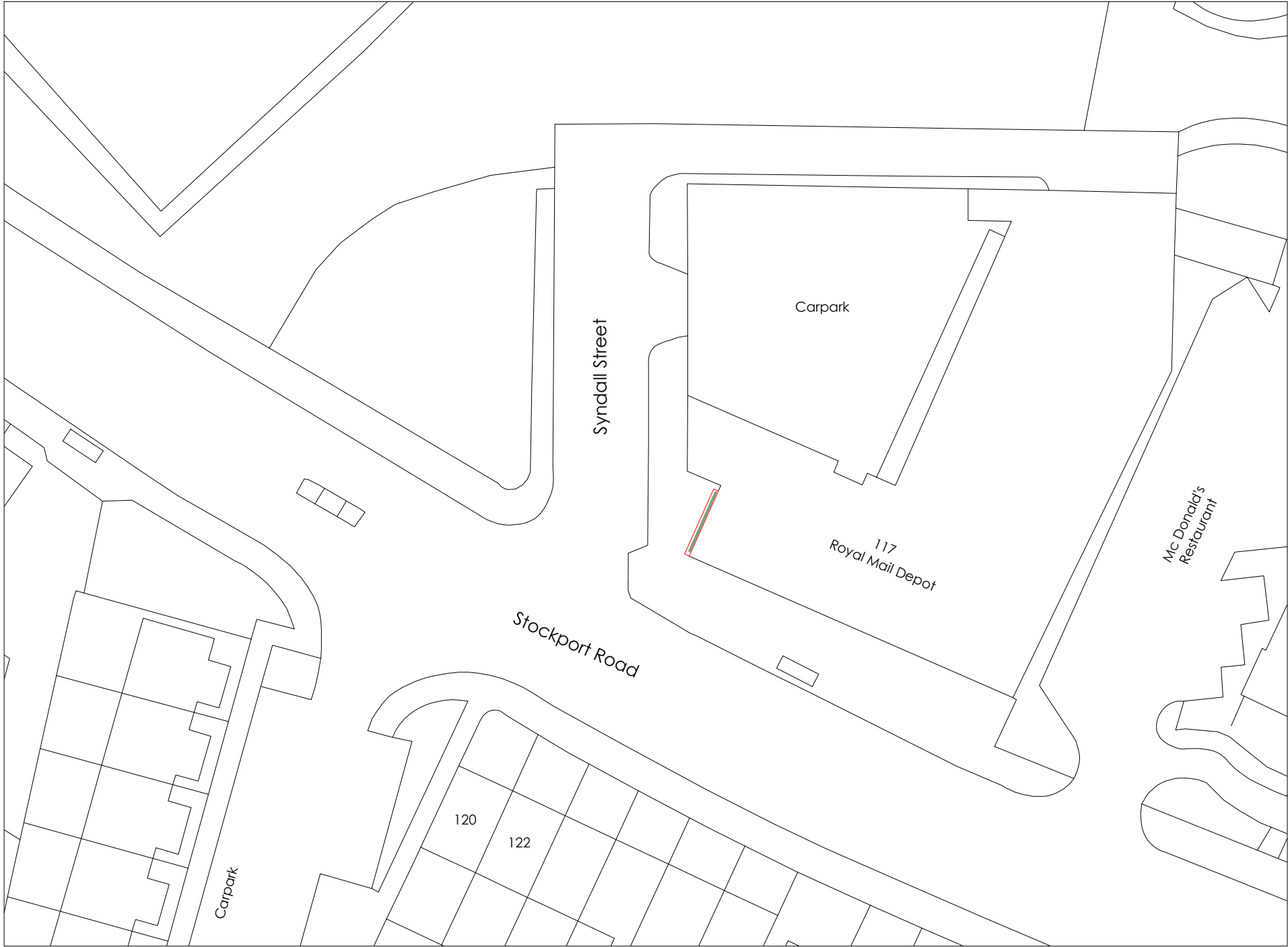
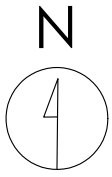
Client

Job No. 011-0203-0027
Issued 12/03/22

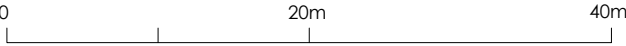
Scale
1:1250 @ A3

Key
1. Site Boundary

All information is to be checked on site for accuracy and fit. Only drawings with WD status with the most recent revision are to be used for construction.



