

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132017/AO/2021
Date registered valid: 22 October 2021
Proposal: Installation of new 6m internally illuminated pole sign
Address: 423 Barlow Moor Road, Manchester, M21 8ER
Ward(s): Chorlton Park Ward

Applicant: Motor Fuel Group Ltd, Gladstone Place, 36-38 Upper Marlborough Road, St Albans, AL1 3UU
Agent (if any): MBH Design Studio Ltd, Rosemount House, Rosemount Avenue, West Byfleet, KT14 6LB
Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 01.12.2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 30.11.2021

Standard consultations:

Printed: 3 November 2021 Expired: 24 November 2021

Neighbour notifications

Printed: 3 November 2021 Expired: 24 November 2021

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/area

The site is a petrol filling garage in Chorlton Park Ward in an area of mixed uses.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Installation of new 6m internally illuminated pole sign

Consultations & Notification Responses

Comment received from neighbouring owner:

Due to the location and height of the proposed sign, it is going to be visible from the apartments that have just been built on our site next door 421 Barlow Moor Road. This is concerning due to the proposed sign being illuminated and blue/white – so it is likely going to constantly shine light into the living area and bedrooms of the new properties.

If the sign could be moved to the opposite entrance where there are no residential properties, reduced in height or not illuminated, this would alleviate a number of concerns around the light pollution it may cause to our residents.

Highways - The proposed illuminated pole sign will not be located on the adopted highway network. The proposed illuminated pole sign will not extend over the adopted highway and therefore does not require a projection over license. The proposed luminance of the static

illuminated pole sign is noted as 0.1cd/m2, which is in line with the MCC recommended maximum of 600cd/m2 and is therefore acceptable to Highways.

The illuminated pole sign complies with headroom and carriageway clearance requirements. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

Policies

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 LPA, fails to accord with its development plan as it is unacceptable in terms of visual impact and excessive prominence within the street.

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. National Planning Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 12- Achieving well-designed places

Paragraph 126 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 136 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.

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

It 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. Of relevance are:

Policy DM1 (Development Management); which 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. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The 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.

Policy SP1(Spatial Principles); which sets out 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, amongst these include: 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.

Policy EN1 (Design Principles and Strategic Character Areas); 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.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC15: Advertisements, Hoardings and Posters:

DC15.1 states:

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.

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 or 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 affect 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.

Reasons: The Council accept that advertisements can have a positive role in improving the quality of the visual environment in the City - examples are given in policy DC15.2. At the same

time, there is the need to maintain public safety, avoid clutter, and safeguard the particular features of buildings or land.

Issues

According to the NPPF (Chapter 12) the main issues for consideration relate to the impact of the proposals on visual amenity and public safety.

Principle - The development is for the installation of a new 6m internally illuminated pole sign relating to the business and the provision of electric vehicle charging points. The proposed signage would be viewed contextually with some business signage along Barlow Moor Road. However, the principle concern would relate to the impact of introducing this high level illuminated advertising in this particular highly prominent location. 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 - The height and size and illumination of the advertisement would adversely affect the character of the streetscene. In particular its elevated position means that it would have a long range of visibility along Barlow Moor Road and it would constitute a visually obtrusive addition to this location.

Residential amenity - The sign itself would be positioned on a commercial property, however there is an apartment block of residential properties being constructed immediately adjoining the proposed sign. Rooms within the residential development would be subjected to 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 of this main route.

Conclusion - The proposed advertising would, by virtue of its location, design and appearance, have a 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 visual 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.

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 and means of illumination, would create an unduly obtrusive and over-dominant feature in the street-scene adjacent to a main route, and would form an incongruous feature within the street scene. The proposed advertisement 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
Southway Housing Trust

List of properties notified on Uniform

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
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH