

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126909/AO/2020

Date registered valid: 14 May 2020

Proposal: Installation of of 4 No. digital freestanding signs and and 1 No. 15" digital booth screen

Address: McDonalds Restaurant , 1169 Oldham Road, Manchester, M40 2FU

Ward(s): Miles Platting & Newton Heath Ward

Applicant: McDonalds Restaurants Ltd 11-59 High Road, East Finchley, London, N2 8AW

Agent (if any): Mrs Sarah Carpenter Planware Limited 1st Floor The Granary, 37 Walnut Tree Lane, Sudbury, Suffolk, CO10 1BD

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: j.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 July 2020

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 15 May 2020 Expired: 5 June 2020

Neighbour notifications

Printed: 15 May 2020 Expired: 5 June 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: No

Tree Preservation Order: No

This Application relates to an existing McDonald's restaurant and drive through, located at 1169 Oldham Road, Newton Heath. The premises are located within an area of mixed character, both housing and business premises, off a main arterial route. Housing surrounds the site, including to the rear of the premises on Irvin Street and Eagar Street. There exists mature foliage between the rear boundary of the houses along Irvin Street and the McDonald's site.

Description of development

The scheme would involve the proposed installation of 4 no. digital freestanding signs and 1 no. 15" digital booth screen. The proposed illuminated digital signs are in the form of one single menu board 1.3m in height x 0.85m in width and 0.11m in depth, with 3 double menu board 2 in height x 1.5 m in width.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted and no representations were received.

The Highways Team were consulted and raised no objection to the proposal.

The Head of Environmental Health were consulted and requested a verification certificate be provided to assess illuminations levels. However, have retracted this request given the applicant has confirmed that the illumination level would not exceed the maximum of 600cd.

Issues

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. 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.

In this case, it is considered that the proposal would be not be harmful to the visual amenities of the area and the character of the built environment. Furthermore, the proposed advertisement signage would not unduly impact upon the immediate streetscene.

Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

- o Policy DM 1 (Development Management)
- o Policy SP1 (Spatial Principles)
- o Policy EN1 (Design Principles and Strategic Character Areas)

It is considered that the proposed signage would relate appropriately related to the context of the site and its surrounding area. Furthermore the proposed signage would be 'read' within the context and function of the site without unduly affecting residential amenity. The proposals would thereby be appropriately related to Core Strategy policies SP1, EN1 and DM1. The design of the proposed signage attains a satisfactory quality and therefore accords with Core Strategy policy EN1.

4. Saved Unitary Development Plan Policies - The UDP has been superseded by the Core Strategy Development Plan, of relevance are the following saved policies.

- o Saved Policy DC14 - Advertisement Regulations

- o Saved Policy DC15 - Advertisements, Hoardings
- o Policy E3.3 (The City's major radial and orbital roads and rail routes).

As the proposed signage relates appropriately to its context in relation to the street and adjacent radial route thereby meeting the requirements of saved UDP policies E3.3, DC14 and DC15.

Principle - The use is well established and is located along the busy Oldham Road. The proposed signage is commensurate with the commercial nature of the use and uses adjacent to the application site.

The proposal involves the display of replacement advertisement signage, which would be in similar locations to the west of the building, with the exception of the proposed booth screen.

This proposal includes 4 single and two double illuminated menu displays, an anytime sign, a hero board would be removed, and one single illuminated menu board and 3 double menu boards would be erected together with a 15" digital booth screen.

Given the minor changes to the arrangement of signage, it is not considered that the revised proposals would adversely affect the setting of the existing building or the wider streetscene to Oldham Road. The signage would therefore be read within the context of the function of the building and would not affect the relationship of the application site to the streetscene or nearby housing (on the opposite Oldham Road. The proposed signage is also commensurate with the commercial nature of uses immediately adjacent to the site.

Notwithstanding this, as required by the Town and Country Planning (Control of Advertisements) Regulations 2007, matters relevant to the consideration of this application must be given to the residential amenities of occupants of nearby residential uses and visual amenity.

Amenity

The proposed signage is contained within the private boundary of the site, and are largely replacements (with some relocation) of existing signage. The signs are largely typical of what would be expected to be seen on a development of this nature and it is considered that the changes would not significantly change the visual impact of this development. There are residential uses nearby on the opposite side of Oldham Road, but it is not considered that the proposed signage would have any greater impact on the amenity currently experienced by the surrounding residents. However, a condition will be added to ensure there will be no illumination outside of the restaurant opening hours, pursuant with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, The National Planning Policy Framework; Core Strategy policies DM 1, Policy SP1, EN1, E3.3; and saved Unitary Development Plan policies DC14 and DC15.

Concerns were previously expressed in relation to the level of luminescence of the proposed reconnect screen (original level on submitted application of 1600cd/m²). The agent has subsequently confirmed that the level on this screen would be restricted to 600cd/m². It is proposed to condition any approval to ensure that all the proposed signage is restricted to a maximum of 600cd/m².

