

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133181/AO/2022

Date registered valid: 11 March 2022

Proposal: Installation of internally illuminated fascia sign and projecting box sign

Address: 32 Oldham Road, Manchester, M4 5FE

Ward(s): Ancoats & Beswick Ward

Applicant: Cheshire Cheese Assets Ltd C/o Agent

Agent (if any): James Berggren, EdgePlan, 7 Charlotte Street, Manchester, M1 4DZ

Case officer: Steven McCoombe
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Recommendation: Refuse

Date of recommendation: 3 May 2022

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 7 March 2022

Standard consultations:

Printed: 11 March 2022 Expired: 1 April 2022

Neighbour notifications

Printed: 11 March 2022 Expired: 1 April 2022

Site notice

Posted: 7 March 2022 Expired: 28 March 2022

Press advert

Published: 22 March 2022 Expired: 12 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a development site presently under construction on land formerly occupied by a public house – ‘The Cheshire Cheese’, situated at the at the junction of Oldham Road and Cornell Street.

The development will ultimately culminate in the erection of a 7 storey building to form 38 apartments (Class C3) and ground floor commercial unit.

At the time of the site visit, the form of the building is largely complete. The building envelope is encased by scaffolding.

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order: No

Description of area

In terms of the immediate surroundings, the site fronts a major gateway route into the city centre and is situated on the edge, but within, the Ancoats Conservation Area, a short distance to the north of city centre ring road.

The site is neighboured to the rear by a large, part 5, part 6 storey mixed use apartment and commercial use complex (The Express Networks 2 Building) and to the south by more recent 6 storey mixed use developments, containing double height ground floors for commercial use, with apartments above. To the north and north-east are blocks of traditional, upgraded two and three storey terraced residential properties, with the terrace along Oldham Road containing commercial ground floor uses, including a recently opened café bar on the opposite side of

Cornell Street. Opposite the site on the other side of Oldham Road is the New Cross regeneration area, characterised by high density residential developments.

Description of development

Advertisement consent is sought for the installation of internally illuminated fascia sign and projecting box sign to the principal elevation of the building facing Oldham Road.

The proposed fascia sign comprises stainless steel red and blue lettering attached to a grey vinyl fascia board, illuminated by internally illuminated, LED halo lighting. The proposed sign advertises the intended occupier 'Urgent Care 365' and is situated 2.25 metres above ground level, measuring 4 metres in width, 1.4 metres height and with a maximum projection from the face of the building of 0.06 metres.

The proposed sign is situated to the right of the centre of the building and will cover an area of glazed panels above the shopfront.

The proposed double-sided projecting box sign is non-illuminated and is situated at fascia level, 2.7 metres above ground level. The proposed sign measures 0.3 metres in height, 0.18 metres in width and 0.3 metres in depth. The proposed sign comprises aluminium and vinyl materials, incorporating an internal mild steel support with projecting arms and wall plate and kiss cut vinyl logo to both sides. The sign is again intended to advertise the intended occupier 'Urgent Care 365'.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection.

Highway Services – The following comments are made:

Fascia Sign

The proposed sign is not located on the adopted highway network.

The proposed sign extends to a maximum projection of 0.06m over the adopted highway. As such, a Projection over License is not required.

It is requested that the sign does not exceed the maximum luminance of 600 cd/m².

The proposed signs comply with headroom clearance and carriageway clearance requirements and is therefore compliant with City Council recommendations.

Projecting Sign

The proposed sign is not located on the adopted highway network.

The proposed sign extends to a maximum projection of 0.65m over the adopted highway. As such, a Projection over License will be required and is to be funded at the applicants expense.

Confirmation is required of whether the signage will be illuminated and the proposed illuminance of the sign. For the avoidance of doubt the maximum stated by the Institute of Lighting Engineers is 600cd/m²

A sufficient headroom clearance of 2.7m, compliant with the 2.30m minimum, is noted and accepted by Highways.

The proposed sign complies with carriageway clearance requirements and is therefore compliant with City Council recommendations.

Legislation and Policy

Part 1 of the Town and Country Planning (Control of Advertisements) Regulations 2007 refers to powers to be exercised in the interests of amenity and public safety and states that a Local Planning Authority shall exercise its power under these Regulations 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.

Factors relevant to amenity include, the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Factors relevant to public safety include the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military), 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 or hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas)

All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial

and orbital road and rail routes.

Developers will be expected to consider the City's heritage and continue the rich pattern of activity in the core area.

Policy EN3 (Heritage) – states that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

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

The below saved policies of the Unitary Development Plan are also considered relevant.

