

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128689/AO/2020

Date registered valid: 24 November 2020

Proposal: Installation of LED advertisement hoarding with integrated plinth to replace existing illuminated advertisement hoarding

Address: Advertising Right Corner Lime Bank Street , Ashton Old Road, Manchester, M12 6BL

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Joseph Arshed MediaCo Outdoor Limited 25 Argyll Street, London, W1F 7TU

Agent (if any):

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

Recommendation: APPROVE

Date of recommendation: 15 January 2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 26 November 2020

Expired: 17 December 2020

Neighbour notifications

Printed: 26 November 2020

Expired: 17 December 2020

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 the site of an existing advertisement display at the junction of Ashton Old Road and Lime Bank Street, within a mixed-use area on the periphery of Manchester City Centre. The display is a free-standing internally illuminated advertisement sign, with a vertical emphasis, mounted on a rectangular plinth, with dimensions of approximately 7.5 metres x 5 metres. The sign is single sided, facing eastwards, and can be viewed by traffic travelling along Ashton Old Road towards the city centre, allowed by advertisement consent ref: 098081/AOH/2011/N2 - Approved February 2012.

It is now proposed to remove the existing display and replace this with a new LED digital advertising display. The proposed display would be in the same position, as the existing sign, being one-sided facing eastwards. The sign would have a horizontal emphasis with dimensions of approximately 7.2 metres x 3.6 metres, mounted on a 'V' shaped structure and with a maximum height, above ground level, of 6.38 metres.

The applicants state that the advertisement would display static images only (i.e. no moving images) with adverts changing to new displays every 10 seconds.

Consultations & Notification Responses

Adjoining occupiers - No comments received.

Highways services - Make the following comments:

The proposed sign is not located on and nor will it project over the adopted highway network. As such, a Projection over License will not be required.

There is sufficient carriageway and height clearance.

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

All imagery is noted to be static with no moving features and therefore no highway implications in terms of driver distraction is anticipated.

The location of the sign is not considered to generate any adverse impact for vehicles travelling along Lime bank Street and ashton Old Road. The location of the sign on an area of private land ensures no potential pedestrian conflicts.

Highways have no objections in principle.

It is recommended that the following condition be attached to any approval of the application:

Condition

- (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
- (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non daylight hours / inclement weather

Strategic Area and Citywide Planning Officer - Recommends that a condition is attached, to any consent, in relation to the control of lighting.

Greater Manchester Police - No objections.

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.

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

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.

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.

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 and drainage.
- Existing or proposed hazardous installation.

UNITARY DEVELOPMENT PLAN

The site is unallocated within the Manchester City Council's 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 routes, which includes Ashton Old Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Principle - It is the case that there is an existing 48 sheet sized illuminated display currently present on site, which benefits from a previous advertisement consent. A replacement smaller LED digital sign is therefore considered to be acceptable in principle.

Visual amenity - The current application would effectively replace the existing illuminated display with a digital display, although the emphasis of the sign has been changed from vertical to horizontal. The overall display area would be smaller than the existing sign (approximately 25.9 square metres compared to 37.5 square metres) and it would also be of a reduced overall height (6.38 metres compared to 9.63 metres). It would be wider than the existing sign (7.2 metres compared to 5 metres), but overall it would be of a reduced size, to the existing sign.

Ashton Old Road is an important, and busy, radial route to/from Manchester City Centre and the context of the sign, in relation to this route, is therefore a key consideration.

In this case, the sign is single sided only and is set against a backdrop of trees and open space, and it is not considered that these changes would significantly alter the visual impact of the sign

and that the change in the vertical/horizontal emphasis, of the sign, can be accommodated, without any harmful impact on the visual amenity of the locality and this radial route.

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. This is subject to a condition in relation to the control of matters such as luminance and the frequency of the changing displays. The applicant has agreed to these controls.

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: APPROVE

Article 35 Declaration

Officers have worked with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application. In this case the proposal was considered to be in accordance with City Council policy and no amendments were sought and the applicant has agreed to the suggested lighting/display condition.

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2) The development hereby approved shall be carried out in accordance with the drawings numbered XLMCR104301E, XLMCR104301LP, XLMCR104301SP and XLMCR104301V, stamped as received by the City Council, as Local Planning Authority, on 24 November 2020.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies 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.

3) (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 600cd/m² during daylight hours and 300cd/m² during non-daylight hours / inclement weather.

Reason - In the interests of highway and pedestrian safety pursuant to policies T1 and DM1 of the adopted Manchester Core Strategy and saved policies E3.3, DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

4) a) The express advertisement consent hereby granted is limited to a period of 5 years starting on the date of the commencement of the display of the advertisement hoarding(s).

(b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) within 7 working days of that commencement.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoarding(s) at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

24 Midland Street, Manchester, M12 6LB
Unit 7, 15 Midland Street, Manchester, M12 6LB
Canopy, Midland Street, Manchester, M12 6LB
First Floor Office, Midland Street, Manchester, M12 6LB
Unit 4A Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 3B Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 5B Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 5C Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 8 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 7 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 6 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 5A Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 4 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 3A Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 2 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Unit 1 Adjacent To Chancellor Lane, Midland Street, Manchester, M12 6LB
Block 7, Hooper Street Depot, Hooper Street, Manchester, M12 6LA
72 Midland Street, Manchester, M12 6LB
HAND CAR WASH AT, 38 Ashton Old Road, Manchester, M12 6LP
38 Ashton Old Road, Manchester, M12 6LP
42 - 46 Ashton Old Road, Manchester, M12 6LP

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2