MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138747/AO/2023
Date registered valid:	19 December 2023
Proposal:	Installation of an externally and internally illuminated projecting sign
Address:	448C Barlow Moor Road, Manchester, M21 0BQ
Ward(s):	Chorlton Ward
Applicant:	Mr Dorukhan Badalioglu
Agent (if any):	Ms Firdevs Tosun Awe Architectural Design Consultancy Ltd
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	12 February 2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Standard consultations:
Printed: 21 December 2023 Expired: 14 January 2024

Neighbour notifications
Printed: 21 December 2023 Expired: 14 January 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

448C Barlow Moor Road is a 2 storey mid-terraced commercial property located within Chorlton District Centre. The property is currently in use as a restaurant.

Listed building: No
Conservation area: No
Tree Preservation Order: No

Description of development

Installation of an externally and internally illuminated projecting sign



Consultations & Notification Responses

Local Residents and Businesses – No comments received.

Highway Services – Highway Services have made the following comments:

- The proposed sign is not located on the adopted highway network.
- The proposed sign will not extend over the adopted highway in excess of 350mm, it will therefore not require a projection over license.
- The proposed luminance of the static sign is noted as 50cd/m2, which is in line with the MCC recommended maximum of 600cd/m2 and is acceptable to Highways.
- The sign complies with headroom and carriageway clearance requirements.
- The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams.

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

<u>Issues</u>

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.

Amenity – The design and siting of the proposed projecting sign is acceptable. Accordingly, it is not considered that the proposed signage would have a detrimental impact upon either visual or aural amenity.

Public Safety – Given the location of the proposed sign it is not considered that they would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site. Furthermore, the siting of the sign would not compromise nor lead to a reduction in the levels of public safety in and around 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 polices 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

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 drawing received on 5 December 2024:

a) Drawing no. 2208/02A

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Car Parking Spaces, 448 Barlow Moor Road, Manchester, M21 0BQ
23 - 25 Chorlton Place, Manchester, M21 9AQ
Flat 2, 450A Barlow Moor Road, Manchester, M21 0BQ
Flat 1, 450A Barlow Moor Road, Manchester, M21 0BQ
448B Barlow Moor Road, Manchester, M21 0BQ
448A Barlow Moor Road, Manchester, M21 0BQ
Ground Floor To Seventh Floor, Graeme House, Chorlton Place, Manchester, M21 1AQ
Graeme House, Chorlton Place, Manchester, M21 1AQ
Shop Adjacent 20 To 22, Chorlton Place, Manchester, M21 1AQ
450A Barlow Moor Road, Manchester, M21 0BQ
1 Warwick Road, Manchester, M21 0AU
450 Barlow Moor Road, Manchester, M21 0BQ
1A Warwick Road, Manchester, M21 0AU
448 Barlow Moor Road, Manchester, M21 0BQ
20 - 22 Chorlton Place, Manchester, M21 9AQ

Appendix 2 – Planning constraints

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
Area Team Boundary - Name: SOUTH AREA