

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138793/AO/2023

Date registered valid: 8 December 2023

Proposal: Advertisement consent for the installation of 1no. internally illuminated fascia signs, 3 no. fascia panel signs, 1 no. internally illuminated projecting sign and 2 no. vinyl signs

Address: 132 - 134 Burton Road, Manchester, M20 1JQ

Ward(s): Didsbury West Ward

Applicant: Mr Andy Horwood, Tesco

Agent (if any):

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 2 February 2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 5 January 2024

Standard consultations:

Printed: 21 December 2023 Expired: 14 January 2024

Neighbour notifications

Printed: 21 December 2023 Expired: 14 January 2024

Site notice

Posted: 4 January 2024 Expired: 25 January 2024

Press advert

Published: 2 January 2024 Expired: 23 January 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: No

Description of area

The application site relates to Tesco within the Didsbury West ward of south Manchester. The application site relates to a retail unit within a commercial parade on the western side of Burton Road, used currently by Tesco sitting within Burton House. The property benefits from a shop front and signage for the Tesco.

The application site is situated within Burton Road local neighbourhood centre which consists of a large number of small scale uses many of which are used for food and drink purposes.

The site sits within and to the north of the Albert Park Conservation Area.

Description of development

Advertisement Consent is sought for the installation of 1no. internally illuminated fascia signs, 3 no. fascia panel signs, 1 no. internally illuminated projecting sign and 2 no. vinyl signs.

7 signs would be installed.

Sign 1 relates to a new non-illuminated fascia panel to be painted, Blue RAL 5005, 30% Gloss with Brown Arizona Oak woodtex strip to base, showing the store Address and Est. year.

Sign 2 relates to a new non-illuminated fascia panel to be painted, Blue RAL 5005, 30% Gloss with Brown Arizona Oak woodtex strip to base.

Sign 3 relates to a new pinned off internally illuminated acrylic letters with 'Tesco' in opal 030 Avery 4509 Red 431, And Express & Blips in Opal 030- Avery 5600 LD/082A blue acrylic letters fixed on panel.

Sign 4 relates to a new non-illuminated fascia panel to be painted, Blue RAL 5005, 30% Gloss with Brown Arizona Oak woodtex strip to base.

Sign 5 relates to a new projecting Sign in aluminum powder coated white RAL 9010. Internal illumination to Acrylic letters only. Tesco in Opal 030 Avery 4509 Red 431, and Express & blips in Opal 030-Avery 5600 LD/082A blue, translucent acrylic letters applied to face. Sides, top and bottom to be blue as per fascia.

Sign 6 relates to a new vinyl to be applied internally up to 1700mm high from FFL on the glazing Avery 800-01 off white Chiffon Vinyl to be applied on reverse.

Sign 7 relates to a new vinyl to be applied internally with information relating to opening and closing times.

Planning History

The property benefits from multiple planning applications historically, however all the history pre-dates the current policy plan period starting in 2012.

Consultations & Notification Responses

Local Residents

Local residents were consulted and no responses were received.

Highway Services

Highway Services were consulted on the application and the following responses were received:

Fascia Sign(s) 1, 2, 3 and 4

The proposed fascia signs will not be located on the adopted highway network.

The proposed fascia signs will not extend over the adopted highway and therefore will not require a projection over license.

The proposed luminance of one of the fascia signs is noted as 350cd/m², which is in line with the MCC recommended maximum of 600cd/m² and is acceptable to Highways.

The fascia signs comply with headroom and carriageway clearance requirements.

Projecting Sign(s) 1

The proposed sign is not located on the adopted highway network.

The proposed sign extends by 0.8m 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 applicants expense.

The proposed luminance of the sign is noted as 350cd/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.

Other Type Sign(s) 1 and 2

The proposed vinyl signs will not be located on the adopted highway network.

The proposed signs will not extend over the adopted highway, will not be illuminated, and will comply 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 via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Issues

POLICY

The National Planning Policy Framework (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. National Planning Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 12- Achieving well-designed and beautiful places

Chapter 16- Conserving and enhancing the historic environment

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:

(1)

(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 regulations state the factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990

States special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

It 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. Of relevance are:

Policy DM1 (Development Management);

Policy SP1(Spatial Principles);

Policy EN1 (Design Principles and Strategic Character Areas).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC15: Advertisements, Hoardings and Posters:

DC15.1 states:

In determining applications for free standing hoardings and wall mounted posters the Council will take account of the following matters in assessing these interests:

- a. the general location of the proposed development and the effect on visual amenity;
- b. the scope for posters and hoardings to make a positive contribution to the locality;
- c. the design of the structures, and the relationship with any premises on which they are located;
- d. the effect of the proposal on permanent redevelopment of the land;
- e. public safety resulting from the positioning of the design of the display;
- f. the ease with which the structure is capable of being satisfactorily maintained;
- g. the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent;
- h. the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development;
- i. the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities;
- j. the number of advertisements in the locality and their cumulative effect on visual amenity.

DC15.2 In assessing the interests of amenity and safety the Council will take account of the following criteria:

- a. developments of this kind should not harm the character or architectural features of a

- building, nor interfere with its proper use;
- b. they should be in scale with the locality and relate properly to the site on which they stand;
- c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
- d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

DC15.3 Where, having regard to the preceding policies, the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

Reasons: The Council accept that advertisements can have a positive role in improving the quality of the visual environment in the City - examples are given in policy DC15.2. At the same time, there is the need to maintain public safety, avoid clutter, and safeguard the particular features of buildings or land.

DC18: Conservation Areas

DC18.1 The Council will give particularly careful consideration to development proposals within Conservation Areas.

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i) the relationship of new structures to neighbouring buildings and spaces;
 - ii) the effect of major changes to the appearance of existing buildings;
 - iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
 - iv) the effect of signs and advertisements;
 - v) any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Reasons: The Council is to pursue the above policies to encourage and help ensure the protection, preservation and enhancement of its Conservation Areas, which are areas of special character representing the rise and development of the world's first industrial city. The protection of such areas helps stimulate local pride and encourages both tourism and further investment. The policy gives effect to the obligation placed on the Council by statute to give particular attention to the quality of developments within conservation areas, and reflects the general policy objectives set out in policy E3.8 in this plan.

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The following policies are relevant:
i.JP- S1- Sustainable development

ISSUES

According to the NPPF (Chapter 12) the main issues for consideration relate to the impact of the proposals on visual amenity and public safety.

Principle of Development

The development seeks advertisement consent for the installation of 1no. internally illuminated fascia signs, 3 no. fascia panel signs, 1 no. internally illuminated projecting sign and 2 no. vinyl signs to the applicant property, used to display information relating to the business. The proposed signage would be viewed contextually with the building and would therefore be related to a context with a notable representation of advertising signage by updating the existing signs at the site.

Visual amenity

New proposals within conservation areas should seek to preserve and enhance its character by considering the relationship of new structures to neighbouring buildings and spaces and the effect of changes to existing buildings. New development should be designed so as to support the Council in preserving or, where possible, enhancing the historic environment. Overarching legislation for development in conservation areas refers at Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to the need for Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character and appearance of designated areas. These policies form important material considerations in the determination of advertisement applications and are supported by paragraph 141 of the NPPF which advises that 'the quality and character of places can suffer when advertisements are poorly sited and designed'. Paragraph 196 of the NPPF also underline the desirability for new development to make a 'positive contribution to local character and distinctiveness'.

The proposal seeks advertisement consent for the installation of 1no. internally illuminated fascia signs, 3 no. fascia panel signs, 1 no. internally illuminated projecting sign and 2 no. vinyl signs.

The proposal seeks to update the existing signage at the site, whilst adding a level of illuminance to the signs. Whilst illuminance may not always be supported within Conservation Areas, sign 3 involves the internal illuminance of the Tesco letters which would be fixed to a non-illuminated fascia panel and further illuminance would be added to the site in the form of a new projecting sign in aluminum powder coated white RAL 9010 with internal illumination to acrylic letters only.

As such, the level of illuminance would be restricted to the letters only and would be considered a sympathetic addition to the existing property. The projecting sign would replace the existing at the site and would be considered appropriate in height, scale and appearance. The proposed signage with the illuminance of individual letters is considered to relate to the Conservation Area more appropriately than the illumination of a fascia sign. The proposal would restrict the amount of illumination and would appear to be more delicately illuminated and presented. The proposal is considered to relate well to the setting of the Conservation Area and would enhance the appearance of the commercial unit. Further, given the delicate nature of the proposed signs, the signage is not considered to cause any visual harm to the surrounding residential properties including properties to the eastern side of Burton Road.

Similar applications with limited parts of signage with illumination have also been granted within the Conservation Area, this includes signage at 1 Lapwing Lane with external illumination under planning ref: 118787/AO/2018. Although the site does not sit within the same Conservation Area, a similar method of illumination has been approved under planning ref: 120493/AO/2018 for commercial unit Coop, sitting within the Chorlton Green (Extension) Conservation Area.