Crown copyright and database rights (2021) OS (100063368)



Title
Existing Site Plan

Address
117 Stockport Road, Manchester, M12 6SB

Client

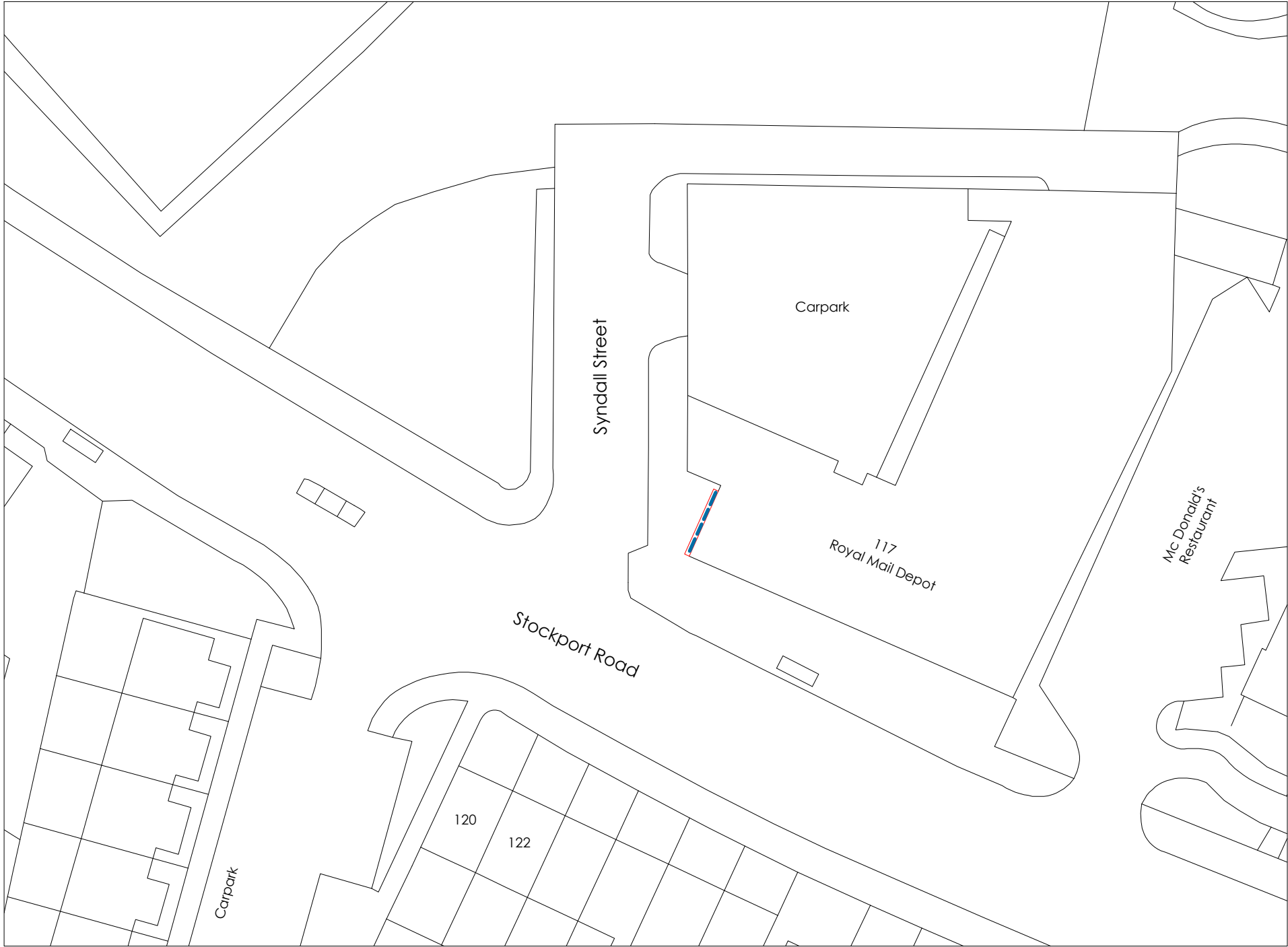
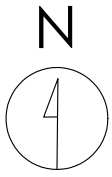
Job No. 011-0203-0027
Issued 12/03/22

Scale
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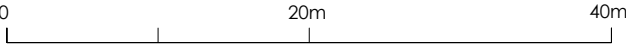
Key

- 1. Site Boundary
- 2. Existing Illuminated Advertisement to be removed

All information is to be checked on site for accuracy and fit. Only drawings with WD status with the most recent revision are to be used for construction.



Crown copyright and database rights (2021) OS (100063368)



Title
Proposed Site Plan

Address
117 Stockport Road, Manchester, M12 6SB

Client

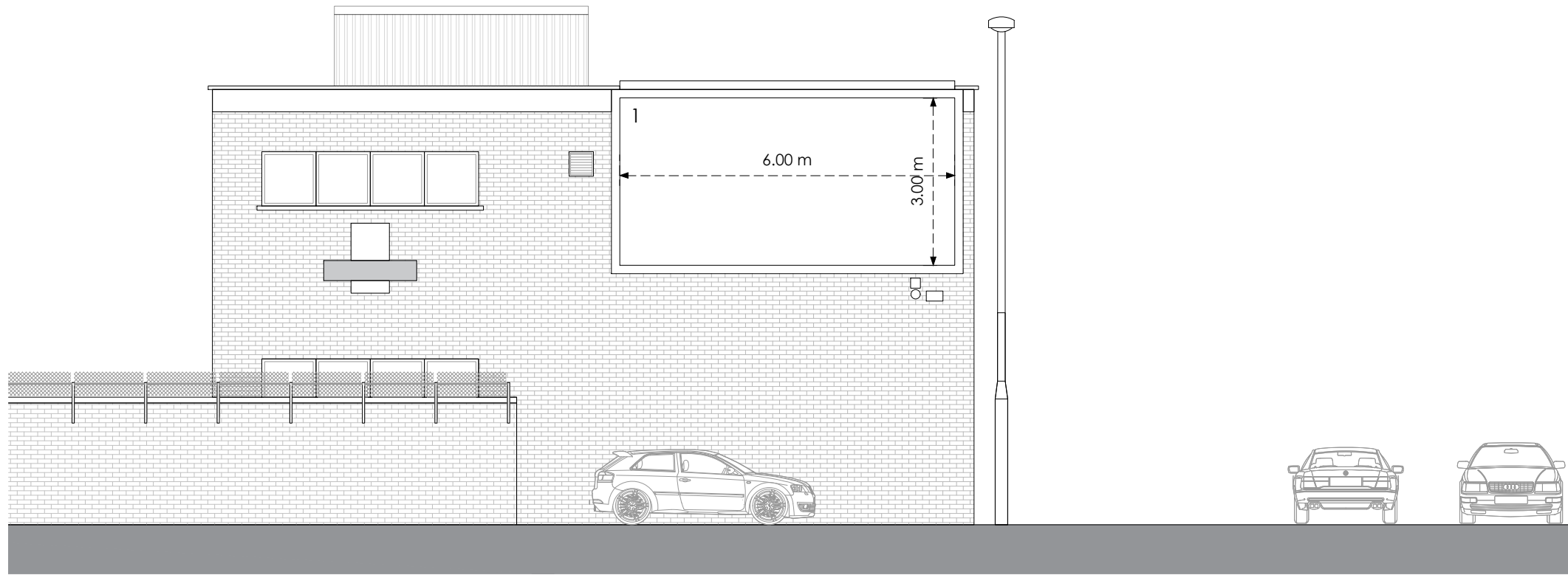
Job No. 011-0203-0027	Issued 12/03/22
---------------------------------	---------------------------

Scale
1:500 @ A3

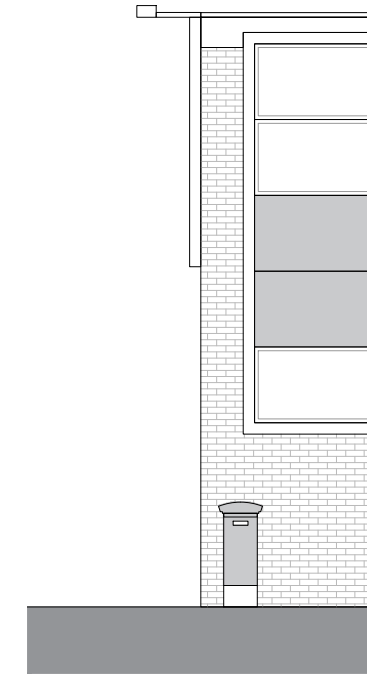
Key

---	1. Site Boundary
---	2. Proposed Digital Display

All information is to be checked on site for accuracy and fit. Only drawings with WD status with the most recent revision are to be used for construction.

