peacock andsmith
chartered town planners & development consultants

GG/3245A/01 (20 April 12)Jarvis

I Jarvis Esq
Development Control North
Planning Department
P O Box 532
Number One First Street
Manchester
M60 2LA

Peacock & Smith Limited
Suite 9C
Joseph's Well
Hanover Walk
Leeds
LS3 1AB
T: 0113 243 1919
F: 0113 242 2198
E: planning@peacockandsmith.co.uk
www.peacockandsmith.co.uk

AO

PLANNING AND BUILDING CONTROL
25 APR 2012

20 April 2012

Dear Ian

VARIATION OF CONDITION 3 OF ADVERTISEMENT CONSENT 092630/AO/2012/N2

I am instructed by our client, Wm Morrison Supermarkets PLC (Morrisons) to vary the above-mentioned planning condition. This application has been requested by the Council following discussions and meetings between our client, the Council's enforcement section and yourself. Whilst Section 73 of the 1990 Act allows conditions to be varied and or removed, this applies to planning consents only and not advertisement consents. Accordingly, I re-submit application ref:092630/AO/2010/N2 with a justification as to why condition 3 should be varied.

As you are no doubt aware, condition 3 of the above-mentioned consent states:

> **"The signage hereby approved by this consent shall only be illuminated during the opening hours of the petrol station use and must be turned off outside the following hours, unless otherwise agreed in writing by the City Council as the Local Planning Authority:**
>
> | | |
> |---|---|
> | **Monday to Friday** | **06.00 hrs to 23.00 hrs** |
> | **Saturday** | **08.00 hrs to 23.00 hrs** |
> | **Sunday** | **10.00 hrs to 20.00 hrs** |
>
> **Reason – To Safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies DC14 and H2.2 of the adopted UDP for the City of Manchester."**

The application approved a number of internally illuminated external freestanding and fascia signs to the petrol station, which are shown on drawing no MORR/032/2009planning. Whilst the majority of signs are turned off and not illuminated during the hours outlined in condition 3 above, sign no 1 (the totem signs) are unable to be turned off during the hours outlined above. The reason for this is that the totem signs are linked to a national computer network in order to enable the price of fuel to be changed centrally and thereby ensure that prices are consistent throughout the country. Should the signs be turned off locally, this requires significant reprogramming, which requires specialist engineers attention.

Notwithstanding the above, having regard to the provisions of Policy H2.2, the policy states that the Council will have regard to the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution. These issues will be considered to ensure that development will not have an adverse impact on residential amenity.

Managing Director: Peter R.B. Wood Dip TP, MRTPI
Directors: Chris Creighton BA (Hons), MTP, MRTPI
Mark Eagland BA (Hons), MTP, MRTPI
Senior Associates: Cassie Fountain BA (Hons), Dip TP, MRTPI
Ed Kemsley BA (Hons), Dip TP, MRTPI
Steve Buckley BA (Hons), BPI, MRTPI
Anthony Ferguson MA (Hons), MRTPI
Associate: Sarah Worthington MPhil (EnvPl), MAUED, MRTPI
Consultant: Robert Smith Dip TP, MRTPI

London Office Address:
Second Floor 1 Naoroji Street London WC1X 0GB T:0203 122 0030

Registration No. 0130 6847 Registered Address: Westwood House 78 Loughborough Road Quorn Leicestershire LE12 8DX

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The issue of light pollution is not explicitly mentioned within Policy H2.2 as being a consideration in the determination of whether or not a proposal will have an adverse impact on residential amenity.

The reason behind the condition is to safeguard the amenities of occupiers of nearby premises. However, it should be noted that the nearest totem sign is in excess of 60 metres away from the nearest residential property on Brock Close, which backs on to Ashton Old Road. Having regard to the character and appearance of the area, it should also be noted that the site is located within the defined district centre of Openshaw within a predominantly commercial area.

Given the separation distance of 60 metres and also the location within a predominately commercial area it is considered that the proposed illumination of the totem signs 24 hours a day is not inappropriate and will not cause significant amenity issues. Furthermore, by reason of the dwellings' location in close proximity to the district centre, it is considered that some amenity issues should be expected, which is commensurate by reason of their proximity to the district centre.

Accordingly, with the above in mind, it is requested that the condition is amended as follows:

> **" With the exception of the two totem signs (sign no 1 on drawing no MORR/032/2009planning) the signage hereby approved by this consent shall only be illuminated during the opening hours of the petrol station use and must be turned off outside the following hours, unless otherwise agreed in writing by the City Council as the Local Planning Authority:**
>
> | | |
> |---|---|
> | **Monday to Friday** | **06.00 hrs to 23.00 hrs** |
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>
> **Reason – To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Policies DC14 and H2.2 of the adopted UDP for the City of Manchester."**

In addition, to the statement outline above, I enclose the following for your consideration:

- Completed application form
- Cheque made payable to Manchester City Council for the sum of £95, this being the appropriate fee.
- Relevant drawings.

I trust you are able to validate the application and deal with it in a positive manner. Should you wish to discuss the matter further please do not hesitate to contact me on the number above.

Yours sincerely

GARETH GLENNON

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