

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140479/AO/2024
Date registered valid: 10 July 2024
Proposal: To install a retractable awning to an existing shopfront.
Address: 60 Oldham Street, Manchester, M4 1LE
Ward(s): Piccadilly Ward

Applicant: Mr Phil Harrison
Agent (if any): Mr Andrew Barlow Spoke Architectural Design Limited
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 21/08/2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 22 July 2024 Expired: 12 August 2024

Neighbour notifications

Printed: 22 July 2024 Expired: 12 August 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

The application relates to the three storey property at no60 Oldham Street. The application property is completed in red brick with sandstone window surrounds and a modern glazed shopfront coloured black. The ground floor of the site is in commercial use as a drinking establishment (Sui Generis) and the upper floors are in residential use (Class C3). An unauthorised projecting sign features on the site's front elevation. Advertisement consent for a 30mm has recently been issued on site under permission 139867/AO/2024.

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The neighbouring area forms that of the Northern Quarter and Stevenson Square Conservation Area. Across Oldham Street to the west lies the Smithfield Conservation Area. Neighbouring built development consists of a variety properties of varying age and design. Properties along Oldham Street are overwhelmingly in use as drinking establishments (Sui Generis) and commercial Class E shop and restaurant uses. Advertisements along Oldham Street consist of various fascia and projecting signage.

Description of development

The application seeks advertisement consent for the installation of a branded awning.

The proposed awning would sit within a recess of the shopfront and span the entire width of it, this being 5.5m.

The awning when extended would have a maximum projection of 1.5m and terminate 3.085m above the footway.

The branding on the awning consists of a colour scheme of blue, red and white, with the occupier's logo displayed on the awning and supplementary text on its pelmet.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

139867/AO/2024 - Installation of 1no internally illuminated projecting sign – Approved June 2024.

136314/JO/2023 - Variation of Condition 3 (Opening Hours) to planning permission 126960/JO/2020 (amended under 124836/NMC/2019) (as discharged under CDN/21/0969) to allow opening of premises the following hours: Sunday to Thursday 11:00 to 02:30 (the next day); and Friday and Saturday 11:00 to 03:30 (the next day) – Approved October 2023.

126960/JO/2020 - Variation of Condition 13 (Acoustics) attached to application ref no 120878/FO/2018 as amended by 124836 – Approved June 2020.

120878/FO/2018 - Conversion of 60 Oldham Street into 3no (2x 3 bed (5 person) and 1 x 3 bed (6 person) apartments and the change of use of the ground floor and basement from a retail unit (A1) into a restaurant and bar (A3/A4) and erection of a 7 storey building to form 5no. apartments (3 x 1 bed (1 person) 1 x 2 bed (3 person), 1 x3 bed (4 person)) on the empty plot at 53 Spear Street – Approved September 2018.

Consultations & Notification Responses

Highway Services – No objection subject to an informative relating to highway hoarding.

Environmental Health – No objection.

Publicity – None received.

Policy

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 imitation or restriction relating to the subject matter, content or design of what is to be displayed.

The Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC14 – Shop Fronts and Related Signs
- Policy DC18 – Conservation Areas

The Places for Everyone Plan – Joint Development Plan Document, for nine of the ten boroughs which make up Greater Manchester, adopted by the City Council on 21st of March 2024.

- Policy JP-P2 – Heritage

Other Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG)

Issues

Visual Amenity

The application site is a three storey Victorian property with a contemporary shopfront. Notable features of the application property include its unique design, with its narrow width and tall height, its ornate upper floors consisting of detailed sandstone window surrounds and red brick finish, as well as that of its modern shopfront that whilst different to its upper floors, compliments their design features with the use of timber windows. Due to these design features the application property occupies a prominent position within the street scene and contributes positively to its appearance, as well as that of the setting and significance of the Smithfield and Stevenson Square Conservation Areas.

The proposal would see the installation of a contemporary brightly coloured awning to the front of the property that would fail to relate to its upper floors and shopfront. The Local Planning Authority are of the position that the awning, whilst an important feature of some buildings of historical significance, would represent a haphazard addition to the property that is not based on historical evidence nor linked or designed to improve the appearance of the ground floor shopfront. Furthermore, the use of a bright colour scheme, as well as the presence of a projecting sign would render the ground floor overly busy from a design perspective, as well as visually cheapen its appearance, and would then consequently undermine said floor's contribution to the overall appearance of the application property.

Oldham Street, whilst featuring a high number of properties with varying advertisements, does not prominently feature properties with awnings. Whilst there are some exceptions to this rule at no1-3 Swan Street and no21 Hilton Street, the installation of awnings on these properties better relate to their scale, appearance and position within the street scene, with no1-3 Swan Street not lying inside of a Conservation Area, and both properties being notably shorter and wider, thus being able to support awnings more comfortably. Unlike these properties however, that of the application site would fail to comfortably accommodate an awning in line with the comments listed above.

