

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132085/AO/2021

Date registered valid: 9 November 2021

Proposal: Installation of internally illuminated high level sign and hanging sign suspended below balcony

Address: Melt Diner, 704 Wilmslow Road, Manchester, M20 2DW

Ward(s): Didsbury West Ward

Applicant: Mr Suhail Sharief, Melt Diner, 704 Wilmslow Road, Manchester, M20 2DW

Agent (if any): Mr Brian Twigg, Brian Twigg Planning, Doe Cottage, The Green, Dorchester, DT2 7NS

Case officer: Jennifer Connor
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Recommendation: Approved and Refused

Date of recommendation: 04.01.2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Standard consultations:

Printed: 11 November 2021

Expired: 2 December 2021

Neighbour notifications

Printed: 11 November 2021

Expired: 2 December 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 application relates to a two storey building located near to the junction of Wilmslow Road and Barlow Moor Road within Didsbury Village.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Installation of internally illuminated high level sign and hanging sign suspended below balcony

Consultations & Notification Responses

Highways – No objections to sign one or the luminance levels stated. Concerns about the headroom clearance at 2.29m rather than at least 2.5m required, however, no objection on highways safety. Projection over the highway license will be required separately.

Didsbury Civic Society – No comments received

Issues

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 – The Advertisement regulations require that applications for advertisements be considered only in the interests of amenity and public safety.

National Planning Policy Framework (NPPF) - Section 12 (Achieving well-designed places) - paragraph 136 of the NPPF (2021) states that the quality and character of places can suffer when advertisements are poorly sited and designed. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Core Strategy - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this proposal:

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and that all development in 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 DM1 sets out the development principles for all development in Manchester and that the issues which should be considered are those which will ensure that the detailed aspects of new development complement the Council's broad regeneration priorities, in particular by contributing to Neighbourhoods of Choice. This includes protection of amenity and local character, environmental standards and practical matters such as access and safety.

Unitary Development Plan (UDP) - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this proposal:

Policy DC14 sets out the criteria for which the Council will take into consideration when assessing the impact of advertisements to all shop fronts and related signs.

Principle of the Proposal –In accordance with the NPPF, Planning Practice Guidance, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and saved policies DC14 of the Unitary Development Plan for the City of Manchester (1995). The proposed high level fascia sign and hanging sign suspended below balcony shall be considered only in the interests of amenity and public safety.

Amenity – Saved policy DC14 of the UDP states that proposals should be in keeping with the character of the building and adjoining buildings, as well as the shopfront and wider area.

Furthermore, the saved policy also requires that the proposed signage should normally be positioned only at fascia level, respect the form and scale of the building and be consistent across all signs applied to the shopfront.

High level sign - On balance it is considered that the high level sign, similar to those present on neighbouring commercial properties, is in keeping with the scale and character of the building. The high level sign is considered to be in accordance with policies SP1 and DM1 of the Core Strategy (2012); saved policy DC14 (Shop Fronts and Related Signs) of the Unitary Development Plan for the City of Manchester (1995); and to Central Government advice contained within Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework.

Hanging sign suspended below balcony - The proposed hanging sign suspended below the balcony as shown on the submitted plans near to the corner of Wilmslow Road and Barlow Moor Road, would by virtue of its size, location, design and appearance have a detrimental impact on the character of the area and constitute an unduly obtrusive, incongruous and over dominant feature within the street scene, which would contribute to advertisement clutter and have a detrimental impact on visual amenity.

This element of the proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to policies SP1 and DM1 of the Core Strategy (2012); saved policy DC14 (Shop Fronts and Related Signs) of the Unitary Development Plan for the City of Manchester (1995); and to Central Government advice contained within Section 12 (Achieving Well Designed Places) of the National Planning Policy Framework.

Public Safety - The application will not have a detrimental impact on public safety as a result of their position size or design. Highway services have raised concerns with regards to the hanging sign suspended below the balcony and the headroom clearance at 2.29m rather than at least 2.5m required, however, no objection was made specifically citing impact on highways safety. Projection over the highway license will be required separately. The illuminance levels of the signage was in accordance with MCC Guidance.

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: Approved and Refused

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the application. Unfortunately in this case an agreed position could not be reached with regards to the hanging sign suspended below the balcony.

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 following drawings and documents:

Sign 2 drawing received by the City Council as Local Planning Authority on the 09.11.2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The advertisement consent hereby granted only permits the display of the 1no. high level fascia sign and excludes the display of all other signage as shown on the submitted plans, namely the sign identified as balcony sign 1.

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 DC15.1 and E3.3 of the Unitary Development Plan for the City of Manchester.

4) The hanging sign suspended below the balcony as shown on the submitted plans, is excluded from the consent as it would by virtue of its size, location, design and appearance have a detrimental impact on the character of the area and constitute an unduly obtrusive, incongruous and over dominant feature within the street scene, which would contribute to advertisement clutter and have a detrimental impact on visual amenity.

Reason - The resulting visual clutter would have a detrimental impact on the visual amenity of the area and the proposed development contrary to policy DM1 of the Core Strategy Development Plan Document for the City of Manchester and saved UDP policies DC14.1 and DC14.5.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Didsbury Civic Society

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