Signs 1, 2 and 4 would replace the existing fascia panels at the sign and would be in a blue colouration with white writing. The colour and font is consistent throughout the proposal and in colours which match the Tesco brand. As such, the appearance, colouration and forms of the signs are considered appropriate and would make a positive contribution to the Albert Park Conservation Area, by ensuring signs are well maintained and are up to date with the company's brand.

Sign 6 and 7 would be related to new vinyls to be applied internally up to 1700mm high from FFL. Again, they would replace the signs already at the site and would provide customers information. The signs would still allow a level of transparency into the shop ensuring the open nature of the site. Existing signs within the windows of the right hand side would be removed as a result of the proposal. Given no additional signs would be added to the site as a result of the proposal, the signs would not be considered to give rise to architectural clutter, pursuant to paragraph 141 of the NPPF.

Public safety

Each of the proposals comply with MCC recommendations, and Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. Highway Services are happy with the level of illuminance proposed for those signs containing internal illumination and a condition restricting illuminance would be placed on any approval granted. The projecting sign extends by 0.8m over the adopted highway. As such, a projection over license will be required. Further details of how the applicant can obtain a projection over license would be placed as an informative on any approval granted. As such, the

proposal is considered pursuant with the Town and Country Planning (Control of Advertisements) Regulations 2007 part 2(b).

Conclusion

The proposed signage is considered suitably related to the streetscene and context, in terms of the advertisements' height and siting and are therefore considered to be commensurate with National Planning Policy Framework (NPPF), the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DM1 and SP1 of the Manchester Core Strategy and saved policies DC15.1, DC15.2, DC15.3 and DC18 of the Unitary Development Plan for the City of Manchester.

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

- Application Form, stamped as received by the City Council, as Local Planning Authority on 8 December 2023.
- Drawing- Proposed- Built Up Letters on Fascia Panel 1, stamped as received by the City Council, as Local Planning Authority on 8 December 2023.
- Drawing- Proposed- Plan, numbered 02_2376_02C, stamped as received by the City Council, as Local Planning Authority on 8 December 2023.
- Drawing- Proposed- Elevation, numbered 03_2376_03B, stamped as received by the City Council, as Local Planning Authority on 8 December 2023.
- Drawing- Proposed- General Arrangement, numbered PROJECTING+SIGN+V2.1 REV B, stamped as received by the City Council, as Local Planning Authority on 8 December 2023.

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.

3) The maximum luminance level of the advertisements hereby approved shall not exceed 600cd/m².

Reason - In the interests of pedestrian/highway safety and residential amenity enjoyed within the vicinity of the site, pursuant to policy DM1 of the Manchester Core Strategy.

Informatives

1) 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 via Email -highwaylicences@manchester.gov.uk or highwaynetworkmanagement@manchester.gov.uk

2) The proposed sign extends by 0.8m 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 applicants expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Rear, 130 Burton Road, Manchester, M20 1JQ
Flat 1, 130A Burton Road, Manchester, M20 1JQ
Flat 2, 130A Burton Road, Manchester, M20 1JQ
Flat 3, Burton House, 132 Burton Road, Manchester, M20 1JQ
Flat 5, Burton House, 132 Burton Road, Manchester, M20 1JQ
Flat 6, Burton House, 132 Burton Road, Manchester, M20 1JQ
Flat 2, Burton House, 132 Burton Road, Manchester, M20 1JQ
Flat 4, Burton House, 132 Burton Road, Manchester, M20 1JQ
Flat 1, Burton House, 132 Burton Road, Manchester, M20 1JQ
128B Burton Road, Manchester, M20 1JQ
135A Burton Road, Manchester, M20 1HW
135B Burton Road, Manchester, M20 1HW
8 Leopold Avenue, Manchester, M20 1JL
Flat 2, 136A Burton Road, Manchester, M20 1JQ
Flat 1, 136A Burton Road, Manchester, M20 1JQ
136A Burton Road, Manchester, M20 1JQ
12 Leopold Avenue, Manchester, M20 1JL
10 Leopold Avenue, Manchester, M20 1JL
Flat 2, 2 Leopold Avenue, Manchester, M20 1JL
Flat 1, 2 Leopold Avenue, Manchester, M20 1JL
128A Burton Road, Manchester, M20 1JQ
130 Burton Road, Manchester, M20 1JQ
128 Burton Road, Manchester, M20 1JQ
137A Burton Road, Manchester, M20 1HW
137 Burton Road, Manchester, M20 1HW
135 Burton Road, Manchester, M20 1HW
6 Leopold Avenue, Manchester, M20 1JL
4 Leopold Avenue, Manchester, M20 1JL
136 Burton Road, Manchester, M20 1JQ

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 - Albert Park Conservation Area 1988
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA