MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138830/AO/2023
Date registered valid:	22 December 2023
Proposal:	Installation of internally illuminated projecting sign.
Address:	Land Off Oldham Street And Spear Street, Manchester, M4 1LF
Ward(s):	Piccadilly Ward
Applicant:	Kempton Homes
Agent (if any):	Mrs Caroline Payne Emery Planning
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**1st February 2024**

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 8 January 2024

Standard consultations:
Printed: 4 January 2024 Expired: 25 January 2024

Neighbour notifications
Printed: 4 January 2024 Expired: 25 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/Area

Listed building: Not applicable

Conservation area: Stevenson Square (Extension) Conservation Area 1987

Tree Preservation Order: Not applicable

This application relates to land at 76-82 Oldham Street and land bounded by Spear Street, Warwick Street, Houldsworth Street and Bradley Street. The two pieces of land are separated by Spear Street. The site has been used as a car park following a fire in 2013 that resulted in the loss of all but one of the buildings on site including the substantial art deco building that was formerly Dobbins department store. The building remaining on site, 5 Warwick Street, is a two story brick built building constructed in the 1930's that has seen some incremental change.

The site is within the Stevenson Square Conservation Area and opposite the Smithfield Conservation Area. Grade II Listed buildings at 132 Oldham Street, 105 Oldham Street, 66 Oldham Street are close to the site and the Grade II Listed former worker's cottages at 4-8 Bradley Street are opposite the site.

Other uses in the immediate area include offices, residential apartments, creative industries, shops, bars and restaurants. The adjoining property at 84-86 Oldham Street, is used for residential purposes. There are other nearby residential properties at 2 Houldsworth Street, 60a Oldham Street, 89-95 Oldham Street, 90-94 Oldham Street, 99 Oldham Street, 105 Oldham Street, 119 Oldham Street, 127 Oldham Street, 82 Tib Street, 100 Tib Street and 110-112 Tib Street.

Description of Development

Installation of internally illuminated projecting sign.

The proposed signage will comprise an externally mounted warm white LED acrylic light box (40cm x 18cm x 3cm), which will be turned on during operating hours and nailed to the wall using a mounting frame. The height from the ground will be approximately 2.5m and it would project around 40cm from the external wall.

Related Applications

CDN/23/0842 - Discharge of conditions 8 (Noise -Plant), 9 (Fumes), 11 (Opening Hours), 29 (Signage Strategy) and 31 (Waste -Commercial) attached to application ref no 126531/JO/2020. Yet to be determined.

Consultations & Notification Responses

Highway Services - Confirmed that a projecting over license would be required, confirmed that the proposed luminance of the sign is acceptable. Also confirmed that A sufficient headroom clearance of 2.5m, compliant with the 2.30m minimum, is noted and accepted by Highways. The proposed sign complies with carriageway clearance requirements and is therefore compliant with Manchester City Council's Highway Service's recommendations.

Environmental Health - Recommended that a condition be added on luminance.

Publicity - Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received due to this publicity.

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,
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. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent 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. The City Council will:
- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Other Legislation

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

National Policy

Decisions should accord with the requirements of the NPPF in particular and to **section 16 (Conserving and Enhancing the Historic Environment)** and **Paragraph 141** which 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."

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Issues

Principle

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity as well as its impact upon public safety. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shop fronts and Related Signs).

Visual Amenity

It is not considered that the signage would have any notable or detrimental impact upon the either the visual amenity of the existing architecture and design of the host building, or upon the visual amenity of the surrounding street scene and area.

The overall appearance of the signage is considered to be sophisticated, not too bulky, and is considered to be consistent with other similar signage in the surrounding area.

Public Safety

All signage complies with headroom and carriageway clearance requirements. The luminance of the signage is within acceptable luminance levels.

The proposed projecting signs will project over the adopted highway network in excess of 0.4m and will therefore require a Projection over License. An informative has been added to advise how this should be obtained.

Conclusion

Given the above, the proposal is considered to be consistent with National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and the Core Strategy for the City of Manchester, in particular policies DM1 (Development Management), and the Saved Policy contained within the Unitary Development Plan for Manchester in particular policies DC14 (Shop fronts and Related Signs).

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 drawings and documents:

- Proposed Signage OSM-FEA-BB-ZZ-PL-A-3700 P2

Received by Manchester City Council as the Local Planning Authority on 31 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, and saved policies DC14 and DC18.1.

