

550 Mauldeth Road West, Chorlton, M21 7AA

Appeal Statement for
Lidl Great Britain Limited

September 2024
Our Ref: 22-00685



Contents

1 INTRODUCTION 3

2 BACKGROUND.....4

3 SITE AND SURROUNDINGS.....5

4 PLANNING HISTORY 6

5 PLANNING POLICY 7

6 PLANNING CONSIDERATIONS.....9

7 CONCLUSION 11

Appendices

Appendix 1	Site Location Plan
Appendix 2	139062/AO/2024 Decision Notice & Officer Report
Appendix 3	Proposed Site Signage (08474-SPACE-ZZ-00-DR-A-99002-S3-P03) & CGI



Quality Assurance

This report has been prepared within the quality system operated at Rapleys LLP according to British Standard ISO 9001:2015.

We confirm that the undersigned is an appropriately qualified and experienced Chartered Planner experienced in the commercial property sector.

Created by: Jake Challinor-Smith BSc (Hons) MSc
J.challinorsmith@rapleys.com

Signature: *Jake Challinor-Smith*
Jake Challinor-Smith (Sep 4, 2024 11:14 GMT+1)

Checked by: Jonathan Harper MA (Hons) MTCP MRTPI AssocRICS
Jonathan.harper@rapleys.com

Signature: *J. R. Harper*
J. R. Harper (Sep 4, 2024 15:08 GMT+1)

1 INTRODUCTION

- 1.1 This appeal statement has been prepared by Rapleys LLP on behalf of Lidl Great Britain Limited (Lidl) following Manchester City Council's refusal of advertisement consent at 550 Mauldeth Road West, Chorlton, Manchester, M21 7AA. A Site Location Plan is attached at **Appendix 1**.
- 1.2 This appeal relates to an application for advertisement consent which was validated by Manchester City Council on 22nd January 2024 with the reference 139062/AO/2024. A split decision was issued under delegated powers refusing advertisement consent for the flagpole sign on 14th March 2024. The Decision Notice is attached at **Appendix 2**, and the relevant plans and CGI at **Appendix 3**.
- 1.3 This Statement will set out the reasons the appellant believes Manchester City Council's refusal is unjustified in terms of local and national policy. This Statement will provide a summary of the case background, the reason for refusal, and a demonstration why the reason for refusal is unjustified and the appeal should be allowed. Against this background, the Statement has been set out as follows:
1. Introduction;
 2. Background;
 3. Site and Surroundings;
 4. Planning History;
 5. Planning Policy;
 6. Planning Considerations; and
 7. Conclusion.

2 BACKGROUND

2.1 This appeal relates to an application for advertisement consent which proposed;

Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards.

2.2 The appeal site was granted planning permission on 2nd June 2023 (Ref. 135647/FO/2022) for the erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping. A subsequent variation of condition application (Ref. 138626/JO/2023) was approved on 11th March 2024.

2.3 An application seeking consent to display advertisements (Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards) (Ref. 139062/AO/2024) was submitted in January 2024, with a decision issued on 14th March 2024.

2.4 Manchester City Council issued a split decision with the 1no. internally illuminated flagpole sign refused, and all the other elements of the application approved.

2.5 Lidl, the Appellant, are known as a discounter and the company's market position is directly linked to its ability to cut costs throughout the business. Standardisation of its advertisement signage is therefore integral to Lidl's market position. The standard opening hours for Lidl store are more limited than the main convenience retailers, and Lidl only use external lighting during store opening hours.

2.6 The sign represents an operational requirement of Lidl and is in keeping with the site's consented retail use. With the exception of the coloured Lidl logo, which for operational purposes is required to be large and clear, the remainder of the signs are grey, and the sign is designed to a high quality specification, the design of the lettering is clear and informative, and consistent with Lidl's corporate branding.

2.7 The flagpole signage of application ref. 139062/AO/2024, to which this appeal relates was refused by Manchester City Council. The reason for the refusal on the Decision Notice is outlined below:

"The proposed totem/flagpole sign is considered to be unacceptable due to its position, form and design, as it would be unduly obtrusive to the detriment of visual amenity of the street scene and have a detrimental impact on the setting of the Grade II listed Hough End Hall.*

For these reasons the totem/flagpole sign is contrary to policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Core Strategy of the City of Manchester; saved policy DC 19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester; to Central Government advice contained within Section 12 (Achieving well designed and beautiful places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework."

3 SITE AND SURROUNDINGS

- 3.1 The site is approximately 0.7ha and is located to the north of Mauldeth Road West and east of Nell Lane. The site is bound by Mauldeth Road West to the south east, Nell Lane to the south west, Chorlton High School to the north and Mauldeth House office building and associated car park, Hough End Hall to the west. The site is the former location of the Lowry House office building. The existing vehicular access is taken from Nell Lane.
- 3.2 The surrounding area contains a mix of uses. Beyond Mauldeth Road West to the east of the site, the area is predominantly residential in character. Chorlton Park is located to the south of the site beyond Nell Lane. The immediate surroundings of the site include Mauldeth House office building, the Grade II* Listed Hough End Hall, and Chorlton High School.

4 PLANNING HISTORY

4.1 The following planning applications are considered relevant to the appeal:

Application Reference	Description	Decision	Date
120366/P4C/2018	Use as a state-funded school for the purposes of Class C.2 (a) Part 4 of Schedule 2 of the Order commencing 10 September 2018 until the permanent proposed premises at the Hough End Centre is ready for occupation.	Approved	18 th March 2018
126023/FO/2020	Change of use from offices (Use Class B1) to a school (Use Class D1) for a temporary period (until 30 th September 2021) and external alterations to provide a new staircase to Lowry House (to enable the continued use as a temporary school).	Approved	27 th March 2020
134169/DEM/2022	Prior Notification for the demolition of Lowry House	No Objection	22 nd July 2022
135647/FO/2022	Erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping.	Approved	2 nd June 2023
136228/AO/2023	Erection of proposed Logo Sign, Flagpole Sign, Poster Display Unit, 2no. Directional Sign, 3no. Billboard Signs	Withdrawn	29 th January 2024
139062/AO/2024	Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards	Approved and Refused	14 th March 2024

4.2 The planning history above demonstrates the sites history of commercial use, with the exception of a temporary period of use in Class D1 (now Use Class F1), following which the site reverting back to its previous use of Use Class B1 which is now Use Class E (Commercial, Business, and Service).

4.3 The flagpole signage of application ref. 139062/AO/2024, to which this appeal relates was refused by Manchester City Council. The reason for the refusal on the Decision Notice is outlined below:

"The proposed totem/flagpole sign is considered to be unacceptable due to its position, form and design, as it would be unduly obtrusive to the detriment of visual amenity of the street scene and have a detrimental impact on the setting of the Grade II listed Hough End Hall.*

For these reasons the totem/flagpole sign is contrary to policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Core Strategy of the City of Manchester; saved policy DC 19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester; to Central Government advice contained within Section 12 (Achieving well designed and beautiful places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework."

5 PLANNING POLICY

5.1 This section provides a summary for the relevant policy.

NATIONAL POLICY

National Planning Policy Framework

5.2 Relevant national policy is contained within the National Planning Policy Framework (NPPF) published in December 2023. The NPPF sets out the Government's planning policies for England and how they will be applied.

5.3 Paragraph 11 of the NPPF requires Local Planning Authorities to apply a presumption in favour of sustainable development during decision-making. This means that authorities should approve development proposals that comply with relevant policies without delay.

5.4 In achieving well-designed places, paragraph 141 of the NPPF explains that poorly sited and designed advertisements can affect the quality and character of places. Advertisements should therefore be "operated in a way which is simple, efficient and effective". In line with the provisions of the Advertisement Regulations, it confirms that advertisements should be subject to control only in the interests of 'amenity' and 'public safety', considering cumulative impacts.

National Planning Practice Guidance

5.5 At paragraph 079 (Reference ID: 18b-079-20140306), the PPG confirms that the concept of "Amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. However, the guidance states that "factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest".

5.6 The PPG further states that, "in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality... has important scenic, historic, architectural or cultural features".

5.7 As referenced at Paragraph 026 (Ref ID: 18b-026-20140306) of the PPG, Regulation 3 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material, and any other relevant factors.

LOCAL POLICY

5.8 The adopted Development Plan for Manchester City Council comprises the Core Strategy which was adopted in July 2012, the saved policies of the Unitary Development Plan (1995), and the Places for Everyone Joint Development Plan (2024). The relevant policies are outline below.

