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Date: 28/10/2024

Planning
Manchester City Council
PO Box 532
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Dear Sir/Madam

**PROPOSED INSTALLATION OF FASCIA AND PROJECTING SIGNS AT 78 DEANS_GATE,
MANCHESTER, M3 2FW**

We enclose an application on behalf of our client, Simmons Bars, for advertisement consent for the above proposed signage, along with the requisite application fee for £165.00.

Site and surroundings

No. 78 forms part of a group of food and drink led commercial leisure units, within Deansgate, Manchester. The application site formerly traded as 'The Botanist' and is neighboured by 'Be At One', 'Roxy' and 'The Moon Under Water'.

The applicant's use of the application premises requires the necessary rebranding of these with replacement signage. The previous 'The Botanist' signage was approved by the LPA in 2014 (LPA reference: 105412/AO/2014/C1 granted on 05/06/2014). The applicant has replaced these with two fascia signs and one projecting sign, as detailed within the accompanying application drawings and details.

The application site is located in a mixed-use, commercial urban area, which include many other entertainment, hospitality and leisure uses. A full range of signage is displayed by these other entertainment, hospitality and leisure uses and the visual vibrancy that these signage displays create has become an established part of the character and appearance of this part of Deansgate and the wider designated conservation area.

The application premises are not listed but the site is located within the designated Parsonage Gardens Conservation Area.

Proposals

We are seeking advertisement consent for two fascia signs and one projecting sign, all with internal illumination. The proposed signage is detailed within the accompanying application drawings.

Assessment

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereafter 'the regulations') require the Local Planning Authority to only consider two issues with regard to advertisements; namely the interests of amenity and public safety. This is also replicated within para 141

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of the NPPF (December 2023) which states that “Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

In considering the impact on amenity, the effect of the adverts on the appearance of the immediate neighbourhood, where residents or passers-by will be aware of the advertisements, must be taken into account. Given their positioning on Deansgate, the signs are clearly visible to pedestrians and other users of this route. However, the proposed signage has been designed to sit within the existing fascia level on these premises on the Deansgate façade and is in keeping with the existing signage and the established commercial character of the wider local area in general. The signage is considered to be visibly compatible with the appearance and use of these premises and its wider street scene context. The applicant's use requires the necessary rebranding of the premises with their full replacement signage scheme.

The proposal is considered to be supported by the requirements of the December 2023 National Planning Policy Framework. The December 2023 Framework reiterates the presumption in favour of sustainable development (paragraph 11) which requires development proposals that accord with an up-to-date development plan to be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless in conflict with the December 2023 Framework. The December 2023 Framework also requires LPAs to approach decisions on proposed development in a positive and creative way and to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible (all paragraph 38).

The December 2023 Framework requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 85).

The December 2023 Framework requires planning policies and decisions to promote social interaction and opportunities for meetings between people who might not otherwise come into contact with each other (paragraph 96). The December 2023 Framework adds that in order to provide the social and recreational facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces and meeting places, such as public houses (paragraph 97).

Specifically, with regard to advertisements, the December 2023 Framework states that the control of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts (all paragraph 141).

The December 2023 Framework requires that heritage assets are conserved in a manner appropriate to their significance (paragraph 195). Heritage assets should be put to viable uses consistent with their conservation and development should make a positive contribution to local character and distinctiveness (paragraph 196). Development proposals should avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 201). In determining applications, LPAs should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 203). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 205). Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraph 206). Where a development would lead to

less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraph 208).

It is also considered that the proposal does not conflict with any relevant adopted local planning policy for this site.

The proposed signage will be essentially ephemeral in nature and will not result in any significant or material impacts upon the character and appearance of the host building and it is considered to be appropriate in nature and scale.

Illumination of the proposed signage is considered to be both reasonable and justified for the premises, given the trading hours and the nature of the applicant's business, which will include evening and night-time trade.

The relevant considerations for determining proposals for advertisement consent comprise visual amenity and public safety only. Visual amenity is not only related to the aesthetics of the specific signage but must relate to visual considerations of the surrounding area, including any detriment caused by loss of investment to commercial buildings and their external appearance. The December 2023 Framework is clear that the control of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

The signage is an essential part of the applicant's strategy to attract custom to ensure the economic viability of these commercial premises. The signage is necessary in order to help attract custom for the new venture and facilitate the continuing economic health of the beneficial use of these premises for its appropriate town centre use. The proposed signage will help to facilitate the appropriate new use of these premises for a use which will continue to add to and enhance the vitality and pedestrian footfall within the local street scene. It is commercial necessity that this signage is allowed to be displayed.

The use of the application premises is also an important commercial facility, providing a highly accessible, commercial hospitality and leisure venue.

The proposed lighting will be discrete, and the size of the lettering is in proportion to the detailing elsewhere on the building, as well as being comparable to that utilised on other signage within the local street scene, ensuring that there would be no harm in this regard. The materials and colours are also considered to be compatible with the character of the host building and the wider street. With this in mind, the signage is not considered to look out of place and will not result in any harm to the character of the area.

In considering public safety, the impact of the signage on the safe use and operation of any form of traffic or transport, including the safety of pedestrians, must be taken into account. The behaviour of drivers of vehicles who would see the advertisements must be considered and regard made to the possible confusion with traffic or other signals. The Institution of Lighting Engineers Technical Report Number 5: Brightness of Illuminated Advertisements (2001) provides guidance for maximum luminance and suggests that in city centre locations, with high levels of nighttime activity, illuminated areas up to 10m² should have a maximum luminance level of 600 cd/m². Although the signage has illuminance levels of 680 cd/m² the proposed signage is set within the existing fascia level and would closely match the levels of illumination utilised for neighbouring signage schemes. Consequently, the overall brightness of the signage would not distract road users in reality.

The advertisements would not cause harm to the safety of pedestrians. There are also no highway signs which the proposals may interfere with, and the proposals are not considered to have an adverse impact on the safety and operation of the adjoining public thoroughfare.

For all of the reasons rehearsed above, the application proposals are not considered to result in any genuine, material implications to the visual amenity of the local area, the appearance of the host building or the character and appearance of the local street scene.

It is also considered that the proposed signage scheme has parallels with the overall signage display now granted on the ground floor premises of 201 Deansgate, Manchester, further along this same street. The LPA are reminded that the final element of this signage at the 201 Deansgate premises was approved on appeal on 30/04/2024 (PINS reference: APP/B4215/Z/24/3337742 – see Appendix 1 to this letter). It is hoped that the LPA will exercise its development control powers in a reasonable and proportionate manner, when considering this current application, and that an appeal in this case will not be necessary.

In conclusion, it is considered that the proposed signage would not result in harm to visual amenity or public safety and would not cause harm to the character and appearance of the host building, the local street scene, nor the wider designated conservation area. These proposals will help ensure the continued economic use of this site and its continued function as an appropriate commercial hospitality and leisure use, which adds to the vitality and viability of the local area in general without compromising the visual amenities of the wider area. It is therefore considered that this proposals are actively supported by the December 2023 National Planning Policy Framework and does not conflict with the general aims and aspirations of adopted local planning policy context.

In the above circumstances, it is hoped that officers can support this proposal.

If you need any clarification of the proposals or require any further information, please do not hesitate to contact us.

Yours faithfully,

Bidwells LLP

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