3) The maximum luminance shall not exceed 300cd/m2 in brightness at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policies DC14.1, DC18.1, DC19.1 and E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The proposed sign extends to a maximum projection of 0.4m over the adopted highway. As such, a Projection over License will be required. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 49, 5 Warwick Street, Manchester, M1 1AU
Flat 28, 5 Warwick Street, Manchester, M1 1AU
Flat 56, 5 Warwick Street, Manchester, M1 1AU
Flat 38, 5 Warwick Street, Manchester, M1 1AU
Flat 20, 70 Spear Street, Manchester, M1 1AW
Flat 23, 70 Spear Street, Manchester, M1 1AW
Flat 12, 70 Spear Street, Manchester, M1 1AW
Flat 21, 70 Spear Street, Manchester, M1 1AW
Second Floor, 73 - 75 Lever Street, Manchester, M1 1FZ
Basement, 73 Lever Street, Manchester, M1 1FL
Off The Square, 65 - 67 Lever Street, Manchester, M1 1FL
Flat 27, 5 Warwick Street, Manchester, M1 1AU
Flat 32, 5 Warwick Street, Manchester, M1 1AU
Flat 20, 5 Warwick Street, Manchester, M1 1AU
Flat 23, 5 Warwick Street, Manchester, M1 1AU
Flat 33, 5 Warwick Street, Manchester, M1 1AU
Flat 44, 5 Warwick Street, Manchester, M1 1AU
Flat 1, 70 Spear Street, Manchester, M1 1AW
Flat 61, 5 Warwick Street, Manchester, M1 1AU
Flat 68, 5 Warwick Street, Manchester, M1 1AU
Flat 17, 70 Spear Street, Manchester, M1 1AW
Flat 16, 70 Spear Street, Manchester, M1 1AW
Flat 7, 70 Spear Street, Manchester, M1 1AW
Flat 22, 70 Spear Street, Manchester, M1 1AW
Flat 24, 70 Spear Street, Manchester, M1 1AW
First Floor, 73 - 75 Lever Street, Manchester, M1 1FL
69 - 71 Lever Street, Manchester, M1 1FL
Second Floor, 69 - 71 Lever Street, Manchester, M1 1FL
65 - 67 Lever Street, Manchester, M1 1FL
8 Bradley Street, Manchester, M1 1EH
Flat 9, 5 Warwick Street, Manchester, M1 1AU
Flat 2, 5 Warwick Street, Manchester, M1 1AU
Flat 15, 5 Warwick Street, Manchester, M1 1AU
Flat 67, 5 Warwick Street, Manchester, M1 1AU
Flat 45, 5 Warwick Street, Manchester, M1 1AU
Flat 39, 5 Warwick Street, Manchester, M1 1AU
Flat 70, 5 Warwick Street, Manchester, M1 1AU
Flat 26, 70 Spear Street, Manchester, M1 1AW
Flat 8, 70 Spear Street, Manchester, M1 1AW
4 Bradley Street, Manchester, M1 1EH
73 Lever Street, Manchester, M1 1FL
Second Floor, 79 Lever Street, Manchester, M1 1FL
77 Lever Street, Manchester, M1 1FL
Flat 30, 5 Warwick Street, Manchester, M1 1AU
Flat 41, 5 Warwick Street, Manchester, M1 1AU
Flat 52, 5 Warwick Street, Manchester, M1 1AU
Flat 63, 5 Warwick Street, Manchester, M1 1AU
Flat 57, 5 Warwick Street, Manchester, M1 1AU
Flat 54, 5 Warwick Street, Manchester, M1 1AU

Flat 35, 5 Warwick Street, Manchester, M1 1AU
Flat 37, 5 Warwick Street, Manchester, M1 1AU
Flat 64, 5 Warwick Street, Manchester, M1 1AU
Flat 3, 70 Spear Street, Manchester, M1 1AW
Flat 13, 70 Spear Street, Manchester, M1 1AW
Flat 4, 70 Spear Street, Manchester, M1 1AW
Flat 7, 5 Warwick Street, Manchester, M1 1AU
Flat 17, 5 Warwick Street, Manchester, M1 1AU
Flat 24, 5 Warwick Street, Manchester, M1 1AU
Flat 12, 5 Warwick Street, Manchester, M1 1AU
Flat 9, 70 Spear Street, Manchester, M1 1AW
Flat 25, 70 Spear Street, Manchester, M1 1AW
Ground Floor, 69 - 71 Lever Street, Manchester, M1 1FL
Flat 47, 5 Warwick Street, Manchester, M1 1AU
Flat 3, 5 Warwick Street, Manchester, M1 1AU
Flat 16, 5 Warwick Street, Manchester, M1 1AU
Flat 6, 5 Warwick Street, Manchester, M1 1AU
Flat 50, 5 Warwick Street, Manchester, M1 1AU
Flat 19, 70 Spear Street, Manchester, M1 1AW
Flat 28, 70 Spear Street, Manchester, M1 1AW
First Floor, 79 Lever Street, Manchester, M1 1FL
Flat 25, 5 Warwick Street, Manchester, M1 1AU
Flat 13, 5 Warwick Street, Manchester, M1 1AU
Flat 18, 70 Spear Street, Manchester, M1 1AW
Flat 22, 5 Warwick Street, Manchester, M1 1AU
Flat 46, 5 Warwick Street, Manchester, M1 1AU
Flat 31, 5 Warwick Street, Manchester, M1 1AU
Flat 1, 5 Warwick Street, Manchester, M1 1AU
Flat 43, 5 Warwick Street, Manchester, M1 1AU
Flat 48, 5 Warwick Street, Manchester, M1 1AU
73 - 75 Lever Street, Manchester, M1 1FZ
Basment Floor, 69 - 71 Lever Street, Manchester, M1 1FL
79 Lever Street, Manchester, M1 1FL
6 - 8 Houldsworth Street, Manchester, M1 1EJ
Flat 34, 5 Warwick Street, Manchester, M1 1AU
Flat 40, 5 Warwick Street, Manchester, M1 1AU
Flat 53, 5 Warwick Street, Manchester, M1 1AU
Flat 18, 5 Warwick Street, Manchester, M1 1AU
Flat 60, 5 Warwick Street, Manchester, M1 1AU
Flat 10, 5 Warwick Street, Manchester, M1 1AU
Flat 69, 5 Warwick Street, Manchester, M1 1AU
Flat 59, 5 Warwick Street, Manchester, M1 1AU
Flat 15, 70 Spear Street, Manchester, M1 1AW
Flat 14, 70 Spear Street, Manchester, M1 1AW
Flat 11, 70 Spear Street, Manchester, M1 1AW
Flat 10, 70 Spear Street, Manchester, M1 1AW
6 Bradley Street, Manchester, M1 1EH
75 Lever Street, Manchester, M1 1FL
Ground Floor, 73 Lever Street, Manchester, M1 1FL
10 Bradley Street, Manchester, M1 1EH
51 Lever Street, Manchester, M1 1FN
Flat 71, 5 Warwick Street, Manchester, M1 1AU
Flat 4, 5 Warwick Street, Manchester, M1 1AU
Flat 8, 5 Warwick Street, Manchester, M1 1AU

Flat 19, 5 Warwick Street, Manchester, M1 1AU
Flat 62, 5 Warwick Street, Manchester, M1 1AU
Flat 58, 5 Warwick Street, Manchester, M1 1AU
Flat 11, 5 Warwick Street, Manchester, M1 1AU
Flat 66, 5 Warwick Street, Manchester, M1 1AU
Flat 65, 5 Warwick Street, Manchester, M1 1AU
Flat 21, 5 Warwick Street, Manchester, M1 1AU
Flat 51, 5 Warwick Street, Manchester, M1 1AU
Flat 42, 5 Warwick Street, Manchester, M1 1AU
Flat 27, 70 Spear Street, Manchester, M1 1AW
Flat 2, 70 Spear Street, Manchester, M1 1AW
Flat 5, 70 Spear Street, Manchester, M1 1AW
Flat 6, 70 Spear Street, Manchester, M1 1AW
First Floor, 69 - 71 Lever Street, Manchester, M1 1FL
Ground Floor, 79 Lever Street, Manchester, M1 1FL
Flat 14, 5 Warwick Street, Manchester, M1 1AU
Flat 26, 5 Warwick Street, Manchester, M1 1AU
Flat 5, 5 Warwick Street, Manchester, M1 1AU
Flat 55, 5 Warwick Street, Manchester, M1 1AU
Flat 36, 5 Warwick Street, Manchester, M1 1AU
Flat 72, 5 Warwick Street, Manchester, M1 1AU
Flat 29, 5 Warwick Street, Manchester, M1 1AU

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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 - Stevenson Square (Extension) Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL