

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140253/AOH/2024
Date registered valid: 11 June 2024
Proposal: Erection of internally illuminated freestanding display board
Address: 377 - 385 Wilmslow Road, Manchester, M14 6AH
Ward(s): Withington Ward

Applicant: Wildstone Estates Limited
Agent (if any): Mr Ralph Elliott Carter Jonas
Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 6 August 2024

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 05.08.2024

Standard consultations:

Printed: 20 June 2024 Expired: 11 July 2024

Neighbour notifications

Printed: 20 June 2024 Expired: 11 July 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 property that is the subject of this advertisement application is a 24 hour petrol station site located on Wilmslow Road a main arterial route into and out of Manchester City Centre. The site comprises of a retail shop, carwash and jet wash area. The site is located within the Withington ward of the City.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is primarily residential with an apartment block adjacent to the site and there are some small businesses including several hotels along Wilmslow Road and a nursery within close proximity. The petrol station has occupied the site for a good number of years. and sits to the northern side of Wilmslow Road, which is a wide area of public open space, including a bus lane. There is a distance of some 36m between the properties on the western side of Wilmslow Road and the proposed siting of the sign.

Description of development

The proposal is for the erection of an internally illuminated free standing sign board which is located at the southern end of the petrol station retail unit / kiosk. The dimensions of the advertisement are: 2.4m height by 1.3m height and are similar in scale to the signs that are seen on the end of bus shelters. It will be illuminated with a brightness of 300cd/sqm from dusk to dawn and up to 5,000 cd/sqm at all other times dependent on time of day/year and ambient conditions, in line with ILP Guidance. The advertisement would only be displayed on the front of the board with the rear being solid.

Consultations & Notification Responses

Local Residents were informed- one representation has been received from Fallowfield Community Guardians. The main points of concern being as follows:

LED signage has previously been refused in Fallowfield District centre that was smaller than this sign.

This proposal is on a tree lined stretch of Wilmslow Road with residential flats all around the garage. The applicant is wrong to write that 'the nearest residential properties are located on the opposite side of Wilmslow Road.'

We have always considered the large and garish Shell logo and pricing 'tower' grossly intrusive, rising as it does to the roof pitch height of the adjacent flats at 387 Wilmslow Road, a bare 3 metres behind it. A night and day illuminated advertising display panel with static advertisements in rotation slightly forward and to the side of the 'tower' adds visual insult to injury.

The applicant claims the rotating illuminated advertisements 'will be viewed predominantly by users of the Petrol Filling Station'. This is hard to credit as the display panel is angled towards the pavement and road with the side wall of the garage store immediately behind it. It is aimed at passing pedestrians and motorists to maximise its advertising reach. Again, we emphasize this is wholly out of character with the wide tree-lined boulevard character of this residential section of the Wilmslow Road.

Highways- Have no objections in principle subject to the attachment of an appropriate advertisement condition.

Issues

Policies

The National Planning Policy Framework (December 2023) - The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Core Strategy Development Plan Document - The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, Development Management - This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Community safety and crime prevention.

Vehicular access.

Saved UDP Policies - Policy DC14, Shop Fronts and Related Signs - This policy applies to all retail premises and to other commercial premises which have similar physical characteristics e.g. betting shops, banks, building society offices, opticians premises etc. The relevant elements are detailed below:

Policy DC14.1 states that 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 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:

A). In the interests of amenity:

- a) signs should not normally be positioned other than at fascia level;
- b) signs should respect the architectural form of buildings and shop frontages;
- c) where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building and in particular should not fill the gap between ground floor shop windows and first floor windows;
- d) projecting box signs, or any other type of sign which projects significantly beyond the shopfront, should line up with the associated fascia board. Where this is not the case, such proposals will not be permitted;
- e) the Council will normally permit only one projecting box sign for each shop unit. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs;
- f) fixed canopies mounted above fascia level or which obscure the fascia or shopfront will not normally be permitted, unless within a structural opening;
- g) long canopies which ignore the architectural form of frontages will not normally be permitted.

B) In the interests of public safety:

- a) any sign which is detrimental to the safety of pedestrians or motorists will be refused;

b) all canopies, blinds and awnings should provide a minimum clearance of 2.3 metres above the footpath

Issues

Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors.

The definition of "amenity" includes both visual and aural amenity. Therefore, as well as visual amenity, the noise generated by advertisements should be considered. "Public safety" is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

Under these criteria the effect of the proposal on the site itself and of the character of the area within which it is located has been considered.

Visual amenity

The proposed advertising structure would be located at an angle to the end of the retail unit / payment kiosk that occupies the southern end of the site. The building which it sits in front of is much higher than the proposed signage board, and to the front of the site is the illuminated pricing free standing sign board and established trees, which also provide some masking of the proposed sign. It is not therefore considered to have a detrimental impact upon the visual amenity of the site when viewed in the context of its immediate surroundings and accords with the NPPF and the Core Strategy for the City of Manchester, in particular Policies SP1, EN3 and DM1.

Residential Amenity

Given the location, scale luminance and design of the proposed free standing sign, it is not considered that the proposed internally illuminated signage board would have a detrimental impact upon the level of amenity currently enjoyed by the neighbouring properties. The apartments to the east of the site are screened from the signage by the retail / kiosk unit and established tree presence which are of a much greater height than the proposed signage. In addition the sign board only has the advertisements on the front of the board, with the rear of the board being the side of the sign that would present itself in the direction of the apartments. Given the distance between the properties on the western side of Wilmslow Road and the free standing sign, this view is across a wide A road which is within public open space, and therefore the sign would not be highly visible from these properties when viewed within the context of the existing petrol station.

Public safety

The proposed advertising structure would be set back within the site, the luminance levels are considered acceptable and the sign itself is modest in scale. It is therefore considered that there are no public safety issues.

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: Approve

Article 35 Declaration

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) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.

- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
- (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- (f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m² during non daylight hours / inclement weather
Or for signs less than 10m²
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

23454/PA/03- Proposed Site Location Plan.

23454/PA/04- Site of Proposed Sign.

23454/PA/05- Proposed Elevations.

23454/PA/06- Sign Specification.

All received 11th June 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Second Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH

Basement Flat, 387 Wilmslow Road, Manchester, M14 6AH

Ground Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH

First Floor Flat, 387 Wilmslow Road, Manchester, M14 6AH

Fallowfield Service Station, 377 - 385 Wilmslow Road, Manchester, M14 6AH

360 Wilmslow Road, Manchester, M14 6AB

The Fallowfield Loge, 356 - 358 Wilmslow Road, Manchester, M14 6AB

362 Wilmslow Road, Manchester, M14 6DT

Flat 2, 350 Wilmslow Road, Manchester, M14 6AB

Flat 6, 350 Wilmslow Road, Manchester, M14 6AB

Flat 3, 350 Wilmslow Road, Manchester, M14 6AB

1B Brook Road, Manchester, M14 6UJ

Flat 1, 350 Wilmslow Road, Manchester, M14 6AB

Flat 4, 350 Wilmslow Road, Manchester, M14 6AB

Flat 5, 350 Wilmslow Road, Manchester, M14 6AB

Flat 7, 350 Wilmslow Road, Manchester, M14 6AB

Flat 8, 350 Wilmslow Road, Manchester, M14 6AB

Flat 9, 350 Wilmslow Road, Manchester, M14 6AB

Flat 10, 350 Wilmslow Road, Manchester, M14 6AB

Flat 11, 350 Wilmslow Road, Manchester, M14 6AB

Flat 12, 350 Wilmslow Road, Manchester, M14 6AB

354 Wilmslow Road, Manchester, M14 6AB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Area Team Boundary - Name: SOUTH AREA