Policy DC14 (Shopfronts and related signs) seeks to ensure proposals are in keeping with the character of the building and adjoining buildings. Signs should respect the architectural form of buildings and shop frontages.

Policy DC18.1 (Conservation Areas) – relates to development proposals within conservation areas and seeks to preserve and enhance the character of its Conservation Areas by considering the relationship of new structures to neighbouring buildings and spaces, the effect of changes to existing buildings and the desirability of retaining existing features.

Policy E3.3 (To enhance the city's environment) refers to the Council looking to upgrade the appearance of the city's major radial routes. This includes improving the appearance of adjacent premises.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

The Framework underlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Section 12 ‘Achieving well-designed places’ refers to the need for good design.

Paragraph 134 states that *‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’*.

Paragraph 136 states further that *‘the quality and character of places can suffer when advertisements are poorly sited and designed’*.

Section 16 ‘Conserving and Enhancing the Historic Environment’ refers to development within conservation areas.

Paragraph 197 states that:

‘In determining applications, local planning authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness’.

Paragraph 202 states further that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’

Planning Practice Guidance (Advertisements)

Paragraph 079 refers to considerations affecting amenity.

Amenity” is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)).

It is, however, a matter of interpretation by the local planning authority (and the Secretary of State) as it applies in any particular case. 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.

So, 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, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.

If the advertisement makes a noise, aural amenity would also be taken into account before express consent would be given.

Issues

Principle

The principle of advertisements upon or adjacent to commercial buildings within a commercial setting can be acceptable, subject to any adverse impact upon visual amenity and/or public safety.

It is believed that the proposed fascia sign, by reason of its design, appearance and position along a prominent frontage adjacent to one of the city's key radial routes and upon a gateway building into the Ancoats Conservation Area, would form a visually intrusive feature, harmful to the character and appearance of the host building and wider street-scene, whilst undermining the heritage value of the immediate area.

In this case, the main issue is the effect of the proposal upon the amenity of the area. This is outlined further below.

Visual Amenity and Public Safety

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Practice Guidance (PPG) require that decisions on advertisements be made only in the interests of amenity and public safety.

This is reflected in development plan policy in the form of saved policy DC14 of the Unitary Development Plan (UDP) and policies DM1, EN1 and SP1 of the Manchester Core Strategy, which seek to guide the general location of new development, including advertisements, with close regard to the impact upon visual amenity and the character of an area. Aligned to these, policy E3.3 seeks to improve the appearance of premises adjacent to key radial routes.

Saved policy DC18.1 of the UDP and policy EN3 of the Core Strategy are also of relevance, due the position of the host building within the Ancoats Conservation Area. New development proposals within conservation areas should seek to preserve and enhance its character by considering the relationship of new structures to neighbouring buildings and spaces and the effect of changes to existing buildings. New development should be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Overarching legislation for development in conservation areas refers at Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to the need for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas.

These policies form important material considerations in the determination of advertisement applications and are supported by paragraph 136 of the NPPF which advises that *'the quality and character of places can suffer when advertisements are poorly sited and designed'*.

Paragraph 197 also underline the desirability for new development to make a *'positive contribution to local character and distinctiveness'*.

Taking account of the above policy, legislation and guidance, it is believed that the proposed fascia sign, by virtue of its position, design, appearance and location, would have a detrimental impact upon the surrounding environment and constitutes an unduly intrusive, feature within the

street scene in a prominent location and would undermine the architectural design of the host building.

The immediate area has a mixed urban character, featuring commercial properties, shops, hotels, food and drink establishments and residential apartments.

The site is situated along a prominent frontage, adjacent to the main north/south arterial route which links north Manchester and the M60 motorway with the city centre and occupies a gateway position both into the city centre and Ancoats Conservation area, whilst being located lies immediately opposite the New Cross Regeneration area to the opposite side of Oldham Road.

As previously highlighted, the host building is located within an area of historical context and heritage value, within the bounds of the Ancoats Conservation Area, which is contiguous on Great Ancoats Street with both the Smithfield and Stevenson Square Conservation Areas. The whole area includes a number of listed buildings and buildings which can be considered to be non-listed heritage assets.

The Ancoats Conservation Area is characterised by a mix of domestically scaled buildings, such as terraced housing and workshops and much larger buildings comprising warehouse, apartments and mills.

In this case, the proposed fascia sign comprises stainless steel red and blue lettering attached to a grey vinyl fascia board, illuminated by internally illuminated, LED halo lighting.

Of notable concern is the proposed use of a fascia tray to which the illuminated lettering is attached. The proposed fascia tray is proposed to be positioned over an area of glazing above the shop front and would complete obscure the glass.

It is believed that the design of the sign coupled with its placement over the glazed area would undermine the original design intent of the host building.

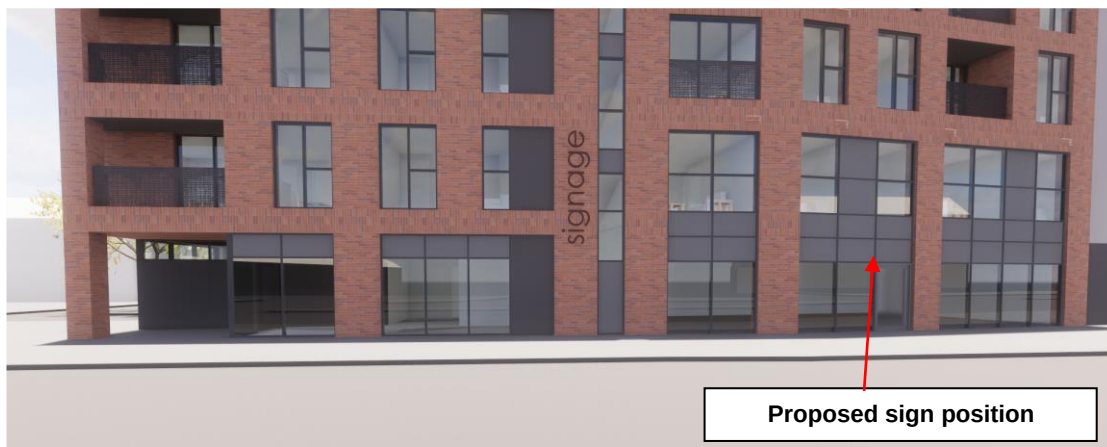


Image extracted from Design and Access Statement accompanying planning application referenced 119731/FO/2018 which granted permission for the host building.

The Design and Access Statement which accompanied the application for the building to which the sign is proposed to be located states that:

'The addition of the retail unit allows the Oldham Road facade to become more transparent at street level through the incorporation of large expanses of floor to ceiling glazing. The additional glazing allows the retail unit to benefit from natural daylight and for the use to be visible from the outside (assisting commercial viability and street vitality).'

It is maintained that by obscuring the glazing, the proposed sign would represent a bulky, poorly placed and discordant feature, at odds with the original design philosophy.

Through the use of a bulky fascia tray, coupled with the strident sign letter colouring and means of illumination the proposed sign is considered an unsympathetic addition which would detract from the architectural character of the host building, with the sign forming a principal, rather than secondary feature of the entire development, due to it being excessively conspicuous as a consequence of its position and design.

In turn, the strident nature of the sign would form a highly visible feature that would be noticeable from many vantage points, particularly from Oldham road, and whilst there are other poorly situated and designed advertisements in the area, these are generally legal advertisements which have become established over time.

The City Council is striving to improve and upgrade the appearance of its radial routes, including structures located adjacent to them. The proposed sign would conflict with this objective, due to being at odds with the original design intent of the overall development and due to its highly visible nature. Moreover, due to location of the host building within the Ancoats Conservation Area, the proposed sign would represent an incongruous, invasive feature which would undermine the heritage value of the area.

The immediate area contains building of particular historic and architectural merit, hence its designation as a conservation area.

It is believed that the proposed sign would be visually prominent and would have a noticeable, negative impact on its surroundings. New development should seek to preserve or enhance the character of the conservation area, including consideration of new structures to adjacent buildings. The proposed sign in this instance would harm rather than enhance the character and environmental quality of the area, due to its lack of appreciation for the local context and the design quality of the building to which the sign is proposed to be affixed. Whilst the sign is considered to be of less than substantial harm, there is still sufficient harm which is not outweighed by any public benefits. It is considered that there are alternative, design solutions which could still achieve the same, desired aim of advertising the premises to which the sign relates.



An example of alternative signage likely to be appropriate

In light of the above, it is concluded that the proposed sign would harm amenity and conflict with the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DC14, DC18.1 and E3.3 of the Unitary Development Plan for the City of Manchester, policies

DM1, EN1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Public Safety

No objections or concerns are raised in this regard.

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

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

1) The proposed fascia sign by virtue of its design, position, appearance and location does not respond positively to the architecture and appearance of the host building and would create a visually harmful feature in the street-scene along a key radial route, at the gateway to the Ancoats Conservation Area, to the detriment of visual amenity and the heritage value of immediate area. The proposal advertisement would therefore be contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DC14, DC18.1 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF) and The Ancoats and New Islington Neighbourhood Development Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Jungle Jazz Cafe Limited, 44 Oldham Road, Manchester, M4 5EE
41 Oldham Road, Manchester, M4 5FS

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1