MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 131744/AO/2021 |
| **Date registered valid:** | 27 September 2021 |
| **Proposal:** | Installation of temporary non-illuminated 13 metre x 1 metre vinyl banner sign |
| **Address:** | 139 Barlow Moor Road, Manchester, M20 2DY |
| **Ward(s):** | Didsbury West Ward |
| **Applicant:** | Mr Chris Bills, 139 Barlow Moor Road, Manchester, M20 2DY |
| **Agent (if any):** | Mr Josh Greenfield Flat 103, Salford Town Hall, Bexley Square, Salford, M3 6DD |
| **Case officer:** | David Lawless<br>Tel: 0161 234 4543<br>Email: david.lawless@manchester.gov.uk |
| **Recommendation:** | Temporarily Approved |
| **Date of recommendation:** | 1 November 2021 |



## Application details

**Type of application:** Advertisement Consent

**Development type:** Advertisements

**Standard consultations:**
Printed: 30 September 2021 Expired: 21 October 2021

**Neighbour notifications**
Printed: 30 September 2021 Expired: 21 October 2021

**Site notice**
Posted: 04 October 2021 Expired: 25 October 2021

**Press advert**
No press advert had been published

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## Description of site/building/area

The Woodstock (139 Barlow Moor Road) is a large 2 storey detached public house with a Grade 2 listing. To the front (north) of the building there is a small car parking area and beyond that a mature landscaped boundary running along the Barlow Moor Road frontage. On the opposite side of Barlow Moor Road there are residential properties which are located within the Albert Park Conservation Area. To the south of the building is the larger car parking area and beyond that a row of mature trees and then the residential developments of Tall Trees and Langham Court. To the west of the site lies no. 139a Barlow Moor Road, a day nursery, operated by Kids Unlimited. To the east of the building there is an external drinking/eating area which consists of a mix of hardsurfaced and lawned areas.

**Listed building:** Grade II
**Conservation area:** no
**Tree Preservation Order:** yes

## Description of Proposal

The applicant is seeking temporary consent for the installation of a vinyl sign, advertising Christmas Tree Sales, along the front perimeter of the site facing Barlow Moor Road. The applicant has applied on two previous occasions for the temporary sign (124119/AO/2019 and 128318/AO/2020), both of which were granted.

## Consultations & Notification Responses

**Local Residents –** No comments received.

**West Didsbury Residents Association –** No objections

**Highway Services –** No objections. The proposed banner will not located on the adopted highway network. The proposed banner will not extend over the adopted highway and therefore will not require a projection over license. There is no proposed luminance of the banner. The banner complies with headroom and carriageway clearance requirements.

## Policies

**The National Planning Policy Framework –** The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

**Core Strategy Development Plan Document –** 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.

Relevant policies in the Core Strategy are detailed below:

DM1, Development Management – This policy states that all development should have regard to a number of specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant specific issues are detailed below:-

- 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, odours, litter, vermin, birds, 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.

Saved UDP Policy 15, "Advertisements, Hoardings and Posters"- Policy DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining 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.

**Issues**

Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, 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:

i. the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome);
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.

The definition of "amenity" includes both visual and aural amenity. Therefore, as well as visual amenity, the noise generated by advertisements should be considered. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included.

**Amenity –** Given the location and context of the site and its temporary nature of the sign, it is not considered that the proposal will have a detrimental impact upon either visual or aural amenity.

**Public Safety –** Given the location of the proposed sign it has been determined that it will not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site. The siting of the signs will not compromise nor lead to a reduction in the levels of public safety in and around the site, especially in relation to pedestrian and highway safety.

**Impact on The Woodstock –** Given the siting of the property and the landscaped belt that exists between it and the proposed sign, it is not considered that the proposed sign will have a detrimental impact upon the character of The Woodstock.

**Impact on the Character of the Adjoining Conservation Area –** The proposed temporary signage will not have a detrimental impact upon the conservation area on the opposite side of Barlow Moor Road.

**Trees –** The applicant has confirmed that the signage will be secured with stakes in the ground and that these will be installed in such a manner so as to avoid roots. The Neighbourhood Officer (Arboriculture) previously had no objection to the previous advertisement proposals subject to the works around the trees being undertaken by hand. This will again be the subject of a condition.

**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 polices 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 applicant in a positive and proactive manner whilst dealing with the advertisement consent application.

**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 advertisement shall not be displayed beyond 31 December 2021. The advertisement and any supporting structures shall be removed on that date.

Reason - The advertisement is of a temporary nature only and is not considered acceptable as a permanent feature on this building 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 Manchester Core Strategy.

3) The development hereby approved shall be carried out in accordance with the drawings and supporting documents stamped as received 27 September 2021.

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.

4) All excavations required for the installation of the temporary signage hereby approved must be carried out using hand tools (spades, forks and trowels) only.

Reason - In order avoid damage to trees adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

**Appendix 1 – List of consultees & neighbours notified**

Highway Services
West Didsbury Residents Association
111 Clyde Road, Manchester, M20 2WW
Flat 3, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 7, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 132 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 130A Barlow Moor Road, Manchester, M20 2PU
Flat 1, 130A Barlow Moor Road, Manchester, M20 2PU
Flat 4, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 132 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 132 Barlow Moor Road, Manchester, M20 2PU
124 Barlow Moor Road, Manchester, M20 2PU
126 Barlow Moor Road, Manchester, M20 2PU
128 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 130A Barlow Moor Road, Manchester, M20 2PU
Flat 3, 130A Barlow Moor Road, Manchester, M20 2PU
Flat 2, 130A Barlow Moor Road, Manchester, M20 2PU
Flat 5, 130 Barlow Moor Road, Manchester, M20 2PU

Flat 3, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 132 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 132 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 132 Barlow Moor Road, Manchester, M20 2PU
Kids Unlimited, 139A Barlow Moor Road, Manchester, M20 2DY

## 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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH