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APPELLANT'S FULL STATEMENT OF CASE

440 Wilmslow Road, Manchester, M20 3BW

**Section 17 of the Town and Country Planning (Control of
Advertisements) Regulations 2007**

February 2024

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Appendices

Appendix 1 – Officer Report for application 138657/AO/2023

1. Introduction

- 1.1 This Appeal Statement has been prepared by RA Design & Project Management Ltd, on behalf of the Appellant, in respect of the decision by Manchester City Council to refuse planning application ref: 138657/AO/2023.
- 1.2 Application 138657/AO/2023 was validated on 29/11/2023 and was refused by notice dated 19/01/2024.
- 1.3 The submitted application, subject to this appeal, comprised of the following drawings:
 - Existing & proposed plans – Drawing no. RAD/2752/22/1
- 1.4 The Decision Notice (**Appendix 1**) lists 1no. reason for refusal, which read as follows:
 1. *The Installation of the internally illuminated fascia sign, by virtue of its position on the building, quality of installation, size and appearance, would create a highly prominent and visually intrusive feature on the building and in the street scene. The signage would form an incongruous addition to the conservation area which would fail to preserve or enhance its special character and appearance and would result in an unduly harmful impact on the visual amenity of the building and wider conservation area. The proposal is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012) and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).*

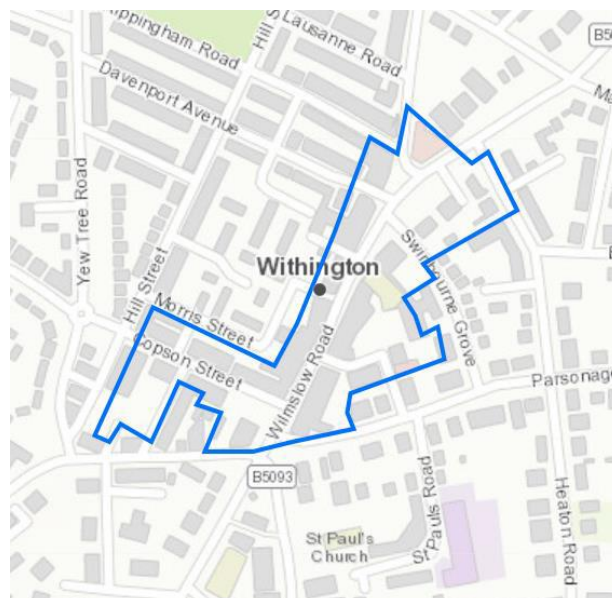
2. The Appeal Site

- 2.1 The appeal site relates to the ground floor unit of 'Burger House', situated at the corner of Wilmslow Road and Queen Street West.
- 2.2 Wilmslow Road forms a major north/south arterial route, which links the area with the city centre to the north and the airport to the south.
- 2.3 The appeal building has a shopfront at ground floor level with a fascia sign above. This is consistent with other commercial premises within the surrounding area.

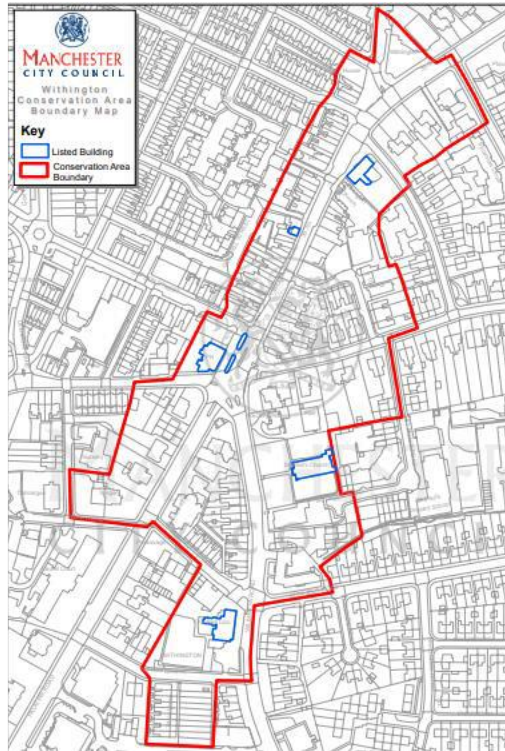


Appeal Site Location

- 2.4 The site lies at the northern end of Withington District Centre and is situated within Withington Conservation Area.



Extent of Withington District Centre



Conservation Area extent

- 2.5 The immediate area is characterised by a variety of small-scale retail, office and food and drink uses. The side roads off Wilmslow Road are predominantly residential in nature.



View looking north along Wilmslow Road towards the appeal site

- 2.6 The immediate area surrounding the site, within the Conservation Area, contains numerous examples of box fascia signs/halo illuminated lettering that do not appear out of place. The images below provide relevant examples:



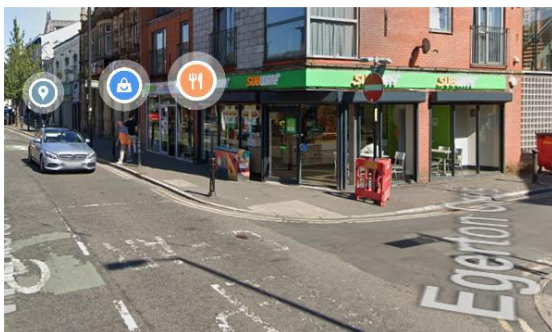
Example of existing signage in the locality



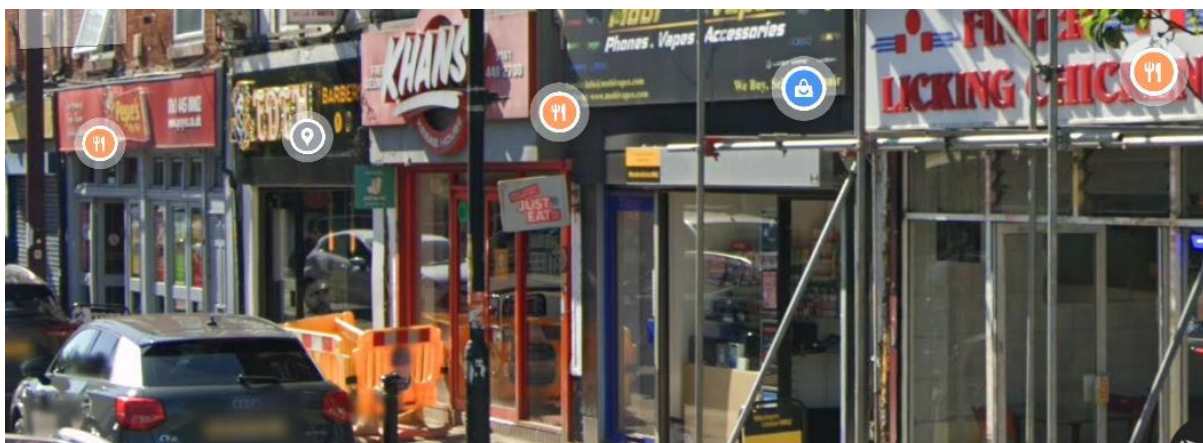
Example of existing signage in the locality



Example of existing signage to the front and side elevations of a building along Wilmslow Road



Examples of existing signage to the front and side elevations of a building along Wilmslow Road



Examples of existing signage along Wilmslow Road

3. Planning History

Ref:	Description of Development	Decision	Date
138657/AO/2023	Installation of internally illuminated fascia signage to front and side	Refused	19/01/2024
138656/FO/2023	Retrospective change of use of property to Hot Food Takeaway (Sui Generis)	Refused	19/01/2024
135663/JO/2022	Variation of condition 1 attached to planning permission 104105/FO/2013/S1 to allow increase in opening hours to 11.00 to 03.00 hrs daily	Refused	16/05/2023
104105/FO/2013/S1	Retrospective application for change of use from (Class A1) Dry Cleaners to (Class A3) cafe	Approved	20/12/2013
078487/FO/2006/S1	Change of use of building from mixed use comprising laundrette (Class A1) on ground floor and office (Class A2) on first floor to office (Class A2) and retail (Class A1) on ground floor and one flat on first floor	Approved	13/04/2006

4. Development subject of Appeal

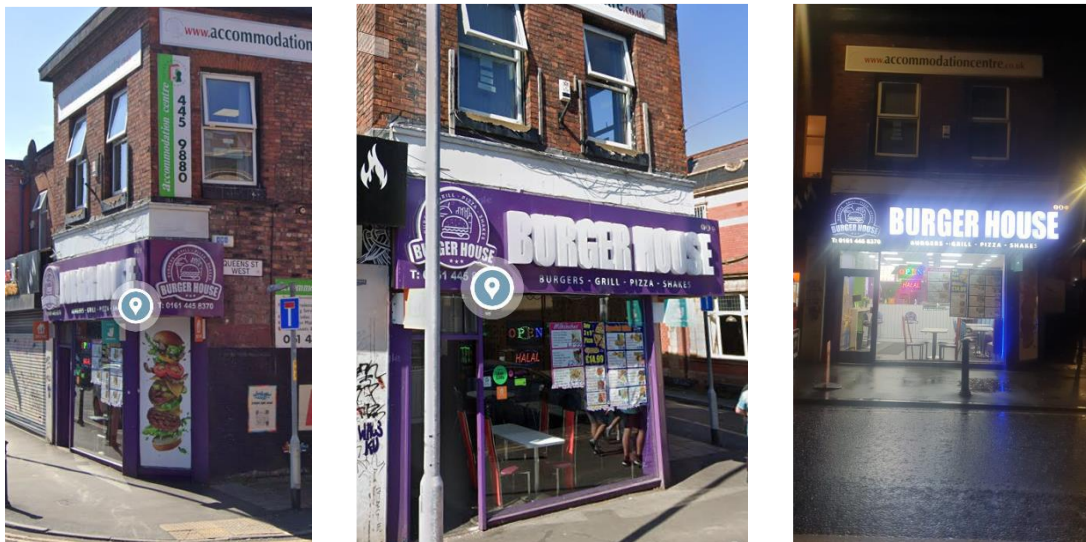
4.1 The appeal seeks advertisement consent to retain the existing fascia sign above the premises' shopfront.

3.2 The sign measures:

- 730mm in depth; and
- 210mm from the building frontage wrapping around the front and part of the side elevation to the property.

3.3 The sign is internally illuminated.

3.3 The sign consists of white projecting lettering and logos on a purple background fascia.



Images of the front and side elevation of the appeal premises

5. Relevant Planning Policy

- 5.1 The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisements are controlled with reference to their effect on amenity and public safety only, so the regime is lighter touch than the system for obtaining planning permission for development. (*PPG: Paragraph: 001 Reference ID: 18b-001-20140306*).
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3 The development plan comprises the saved policies of the **Manchester Unitary Development Plan** (UDP) dating back to July 1995, together with policies contained in the **Manchester Core Strategy** Development Plan Document - adopted on 11 July 2012.
- 5.4 A revised version of the **National Planning Policy Framework** (NPPF) was issued in December 2023. It is a material consideration in the determination of planning applications, particularly where policies contained therein conflict with or supersede parts of the Development Plan.
- 5.5 Published in March 2014 and updated from time to time, the Government's **Planning Practice Guidance** (PPG) replaced a large number of earlier guidance documents which provided information on the working of the planning system. It does not form policy in itself but is intended to complement the NPPF and provide advice on how to deliver its policies.
- 5.6 The Manchester Core Strategy Development Plan Document outlines the Council's vision for Manchester in the period to 2027 along with the planning policies which will be used to deliver that vision.
- 5.7 Policies contained within the plan that are relevant to this appeal are considered to be:

Local Planning Policy

Manchester's Core Strategy 2012 – 2027

- **DM1 (Development Management)** which seeks to ensure that development proposals are appropriate in terms of siting, layout, scale, form, massing, materials and detail.
- **SP1 (Spatial Principles)** sets out spatial principles which will guide the strategic development of Manchester to 2027.
- **EN3 (Heritage)** requires that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Saved Policies of the Manchester Unitary Development Plan (UDP)

- 5.8 The saved policies of the Manchester Unitary Development Plan (UDP) date back to July 1995.

5.9 The saved policies contained within the plan that are relevant to this appeal are considered to be:

- **DC14 (Shopfronts and Related Signs)** states that in determining applications relating to advertisement signs, 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.
- **DC15 (Advertisements, Hoardings and Posters)** states that the Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining applications for free standing hoardings and wall mounted posters the Council will take account of interests that include the general location of the proposed development and the effect on visual amenity.
- **DC18 (Conservation Areas)** states that the Council will pay attention to the effect of signs and advertisements in Conservation Areas.

6. Grounds of Appeal – Appellant's Case

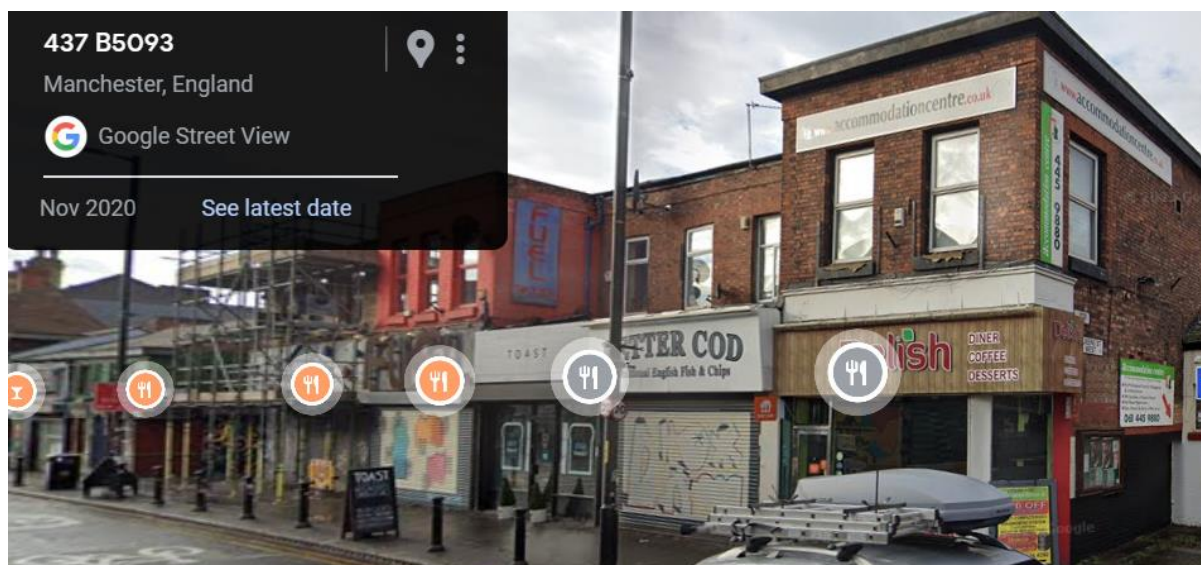
6.1 The appellant's case is made below against the Council's reason for refusal:

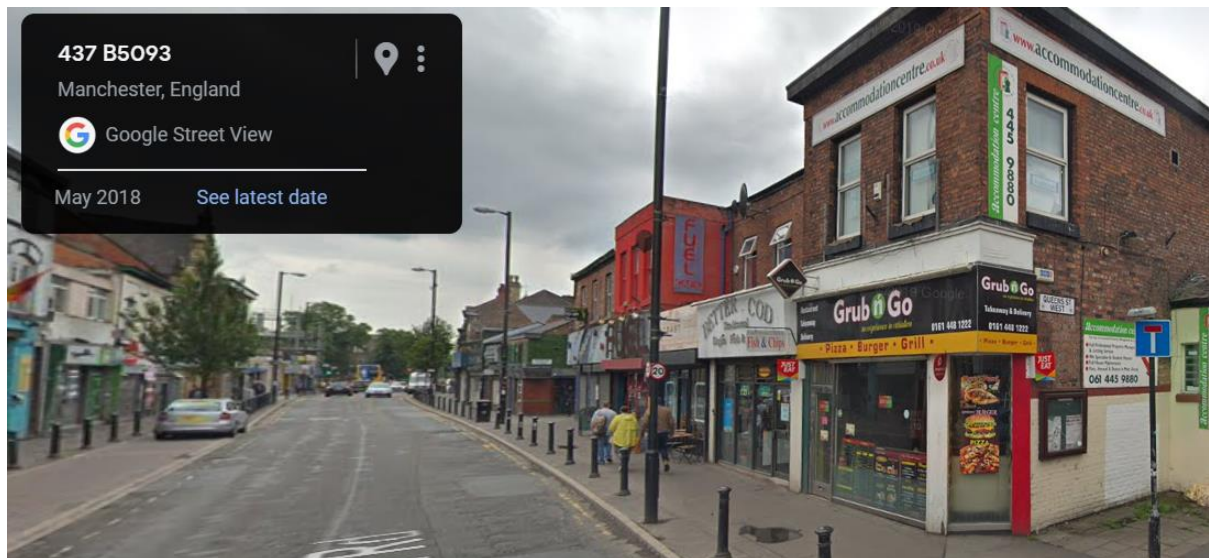
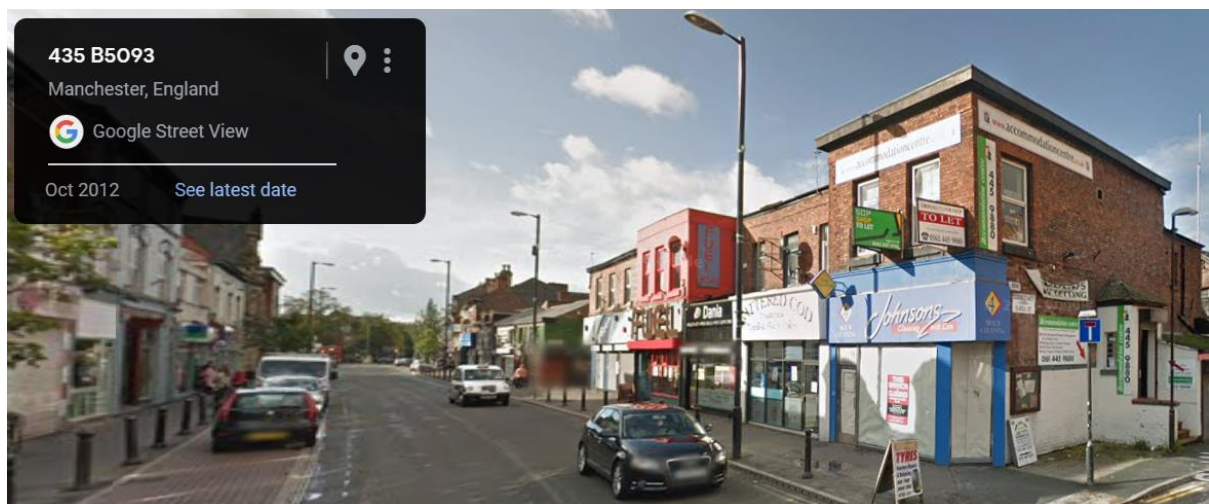
6.2 The Officer Report states that:

"The application site is in a highly prominent location within the Withington conservation area, and on the main thoroughfare through the district centre. By virtue of its design, prominence and the poor quality of its installation, it is considered that the signage would be an obtrusive feature within the street scene of the conservation area".

6.3 Policy DC14.5(e) of the UDP states that on buildings within Conservation Areas, signs consisting of internally mounted letters will be preferred to box fascia signs. However, the immediate area surrounding the site, both within and outside the CA, has a notably contemporary feel in which the box fascia sign and illuminated lettering do not appear out of place. Given this surrounding context, the box fascia sign and lettering of the proposal do not appear as incongruous additions to the street or the Conservation Area.

6.4 It is noted that the sign partly wraps around the side elevation. The sign which the application advert replaced also partly wrapped around the side elevation, as did previous signs shown within the Google Street View extract images below:





6.5 Signs wrapping around the side elevations are a common feature of signs within the immediate and wider street scene as the images below demonstrate:



6.6 Overall, the advert would not appear visually jarring in the vicinity but rather would assimilate within the surrounding context. It would respect the more contemporary character of the immediate section of the Conservation Area within which it is located, reflect the design of the building and would result in signage of materials and styles similar to those present elsewhere nearby and in the Conservation Area. By the nature

of its siting and appearance, it would not therefore fail to preserve or enhance the character or appearance of the Conservation Area.

6.7 The Officer Report states that:

“In this instance, the proposed signage would further contribute to what already amounts to significant advertisement clutter on the host building although it is noted that the sign is at fascia level where such signage is generally expected within commercial streets in District Centres. The property does also have advertisement vinyl’s in windows together with the high level signs on the first floor, together with other signs on the Queen Street West elevation. The fascia sign due to its design and prominence and quality of its installation is considered to add to this visual clutter in a manner that is considered to be harmful to visual amenity”.

6.8 The sign that is subject of this appeal is located above the ground floor shopfront and, as noted by the Council within their assessment, is a type of sign which is generally expected within commercial streets in District Centres. There are other signs in-situ on the host building, but these are located to the side and at first floor level. Furthermore, they do not relate to the ground floor commercial unit use and as such are nothing to do with the appellants business. The fascia sign is a common feature along this stretch of Wilmslow Road, which is characterised by similar uses. On the one hand it appears that the Council accept that a box fascia sign would be expected in this location and on the host building but on the other they state that it results in visual clutter due to the existence of other signs on the building, their assessment is therefore inconsistent.

6.9 The comments from the Local Highway Authority are noted. The appellant requests that, should the Inspector allow the appeal, then a condition be imposed to secure an acceptable illuminance level.

6.10 The appellant asserts that the proposal does not have a harmful effect on the visual amenity of the area. There is no conflict with Policies DC14, DC14 and DC15 of the UDP; Policies DM1, EN3 and SP1 of the Manchester Local Development Framework Core Strategy Development Plan Document 2012, the National Planning Policy Framework insofar as they seek to ensure development, advertisements and shop fronts are of good design that has regard for the character and appearance of the area and of major road routes, preserves and takes account of the historic environment, and supports active streets.

7. Summary and Conclusion

- 7.1 With reference to the evidence provided in this Statement of Case, the Inspector is respectfully requested to allow the appeal.

APPENDIX 1

Officer Report for application 138657/AO/2023

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138657/AO/2023
Date registered valid: 29 November 2023
Proposal: Installation of internally illuminated fascia signage to front and side
Address: Ground Floor, 440 - 442 Wilmslow Road, Manchester, M20 3BW
Ward(s): Old Moat Ward

Applicant: Mr M Imran
Agent (if any): Mr R Anwar RA Design & Project Management Ltd
Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 17.01.2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 18 December 2023

Standard consultations:

Printed: 6 December 2023 Expired: 27 December 2023

Neighbour notifications

Printed: 6 December 2023 Expired: 27 December 2023

Site notice

Posted: 18 December 2023 Expired: 11 January 2024

Press advert

Published: 12 December 2023 Expired: 26 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable

Description of area

The application property is a ground floor commercial unit located on the corner of Wilmslow Road and Queen Street West within Withington District Centre. The property is located within the Withington Conservation Area is of two storeys in height and is of brick construction. The property is located within a Victorian terrace of properties, which have a regular building line at ground floor but a variation of building line at first floor with the adjacent property having a set back at first floor to the application property. St Pauls Primary School lies approximately 220m to the south east of the application property.

Withington District Centre comprises a range of commercial uses and other services including library at its northern end, a Methodist Church, bank, and, local convenience store at its southern end. The centre comprises a number of food and drink premises as well as hot food takeaway outlets. Wilmslow Road bisects the centre and is a major radial route serving residential areas in south Manchester and the city centre to the north. The road as it runs through the District Centre is visually narrowed by virtue of the back of pavement commercial buildings that line the road.

There are numerous signs currently installed on the building on the two elevations subject to this application although these are not related to the ground floor commercial use. There is no history of consents for these other signs.

Description of development

The proposals relate to the display of an internally illuminated fascia sign to the front and side of the application property. The submitted application form indicates that sign is the one that is in-situ at the property.

Consultations & Notification Responses

The application proposals were subject to neighbour notification, site notice and advertisement placed in the Manchester Evening News. The following is a summary of the comments received in response to the notification process.

Councillor Gavin White - I would like to object to this retrospective signage application.

It is not in keeping with the conservation area it is sited in, and not in accordance with the material consideration of the Withington Village Framework Plan, adopted in 2021, that outlines what shopfronts and signage should be on a high street in a conservation area such as Withington Village.

The shiny plastic, purple colour, and internal illumination are not a suitable design for a conservation area such as Withington village.

MCC Highway Services - The proposed fascia sign is not located on the adopted highway network. The proposed fascia sign will not extend over the adopted highway and therefore does not require a projection over license. The proposed luminance of the static sign is noted as 800cd/m², this exceeds the MCC recommended maximum of 600cd/m² and is therefore not acceptable to Highways.

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 main policies that relate to this application are EN3 (Heritage) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and Related Signs), DC15 (Advertisements, Hoardings and Posters), and DC18 (Conservation Areas) of the Unitary Development Plan for Manchester (1995) and Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (2023).

Issues

The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. An assessment of the proposals under this criteria is outlined below.

Visual Amenity - The proposal relates to the retention of an internally illuminated fascia sign. The signage has been installed and the submitted drawings indicate it comprises of a fascia panel 730mm in depth, 210mm from the building frontage wrapping around the front and part of the side elevation to the property. Internal illumination levels are indicated as being 800cd/m².

Saved policy DC14 and DC15 of the UDP set out the consideration of advertisements on buildings, they confirm that signs should normally be positioned at fascia level, the effect on visual amenity, they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value should be in scale with the locality and relate properly to the site on which they stand. Policy DM1 of the Core Strategy requires development to be appropriate in siting, scale and materiality. Paragraph 141 of the NPPF states the quality and character of places can suffer when advertisements are poorly sited and designed.

The application site is in a highly prominent location within the Withington conservation area, and on the main thoroughfare through the district centre. By virtue of its design, prominence and the poor quality of its installation, it is considered that the signage would be an obtrusive feature within the street scene of the conservation area.

Saved policy DC15.1 (j) states that the City Council must consider the number of advertisements in the locality and their cumulative effect on visual amenity. In this instance, the proposed signage would further contribute to what already amounts to significant advertisement clutter on the host building although it is noted that the sign is at fascia level where such signage is generally expected within commercial streets in District Centres. The property does also have advertisement vinyls in windows together with the high level signs on the first floor, together with other signs on the Queen Street West elevation. The fascia sign due to its design and prominence and quality of its installation is considered to add to this visual clutter in a manner that is considered to be harmful to visual amenity.

Given the above, the addition of the signage would be harmful to visual amenity and hence fail to preserve and enhance the character and appearance of the conservation area. This is considered unacceptable pursuant to policies DC18 and EN3 of the Core Strategy that require developments to preserve and enhance the historic environment and designated heritage assets.

Public safety

The signage is not considered to give rise to impacts on public safety. The comments from MCC Highway Services are noted in terms of the illuminance and if the proposals were considered to be acceptable amendments to the illuminance levels would have been sought from the applicant.

Conclusion

Given the above, the proposed development is considered to be harmful to visual amenity by reason of poor design, siting and execution together with adding to the overall clutter of signage on the building. The proposals are therefore considered to be unacceptable in this instance.

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 Installation of the internally illuminated fascia sign, by virtue of its position on the building, quality of installation, size and appearance, would create a highly prominent and visually intrusive feature on the building and in the street scene. The signage would form an incongruous addition to the conservation area which would fail to preserve or enhance its special character and appearance and would result in an unduly harmful impact on the visual amenity of the building and wider conservation area. The proposal is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN3 and DM1 of the Manchester Core Strategy (2012) and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services

443A Wilmslow Road, Manchester, M20 4AN
Flat At, Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
444 Wilmslow Road, Manchester, M20 3BW
444A Wilmslow Road, Manchester, M20 3BW
Withington Contact Centre, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
Assist Care, Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
436 Wilmslow Road, Manchester, M20 3BW
440 Wilmslow Road, Manchester, M20 3BW
443 Wilmslow Road, Manchester, M20 4AN
442 Wilmslow Road, Manchester, M20 3BW
Victoria Hotel, 438 Wilmslow Road, Manchester, M20 3BW
437 Wilmslow Road, Manchester, M20 4AN
446 Wilmslow Road, Manchester, M20 3BW
First Floor, 440 Wilmslow Road, Manchester, M20 3BW
Flat 13, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 12, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 10, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 11, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 9, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 8, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 2, 441 Wilmslow Road, Manchester, M20 4AN
Flat 4, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 3, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 2, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 1, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 7, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 6, 4 Swinbourne Grove, Manchester, M20 4DA
Flat 5, 4 Swinbourne Grove, Manchester, M20 4DA
Withington Methodist Church, 439 Wilmslow Road, Manchester, M20 4AN
1 Queen Street West, Manchester, M20 3BQ
434 Wilmslow Road, Manchester, M20 3BW
Flat 1, 441 Wilmslow Road, Manchester, M20 4AN
441 Wilmslow Road, Manchester, M20 4AN
3 Queen Street West, Manchester, M20 3BQ

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
Conservation Area - Withington Conservation Area 1983
Area Team Boundary - Name: SOUTH AREA