Core Strategy

5.9 Policy DM1 (Development Management) states that all proposals for new development should have regard to the criteria listed in the policy. This includes:

- Appropriate siting, layout, scale, form, massing, materials, and detail; and
- Impact on the surrounding area in terms of design, scale and appearance as well as character.

5.10 Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles.

5.11 Policy EN1 (Design Principles and Strategic Character Area) requires all new development in Manchester to follow the seven principles of urban design identified in the NPPF and have regard to the strategic character area in which the development is located.

Unitary Development Plan

- 5.12 DC14.1 (Shops and Related Signs) states that in determining applications relating to signage the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, where appropriate, and of the area within which the premises are located.
- 5.13 DC14.5 (Shops and Related Signs) The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety.
- 5.14 Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land.

Places for Everyone Joint Development Plan

- 5.15 Places for Everyone is a long-term plan of nine Greater Manchester districts (Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan) for jobs, new homes, and sustainable growth. It has been published by the Greater Manchester Combined Authority (GMCA) on behalf of the nine districts.
- 5.16 The plan was adopted on 21st March 2024.
- 5.17 Policy JP-S1: Sustainable Development - development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives.
- 5.18 Policy JP-J1: Supporting Long-Term Economic Growth - A thriving, inclusive and productive economy will be sought in all our boroughs.
- 5.19 Policy JP-P1 Sustainable Places – Development should be distinctive, visually stimulating, socially inclusive, resilient, adaptable, durable, resource-efficient, safe, functional and convenient. Development should also be well connected to other places.
- 5.20 Policy JP-P2: Heritage - Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

6 PLANNING CONSIDERATIONS

- 6.1 Manchester City Council states that the proposed flagpole sign would cause unnecessary clutter to the detriment of the visual amenity of the area and would adversely impact on the views towards Hough End Hall which would be to the disbenefit of its appreciation and visibility and cause a degree of harm to its significance. The Council further state that the flagpole sign is not required to secure the use of the premises and its commercial viability, especially as other signage, is otherwise proposed. Thus, the harm is not considered to be supported by clear and convincing justification, as required for any instances of harm, or otherwise outweighed by the public benefit that its installation per se would deliver.
- 6.2 Having regard to the planning policy position, particularly Policy DM1 (Development Management), and saved UDP policies DC14.1 (Shops and Related Signs), and DC19.1 (Listed Buildings), the proposed sign is necessary in order to provide information to customers about the identification of the retailer and to inform customers about opening hours, and specifically what the store provides, such as a bakery and customer toilets.
- 6.3 With the exception of the Lidl logo which is required to be large and clear, the remainder of the sign is neutral in colour, and due to the nature of being a flagpole sign at the lower level it does not obstruct views of the store and the neighbouring buildings including Hough End Hall. Furthermore, the proposed sign is designed to a high-quality specification. The design of the lettering is clear and informative, and consistent with Lidl brands. The internal illumination of the proposed sign uses high-quality LED technology that prevents light spillage, which in turn reduces its impact on the amenity. In this regard, the design and size of the proposed sign is considered to be consistent with the existing commercial character of the site.
- 6.4 In accordance with Lidl's sustainability objectives, the sign will only be illuminated after dusk and during store opening hours, further mitigating any potential impact on the visual amenity of the site. All external lighting relating to the store (including the proposed flagpole sign) will be operated by an automatic in-store electrical black box (management system) that will switch the lights on at dusk and switch them off after the store closes. In addition, given that flagpole signs are only illuminated after dusk and during store opening hours, due to longer daylight hours throughout the summer months, the illumination of the signage may not be required during that time of the year.
- 6.5 The flagpole is proposed to be located in the furthest possible location from Hough End Hall in the south west corner of the site at the junction of Mauldeth Road West and Nell Lane. This will limit the flagpole's impact on the setting of Hough End Hall. Due to the orientation of the flagpole, it will only be prominent within very specific views of the Listed Building from Mauldeth Road West (looking north from the junction of Mauldeth Road West and Nell Lane). The impact on the flagpole on views of Hough End Hall will further be limited when considering the height of the sign from ground level. There is no signage up to a height of 2.4m, and the Lidl logo will be 3.7m above ground level. This means that for the significant majority of people close enough to have a view of Hough End Hall, the signage will be above head or viewing height, and therefore not impact the views or setting of the Listed Building.
- 6.6 It is clear from the definition of amenity set out in the NPPG that context is particularly important in any assessment of the impact of a development proposal, including the general characteristics of the locality and any features of historic, architectural, cultural or similar interest. Notwithstanding Lidl's operational requirements, the flagpole sign is considered to be appropriate in the context of the site's location within an area of mixed uses.
- 6.7 By not allowing the store to have adequate provision of advertisement consent, it could potentially cause highways safety issues in regard to customers locating the store, hence the need for the flagpole sign at the junction of Mauldeth Road West and Nell Lane to mark its exact location.
- 6.8 The proposed location of the signage has been carefully considered to attract custom to the store while ensuring that there will be no adverse impact on either amenity or highway safety, in accordance with the NPPF. In addition, this is reinforced by the Highways Authority not raising an objection in regard to the proposal.
- 6.9 The flagpole signage will be comfortably located within the curtilage of the site located close to the highway. Having regard to local policy, the location of the signage has been carefully considered to