Proliferation of signs

As stated the new and retained signage would be located within the functional areas of the site, where such signage reflects the character and operation of the site.

There would be an overall decrease in the number of advertisement signs within the site. In this context it is considered that the display of the proposed signage is acceptable and meets the requirements of Core Strategy policies SP1 and DM1 and saved UDP policies E3.3; DC14.5; DC15.1 and DC15.2.

Height and Siting

The proposed / new signage would be contained within the parameters of the existing external signage, which has been displayed without any apparent impact of the character or visual amenities of the area, including the wider streetscene. The siting of the new / relocated signage would not, thereby detract significantly from the existing contextual relationships with the surrounding area. On this basis the proposed signage meets the requirements of Core Strategy policies SP1 and DM1 and saved UDP policies E3.3; DC14.5; DC15.1 and DC15.2.

Highways Issues

The positioning of the proposed and relocated signage would not affect pedestrian or vehicular visibility. It is not considered that the proposed development would affect the function of the external operation of the site. It is therefore considered that the proposed signage would be consistent with Core Strategy policies DM1 and SP1 and saved UDP policies E3.3, DC14.5, DC15.1 and DC15.2.

Design

The design of the proposed signage relates to previously established parameters and is reflective of corporate style and branding. It is considered to be appropriate within the context of the application site.

Public Safety

The proposed advertisements are not considered to give rise to any public safety concerns. The proposed signs are sufficiently far away from any key pedestrian routes and the levels of illumination are not considered to cause a distraction to road, rail or pedestrians. The maximum proposed luminance is stated as 600cd/m² which is an acceptable level by highways and as the imaging is static only, it creates no issues in terms of driver distraction for passing highway users, pursuant with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, The National Planning Policy Framework; Core Strategy policies DM 1.

Conclusion

On balance it is considered that the proposals are suitably related to the streetscene and context, in terms of the advertisements height, siting and design and are therefore considered to be commensurate with Core Strategy policies DM1, EN1 and SP1 and saved UDP policies E3.3; DC14.5; DC15.1 and DC15.2 and NPPF Chapter 12.

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

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan saved policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance, clarification has been sought regarding the proposed illumination levels and there were no other issues to raise with the agent and the appropriate conditions have been attached.

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:

P19-D62-0434-02A,

P19-062-0434-301B,

P19-062-0434-0434-03A,

Location Plan, stamped as received on the 14 May 2020.

The amended Specification for sign 3, stamped as received on the 6 May 2020.

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 maximum luminance level of the advertisements hereby approved shall not exceed 600cd/m².

Reason - In the interests of pedestrian/highway safety and residential amenity enjoyed within the vicinity of the site, pursuant to policy DM1 of the Manchester Core Strategy.

4) The advertisements hereby approved shall not be illuminated outside of the opening hours of the restaurant

Reason - In the interests of pedestrian/highway safety and residential amenity enjoyed within the vicinity of the site, pursuant to policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

1370 Oldham Road, Manchester, M40 1EZ
11 Eagar Street, Manchester, M40 1EP
7 Eagar Street, Manchester, M40 1EP
1410 Oldham Road, Manchester, M40 1EZ
1406 Oldham Road, Manchester, M40 1EZ
1400 Oldham Road, Manchester, M40 1EZ
9 Eagar Street, Manchester, M40 1EP
1414 Oldham Road, Manchester, M40 1EZ
5 Irvin Street, Manchester, M40 1EN
9 Irvin Street, Manchester, M40 1EN
11 Irvin Street, Manchester, M40 1EN
7 Irvin Street, Manchester, M40 1EN
3 Irvin Street, Manchester, M40 1EN
1 Irvin Street, Manchester, M40 1EN
12 Eagar Street, Manchester, M40 1EP
14 Lilmore Avenue, Manchester, M40 1EY
16 Lilmore Avenue, Manchester, M40 1EY
18 Lilmore Avenue, Manchester, M40 1EY
3 Eagar Street, Manchester, M40 1EP
Top Flat, 1416 Oldham Road, Manchester, M40 1EZ
First Floor Flat, 1402 Oldham Road, Manchester, M40 1EZ
Ground Floor Flat, 1402 Oldham Road, Manchester, M40 1EZ
1398 Oldham Road, Manchester, M40 1EZ
Flat 2, 1412 Oldham Road, Manchester, M40 1EZ
Flat 1, 1412 Oldham Road, Manchester, M40 1EZ
5 Eagar Street, Manchester, M40 1EP
1416 Oldham Road, Manchester, M40 1EZ
1408 Oldham Road, Manchester, M40 1EZ
1404 Oldham Road, Manchester, M40 1EZ
1396 Oldham Road, Manchester, M40 1EZ

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1