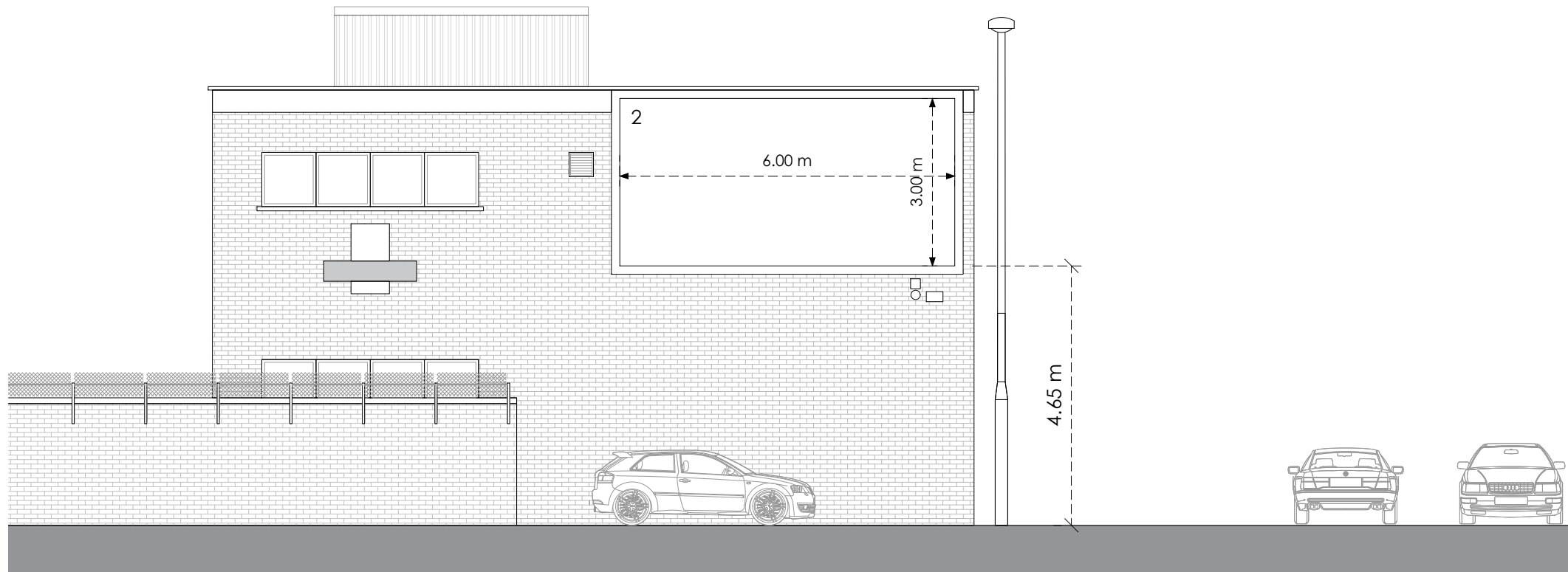


Front

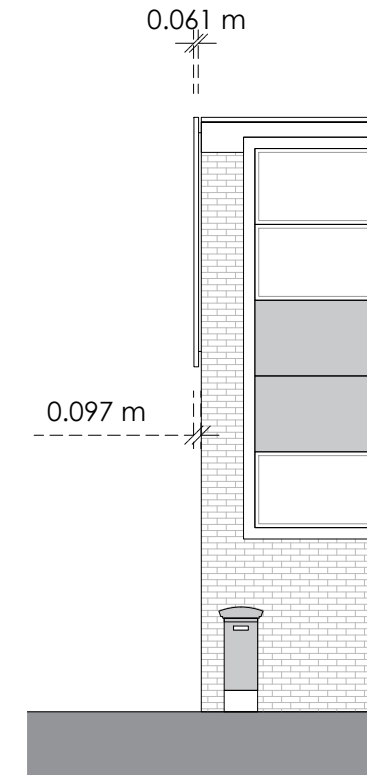


Side

Existing



Front



Side

Proposed

0 4m 8m

Title
Existing and Proposed Elevations

Address
117 Stockport Road, Manchester, M12 6SB

Client

Job No.
011-0203-0027

Issued
12/03/22

Scale
1:100 @ A3

Key

- Existing Illuminated Advertisement
- Proposed Digital Display

All information is to be checked on site for accuracy and fit. Only drawings with WD status with the most recent revision are to be used for construction.

Appendix 3: Example site in Warrington – before and after photos

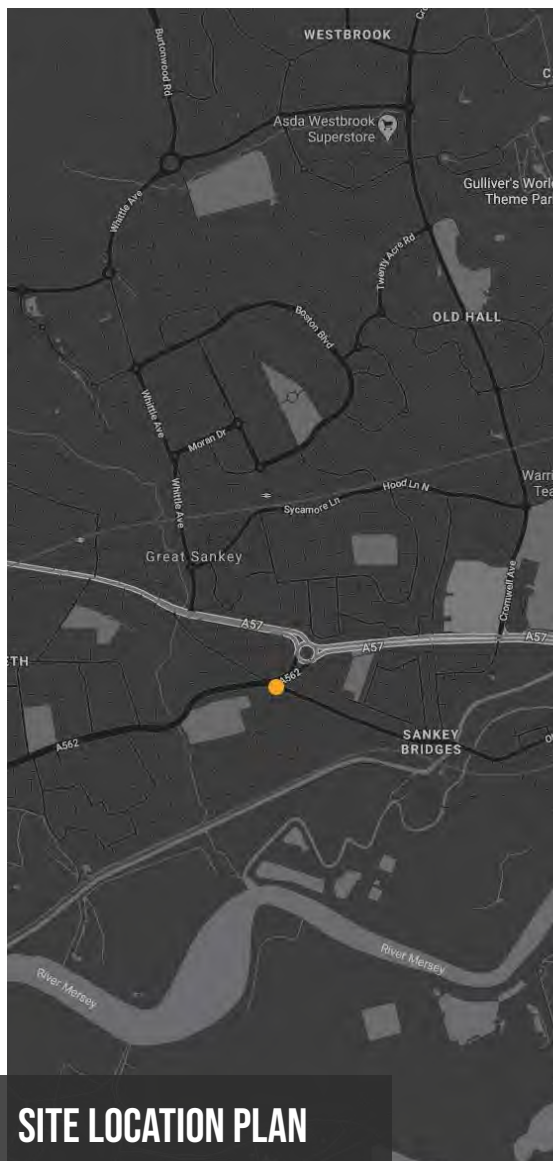
BEFORE AND AFTER

Photos for Planning

Land at 142 Liverpool Road, Warrington, WA5 1QX

9175

LAND AT 142 LIVERPOOL ROAD, WARRINGTON, WA5 1QX



● Location Digital Panel ● Location Photography — Location Digital Panel

LAND AT 142 LIVERPOOL ROAD, WARRINGTON, WA5 1QX

Position 1



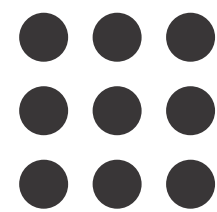
LAND AT 142 LIVERPOOL ROAD, WARRINGTON, WA5 1QX

Position 2

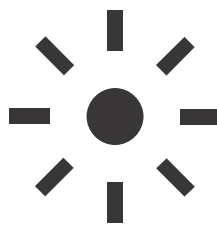


Appendix 4: D-Poster information sheet

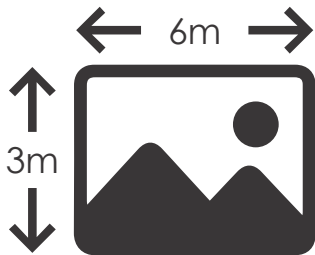
D-POSTER



High resolution LED display



Dimmable to 55 cd/m²
Embedded ambient light sensors to control brightness

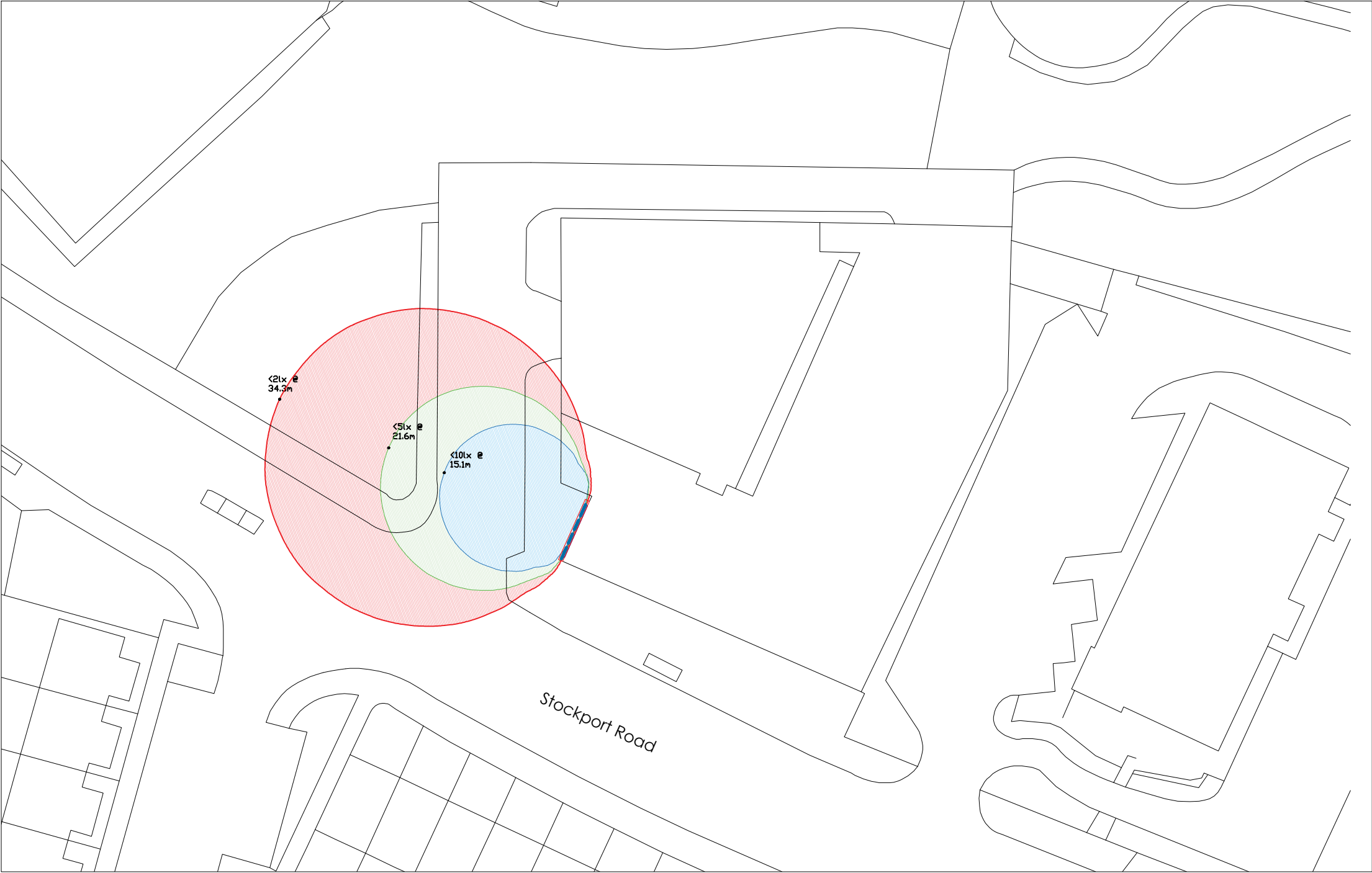
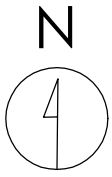


Sized to match existing poster panels



Reduced depth of 60mm compared to traditional digital panel (300-600mm)

Appendix 5: Appeal proposal lighting diagram



Crown copyright and database rights (2021) OS (100063368)

Light Intrusion / Nuisance
Table 3 (CIE 150 Table 2): Maximum values of vertical illuminance on premises

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E_v)	Pre-curfew	n/a	2 lx	5 lx	10 lx	25 lx
	Post-curfew	n/a	<0.1 lx*	1 lx	2 lx	5 lx

*If the installation is for public (road) lighting then this may be up to 1 lx.

Limits apply to nearby dwellings / premises or potential dwellings / premises and specifically windows. The values are the summation of all lighting installations.

*Curfew: The time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied the local planning department. Depending upon application curfew times often commence between 21:00 to 23:00 and may run until 07:00. However, exact curfew hours should be carefully applied to ensure the reduction of obtrusive light is prioritised within the immediate environment and towards sensitive human as well as fauna and flora receptors.

Title
Light Diagram - 3% Brightness
(<200cd/m2)

Address
117 Stockport Road, Manchester, M12 6SB

Client

Job No. 957
Issued 18/07/22

Scale
1:500 @ A3

Key

—	1.	10 lx
—	2.	5 lx
—	3.	2 lx

All information is to be checked on site for accuracy and fit. Only drawings with WD status with the most recent revision are to be used for construction.