attract custom to the store whilst ensuring no adverse impact on highway safety or the amenity of the surrounding area.

- 6.10 The flagpole signage has been designed to ensure that it would provide visibility to the consented Lidl store while being of appropriate dimensions in the context of the surrounding area, and of the site which has been in commercial use.
- 6.11 Paragraph 141 of the NPPF states:
- "The quality and character of places can suffer when advertisements are poorly sited and designed. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."*
- 6.12 In terms of cumulative impact of signage within the locality the flagpole sign for the Lidl store should be deemed appropriate in this location. Furthermore, there are adequate distances, and a variety of positioning between advertisement signs as to not result in an adverse cumulative impact on amenity and consequently contrary to paragraph 132 of the NPPF.
- 6.13 In regard to the Council's comments in refusing the flagpole sign, it is considered the proposal would only be prominent and commercial enough to meet the operational requirements of Lidl, which is utilised throughout all Lidl store developments nationwide.
- 6.14 Furthermore, it is considered this proposal would not cause unnecessary clutter to the detriment of the visual amenity of the area and would not adversely impact on the views towards Hough End Hall. The flagpole sign would not be out of keeping with the immediate setting and the overall character and appearance of the area. The flagpole sign is also proposed to be located in the same location as the previous totem sign located at the site.
- 6.15 In terms of the two planning tests set out in the NPPF (2023), the proposed flagpole sign is considered to respect the visual amenity of the area and will not adversely impact upon the surrounding area or the views of Hough End Hall.
- 6.16 For the reasons set out above, it is therefore, considered that the proposed flagpole sign should be deemed wholly acceptable in planning terms.

7 CONCLUSION

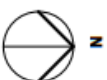
- 7.1 It is concluded that the wall sign that is the subject of this appeal, is in full accordance with the NPPF and Manchester City Council's adopted Development Plan. It is therefore acceptable in planning terms and constitutes appropriate development and should be supported for the following reasons:
- The proposed flagpole sign represents an operational requirement of Lidl to complement the approved foodstore;
 - The proposed sign will be comfortably located within the curtilage of the site with the Highways Authority raising no objection to the proposal;
 - The size and location of the sign will balance the needs of visibility for the foodstore with the need to protect the amenity of surrounding land uses;
 - The proposed wall sign will be constructed of high quality materials and use high quality internal illumination that prevents spillage;
 - The sign is of a style, and height and of a sufficient distance from Hough End Hall to not adversely impact the views of the building.
- 7.2 In light of the above, the proposed flagpole sign has been demonstrated to be consistent with all relevant planning policies and guidance at both the national and local level, and should be considered acceptable.
- 7.3 In these terms, it is respectfully requested that the appeal is allowed and advertisement consent granted.

Site Location Plan





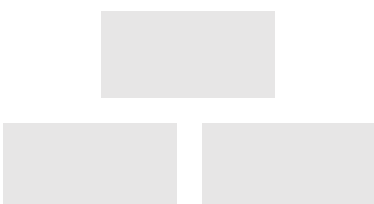
Share Specification N/A	Drawings/Programs PLANNING This drawing has been prepared for the safe payment of the contract and is not to be used for any other purpose.
---------------------------------------	---



SPACE

Keywords: *Resilient-Peak Brand, Microsatellite system, Typing, STR, Y-STR*
T: +86 10 644 8526-6040
www.qiannorth.com

139062/AO/2024 Decision Notice & Officer Report



Important – Advertisement consent

Compliance with conditions

- Your advertisement consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions.
- If you fail to comply with the conditions this may result in a breach of the advertisement regulations and this may lead to formal action.
- Failure to comply with conditions may also result in the advertisement not being lawful.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Advertisement Consent

Applicant

Lidl Great Britain Limited C/o Agent

Agent (if used)

Mr Jake Challinor-Smith
Rapleys LLP
York House
York Street
Manchester
M2 3BB

Part 1 – Particulars of the application

Proposal: Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards

Location: 550 Mauldeth Road West, Manchester, M21 7AA

Date of application: 22 January 2024

Application number: 139062/AO/2024

Part 2 – Particulars of decision (a)

Manchester City Council gives notice that the **following element(s)** of the application referred to in Part 1 Proposal:

Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards

has/have been **granted** consent in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Condition(s) attached to this decision

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 documents:

Site Location Plan XX-XX-DR-A-90001 Rev P01

Proposed Site Signage ZZ-00-DR-A-99002 Rev P03 (with the exception of the Flagpole Signage referred to in the reason for refusal)

Proposed Billboard Signage ZZ-00-DR-A-99001 Rev P03

Received by the Planning Service as Local Planning Authority on 22nd January 2024.

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.

Part 2 – Particulars of decision (b)

Manchester City Council gives notice that the **following element(s)** of the application referred to in Part 1 Proposal:

Installation of 1no. internally illuminated totem sign

has/have been **refused** consent in accordance with the application and plans submitted for the reason(s).

Reason(s) for decision

1) The proposed totem/flagpole sign is considered to be unacceptable due to its position, form and design, as it would be unduly obtrusive to the detriment of visual amenity of the street scene and have a detrimental impact on the setting of the Grade II* listed Hough End Hall.

For these reasons the totem/flagpole sign is contrary to policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Core Strategy of the City of Manchester; saved policy DC 19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester; to Central Government advice contained within Section 12 (Achieving well-designed and beautiful places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Informatives

There are no informative attached to this decision.

Date: 4 September 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This consent refers only to that required under the Town and Country (Control of Advertisements) (England) Regulations 2007 (as amended) does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with section 78 and 79 of the Act as amended by the Regulations within eight weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139062/AO/2024

Date registered valid: 22 January 2024

Proposal: Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards

Address: 550 Mauldeth Road West, Manchester, M21 7AA

Ward(s): Chorlton Park Ward

Applicant: Lidl, Great Britain Limited

Agent (if any): Mr Jake Challinor-Smith, Rapleys LLP

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Split decision

Date of recommendation: 14.03.2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Standard consultations:

Printed: 6 February 2024 Expired: 27 February 2024

Neighbour notifications

Printed: 25 January 2024 Expired: 15 February 2024

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

Listed building: In close proximity to the Grade II star listed Hough End Hall

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Installation of 1 no. internally illuminated logo sign, 1no. internally illuminated totem sign, 1no. internally illuminated poster display unit, 1no. externally illuminated directional sign, 3 no. internally illuminated large mounted billboards

Consultations & Notification Responses

Highway Services - In regard to sign illuminance the applicant has provided clarification and states the following:

Average luminance L_{av} : 13.6 cd/m²

Minimum luminance L_{min} : 3 cd/m²

Maximum luminance L_{max} : 47.6 cd/m²

Therefore, all signs will be below 600 cd/m² which is acceptable to Highways.

In regard to the proposed directional sign clarification has been provided that the sign will be set back from the footway. Therefore, this arrangement on Plan ZZ-00-DR-A-99002 / S3 / P03 is acceptable to Highways.

Environmental Health – Requested a condition about lighting, on the basis that Highways are satisfied that the level of illumination is acceptable it is not considered to be necessary.

Related Applications

135647/FO/2022 - Erection of a new Lidl foodstore (Use Class E) with associated car parking and landscaping. Approved 02.06.2023

138626/JO/2023 - Variation of Conditions 2 (Specified Plans), 16 (Travel Plan), 23 (Landscaping) and 24 (Boundary Treatment) attached to planning permission 135647/FO/2022 to allow an increase in Gross Internal Area of 104m² (84m² sales and 20m² in warehousing and other) of food store, removal of first floor welfare area, reduction in car parking spaces from 85 to 76 car parking spaces and amendments to the landscaping layout. Approved 11.03.2024

Issues

Policy

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 Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that

developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

The Unitary Development Plan for the City of Manchester

DC14.1 (Shops and Related Signs) In determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

DC14.5 (Shops and Related Signs) The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies. The policies relevant to this application are:

A. In the interests of amenity

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land.

Other Legislation

Sections 66 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the setting of listed buildings.

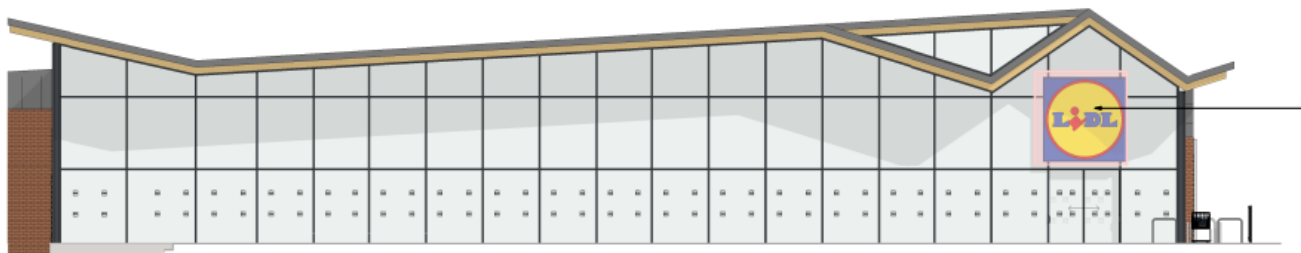
National Policy

Decisions should accord with the requirements of the NPPF in particular and to section 16 (Conserving and Enhancing the Historic Environment) which at paragraph 212 sets out:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

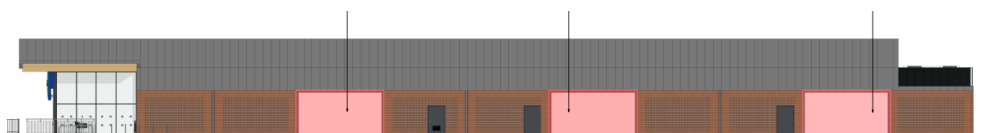
Approval

The 1 no. internally illuminated logo sign is to the front elevation of the store and was indicated on the approved planning permission. It is not considered that the proposed sign impact adversely on visual amenity, road safety or upon the setting of the Grade II* Listed Hough End Hall.

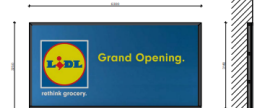
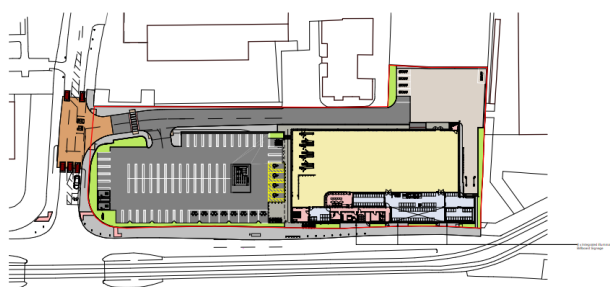


South West Elevation (To Nell Street)
1:100

The 3 no. internally illuminated large mounted billboards were included in the design of the approved planning permission. It was not considered that the signage was inappropriate, as it is within the face of the proposed store and is not viewed within the setting of the neighbouring Grade II* listed Hough End Hall. It does not harm visual amenity or impact on road safety (as confirmed by colleagues in Highways).



South East Elevation (To Mauldeth Road)
1:100



Billboard Signage - Front Elevation
1:50

• 1000mm x 1000mm sign
• 1000mm x 1000mm sign
• 1000mm x 1000mm sign



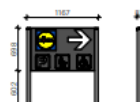
The proposed 1no. internally illuminated poster display unit and 1no. externally illuminated directional sign are low level signs within the car parking area that are acceptable with regards to visual amenity, highways safety and the setting of the Grade II* listed Hough End Hall.

1000mm x 1000mm



Poster Display Unit
1:50

• 1000mm x 1000mm Poster Display Unit
• Anodised Aluminium
• Integrated lighting



Directional Sign
1:50

• 1000mm x 700mm directional parking sign
• LED uplighting to be located at entrance to the site

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Split decision

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 documents:

Site Location Plan XX-XX-DR-A-90001 Rev P01

Proposed Site Signage ZZ-00-DR-A-99002 Rev P03 (with the exception of the Flagpole Signage referred to in the reason for refusal)

Proposed Billboard Signage ZZ-00-DR-A-99001 Rev P03

Received by the Planning Service as Local Planning Authority on 22nd January 2024.

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.

1. The proposed totem/flagpole sign is considered to be unacceptable due to its position, form and design, as it would be unduly obtrusive to the detriment of visual amenity of the street scene and have a detrimental impact on the setting of the Grade II* listed Hough End Hall.

For these reasons the totem/flagpole sign is contrary to policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Core Strategy of the City of Manchester; saved policy DC 19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester; to Central Government advice contained within Section 12 (Achieving well-designed and beautiful places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

99 Nell Lane, Manchester, M21 7SW
Unit 3, 557 Mauldeth Road West, Manchester, M21 7SP
Unit 1, 557 Mauldeth Road West, Manchester, M21 7SP
Chorlton High School, Nell Lane, Manchester, M21 7SL
Hough End Hall, Nell Lane, Manchester, M21 7SW
Top Flat, 40 Nell Lane, Manchester, M21 7SN
38A Nell Lane, Manchester, M21 7SN
Sixth Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Ground Floor To Third Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Fifth Floor, Mauldeth House, Nell Lane, Manchester, M21 7RL
Fourth Floor, Mauldeth House, Nell Lane, Manchester, M21 7SW
Ground Floor, Brookfield House, 30 Nell Lane, Manchester, M21 7SJ
Brookfield House, 30 Nell Lane, Manchester, M21 7SJ
557 Mauldeth Road West, Manchester, M21 7SP
Unit 4, 557 Mauldeth Road West, Manchester, M21 7SP
34 Nell Lane, Manchester, M21 7SN
4 Formby Avenue, Manchester, M21 7SY
1 Formby Avenue, Manchester, M21 7SY
553A Mauldeth Road West, Manchester, M21 7SP
551 Mauldeth Road West, Manchester, M21 7SP
545 Mauldeth Road West, Manchester, M21 7SP
539 Mauldeth Road West, Manchester, M21 7SP
571 Mauldeth Road West, Manchester, M21 7SH
44 Nell Lane, Manchester, M21 7SN
42 Nell Lane, Manchester, M21 7SN
Mauldeth House, Mauldeth Road West, Manchester, M21 7RL
30A Nell Lane, Manchester, M21 7SJ
Sports Hall, Chorlton High School, Nell Lane, Manchester, M21 7SL
537 Mauldeth Road West, Manchester, M21 7SP
97 Nell Lane, Manchester, M21 7SW
40 Nell Lane, Manchester, M21 7SN
38 Nell Lane, Manchester, M21 7SN
36 Nell Lane, Manchester, M21 7SN
First Floor, Brookfield House, 30 Nell Lane, Manchester, M21 7SJ

2 Formby Avenue, Manchester, M21 7SY
3 Formby Avenue, Manchester, M21 7SY
555B Mauldeth Road West, Manchester, M21 7SP
555A Mauldeth Road West, Manchester, M21 7SP
553B Mauldeth Road West, Manchester, M21 7SP
Sai Spice, Unit 2, 557 Mauldeth Road West, Manchester, M21 7SP
567 Mauldeth Road West, Manchester, M21 7SH
549 Mauldeth Road West, Manchester, M21 7SP
547 Mauldeth Road West, Manchester, M21 7SP
543 Mauldeth Road West, Manchester, M21 7SP
541 Mauldeth Road West, Manchester, M21 7SP
569 Mauldeth Road West, Manchester, M21 7SH

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - South Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA

Proposed Site Signage (08474-SPACE-ZZ-00-DR-A- 99002-S3-P03) & CGI







Rapleys LLP is registered as a Limited Liability Partnership in England and Wales.
Registration No: OC308311. Registered Office at Unit 3a, The Incubator, The Boulevard,
Enterprise Campus, Alconbury Weald, Huntingdon, PE28 4XA. Regulated by RICS.

rapleys.com
0370 777 6292

RAPLEYS