In light of the above, it is considered that the proposed branded awning by virtue of its design and finish would have an unacceptable appearance on the host property, local street scene and Smithfield and Stevenson Square Conservation Areas, contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC14 and DC18, Saved Place for Everyone Plan Policy JP-P2, National Planning Practice Guidance and the National Planning Policy Framework.

Highway Safety

The proposed awning when in use would extend over the public highway but would be set back from the edge of the public footway by 2.3m. Highways note that a projection license for the development will be required and that it complies with their minimum 1.5m clearance. Subject to an informative relating to highway hoarding, Highways do not object to the proposal. Subject to said informative, it is considered the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Conclusion

In light of the comments above the proposal has been found to be unacceptable with regard to its impact on visual amenity contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC14 and DC18, Saved Place for Everyone Plan Policy JP-P2, National Planning Practice Guidance and the National Planning Policy Framework. The application is therefore recommended for refusal.

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: Refuse

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed awning by virtue of its position on the shop front, design and appearance does not respond positively to the architecture of the building or the significance and setting of the Smithfield and Stevenson Square Conservation Areas. The branded awning's garish finish and use of colour together with its relationship to the existing shop front reinforces its inappropriateness which would render it an awkward addition to the shop front and within the street scene. The proposal would therefore be considered to be unduly harmful to amenity which is contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14 and DC18 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and National Planning Practice Guidance.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

60B Oldham Street, Manchester, M4 1LE
Second Floor, 101 - 103 Oldham Street, Manchester, M4 1LW
First Floor, 101 - 103 Oldham Street, Manchester, M4 1LW
Flat 8, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 7, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 6, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 5, 99 Oldham Street, Manchester, M4 1BA
Flat 7, 99 Oldham Street, Manchester, M4 1BA
Flat 9, 99 Oldham Street, Manchester, M4 1BA
101 - 103 Oldham Street, Manchester, M4 1LW
Flat 2, 99 Oldham Street, Manchester, M4 1BA
Flat 10, 99 Oldham Street, Manchester, M4 1BA
Flat 1, 99 Oldham Street, Manchester, M4 1BA
Flat 3, 99 Oldham Street, Manchester, M4 1BA
Flat 8, 99 Oldham Street, Manchester, M4 1BA
Flat 6, 99 Oldham Street, Manchester, M4 1BA
Flat 4, 99 Oldham Street, Manchester, M4 1BA
97 Oldham Street, Manchester, M4 1LW
95 Oldham Street, Manchester, M4 1LW
89 Oldham Street, Manchester, M4 1LW
TONI&GUY, Ground Floor And Basement, 60A Oldham Street, Manchester, M4 1LE
Flat At, Castle Hotel, 66 Oldham Street, Manchester, M4 1LE
First Floor Flat, 58 Oldham Street, Manchester, M4 1LE
60A Oldham Street, Manchester, M4 1LE
93 Oldham Street, Manchester, M4 1LW
Flat 5, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 4, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 3, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 2, Spear Building, 53 Spear Street, Manchester, M1 1DF
Flat 1, Spear Building, 53 Spear Street, Manchester, M1 1DF
91 Oldham Street, Manchester, M4 1LW
Third Floor Flat, 62A Oldham Street, Manchester, M4 1LE
Flat 9, 60A Oldham Street, Manchester, M4 1LE
Flat 6, 60A Oldham Street, Manchester, M4 1LE
Flat 3, 60A Oldham Street, Manchester, M4 1LE
Flat 1, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 8, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 6, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 2, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 4, 89 - 95 Oldham Street, Manchester, M4 1LW
62A Oldham Street, Manchester, M4 1LE
61 - 63 Spear Street, Manchester, M1 1DF
89 - 95 Oldham Street, Manchester, M4 1LW
Spear Building, 53 Spear Street, Manchester, M1 1DF
51 Spear Street, Manchester, M1 1DF
91 - 95 Oldham Street, Manchester, M4 1LW
Castle Hotel, 66 Oldham Street, Manchester, M4 1LE
Basement, 91 - 95 Oldham Street, Manchester, M4 1LW
Second Floor, 62A Oldham Street, Manchester, M4 1LE

First Floor, 62A Oldham Street, Manchester, M4 1LE
Flat 8, 60A Oldham Street, Manchester, M4 1LE
Flat 7, 60A Oldham Street, Manchester, M4 1LE
Flat 5, 60A Oldham Street, Manchester, M4 1LE
Flat 4, 60A Oldham Street, Manchester, M4 1LE
Flat 2, 60A Oldham Street, Manchester, M4 1LE
Flat 1, 60A Oldham Street, Manchester, M4 1LE
Flat 10, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 7, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 5, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 3, 89 - 95 Oldham Street, Manchester, M4 1LW
Flat 9, 89 - 95 Oldham Street, Manchester, M4 1LW
64 Oldham Street, Manchester, M4 1LE
62 Oldham Street, Manchester, M4 1LE
58 Oldham Street, Manchester, M4 1LE
54 Oldham Street, Manchester, M4 1LE
55 - 59 Spear Street, Manchester, M1 1DF

Appendix 2 – Planning constraints

Article 4 Direction - Multiple
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Multiple
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL