MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138219/AO/2023
Date registered valid:	29 September 2023
Proposal:	Installation of facia sign with individually illuminated letters
Address:	Ground Floor, 455 - 459 Wilmslow Road, Manchester, M20 4AN
Ward(s):	Withington Ward
Applicant:	Mr Yuksel Redzheb Hasan
Agent (if any):	Dr Amir Nankali AMA UK Consultancy LTD
Case officer:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**30/11/2023**

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 13/10/2023

Standard consultations:
Printed: 11 October 2023 Expired: 1 November 2023

Neighbour notifications
Printed: 11 October 2023 Expired: 1 November 2023

Site notice
Posted: 13 October 2023 Expired: 3 November 2023

Press advert
Published: 17 October 2023 Expired: 31 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Proposal relates to a mid-terrace two storey property on Wilmslow Road. The property is currently in use as a retail premises to the ground floor with a residential dwelling above (with separate access). The property features a rear two storey outrigger extension and further single storey extension. The front of the property directly borders adopted pavement and the rear to a car park and servicing area.

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: Not applicable



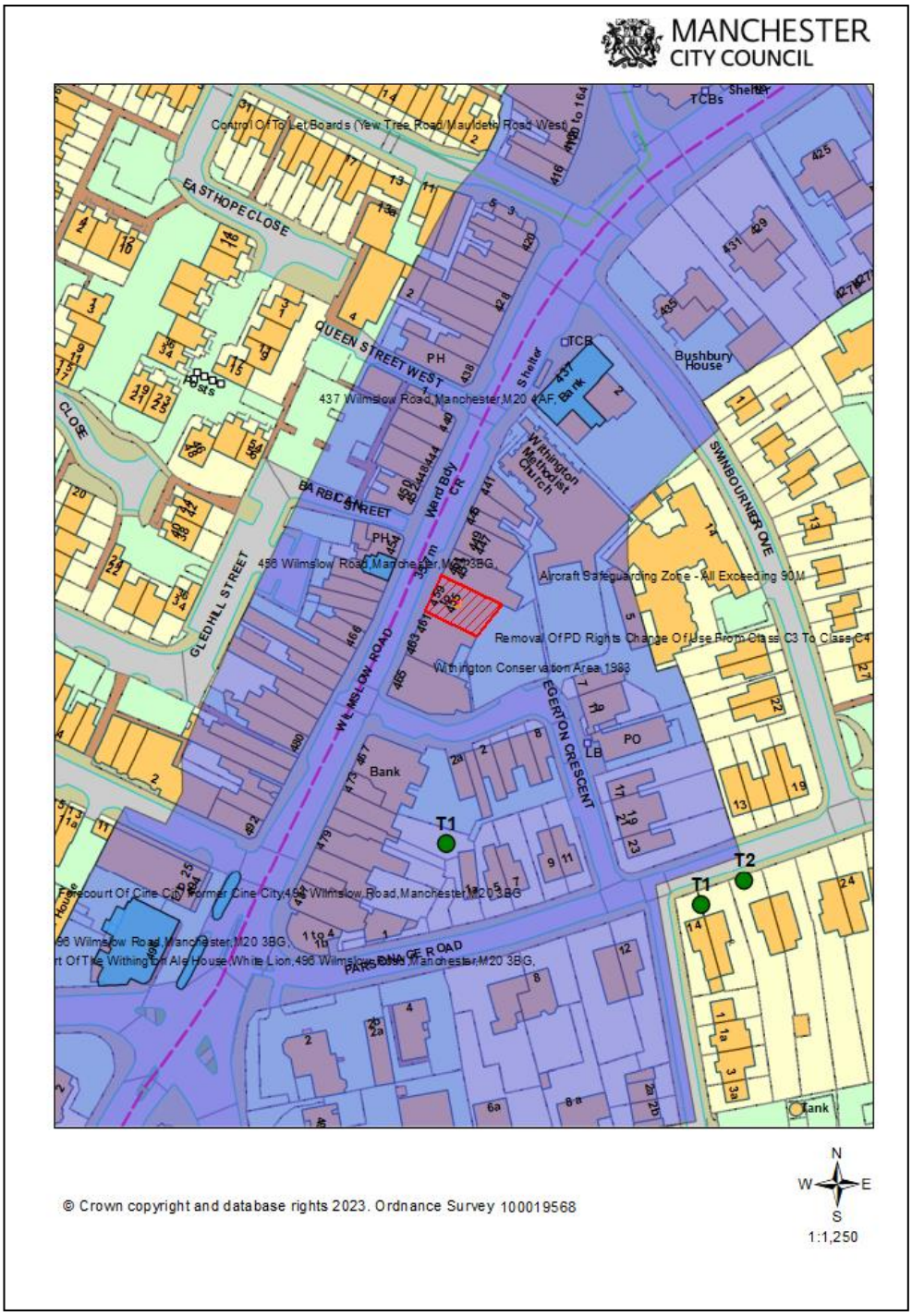
Figure 1. Wilmslow Road street scene



Figure 2. View from rear service yard

Description of area

The proposal is located on Wilmslow Road in the Withington Ward of Manchester. The area is predominately high street commercial with a mix of retail outlets. The site sits within the Withington District Centre and Withington Conservation Area. The property sits directly opposite the Grade II listed 456 Wilmslow Road.



Description of development

The applicant is proposing the installation of facia sign with individually illuminated letters.



Figure 3. Proposed Elevations



Figure 4. Proposed detail

Planning History

137509/FO/2023

Description: Change of use from retail (Use class E) to restaurant and hot food takeaway (Sui Generis) and installation of flue to the rear

Decision: Pending Consideration

It is of note this advertisement consent relates to the above change of use and external alteration application.

057567/FO/SOUTH1/99

Description: Retrospective - Installation of new shop front

Decision: Refused 25/01/2000

055829/FO/SOUTH1/98

Description: Installation of new shop front

Decision: Refused 20/05/1999

042474

Description: Erection of an illuminated projecting box sign.

Decision: Approved 01/12/1992

035598

Description: Use of 2 retail units as a wine bar and restaurant

Decision: Approved 19/04/1990

030921

Description: Construction of new shop front and conversion of shop into 2 units including new travel agents

Decision: Approved 01/03/1988

030381

Description: Illuminated fascia name sign and projecting box sign

Decision: Approved 01/03/1988

F01019

Description: Formation, of pitched roof and second floor of supermarket and formation of flat roof at second floor level.

Decision: Approved 08/11/1974

Consultations & Notification Responses

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application.

Highways services had no objection to the proposed signage.

Manchester City Council Heritage and Urban Design

The property is designated as a non-designated heritage asset. Heritage and Urban Design made the following comments.

"As per advice on the application for the shopfront alterations, there should be consistency between the proposed signage and the proposed shopfront in finish and colour. Albeit the proposed cross-sections illustrate a backing board of 20mm and finished in brown, the visuals show a new panel with a patterned finish, in PPC and with an excessive projection. A new solid rather than pattered brown 'backing board' would be accepted contingent on its alignment with the colour scheme of the wider shopfront and an overall projection not exceeding 20mm, as per the proposed cross-section. Please amend the proposed sign elevation to align with the proposed cross-section. The golden PVC finish is not supported, as it would not give great weight to the historic character of the area. More muted and non-shinny aluminium letters would be recommended (i.e. to echo existing)"

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

No comments, objections, or representations in respect of this application was received.

Residents Associations and Groups

As per Appendix 1, Withington Civic Society were notified of the proposal.

Withington Civic Society are opposed to the proposal citing the following reasons:

- Effect on the conservation area
- Concerns on illuminated signage

Ward Members

2no local Ward Members commented on the proposal with concerns including:

- Out of character to the area
- Detrimental to the conservation area.

Site Notice and Press Advertisements

As per Appendix 1, a public site notice and advertisement in the Manchester Evening News was posted.

No comments, objections, or representations in respect of this application was received.

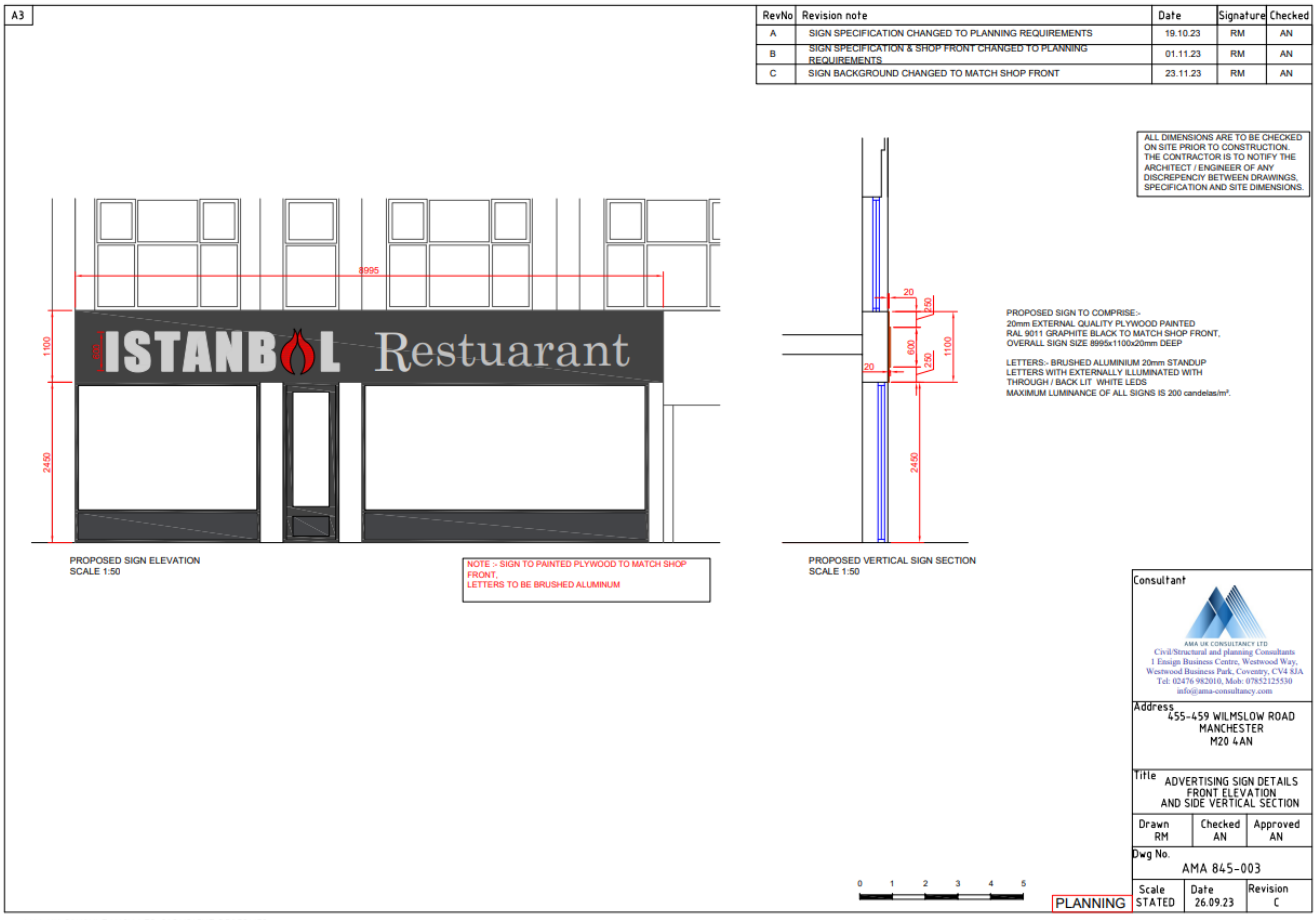
Negotiations

Issues have arisen in the consultation phase.

The Manchester City Council Heritage and Urban Design team outlining several issues with the current design including the finish and colours.

Updated proposed development.

In negotiation with Heritage and Urban Design a new frontage has been designed to incorporate the original signage backing board and design of the original frontage, ensuring architectural symmetry. The materials palette and signage has been updated and roller shutters removed from the scheme. The letters will be backlit white LEDs with a maximum brightness of 200cdm.



Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The following policies are considered relevant in the consideration of this application.

- The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in the Manchester Local Plan. It sets the out the long-term strategic policies for Manchester's future development and forms the framework that planning applications are assessed against. The following Core Strategy Policies are considered relevant to this proposal:
    - DM 1 - Development Management
    - SP 1 - Spatial Principles
    - EC 2 – Existing Employment Space
    - EC 9 – South Manchester
    - C 2 – District Centres
    - C 6 - South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington
    - C 10 – Leisure and the Evening Economy
    - EN 1 - Design Principles and Strategic Character Areas
    - EN 3 – Heritage

  Places for Everyone Plan
    - 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.
- Extant Unitary Development Plan (UDP) - The Core Strategy replaced much of the UDP, but some UDP Development Control policies are extant (remain). The following extant policy are still considered relevant to this proposal.
    - DC14 - Shop Fronts and Related Signs

  - DC18 - Conservation Areas
  - DC26 - Development and Noise
- The National Planning Policy Framework (The NPPF) - The National Planning Policy Framework (NPPF) was first published on 27 March 2012 with the latest version published 05 September 2023. This sets out the government's planning policies for England and how these are expected to be applied. The following sections are considered relevant to this proposal:
  - Section 4 – Decision-making
  - Section 6 – Building a strong, competitive economy
  - Section 12 – Achieving well-designed places
  - Section 16 - Conserving and enhancing the historic environment
- Town and Country Planning (Control of Advertisements) Regulation 2007 - The Town and Country Planning (Control of Advertisements) Regulation 2007 is an act of the United Kingdom Parliament regulating the development of advertisements in England.
  - Section 3 - Powers to be exercised in the interests of amenity and public safety

Principle of development

In this instance the principle of the proposal is considered acceptable, and it is not believed that there are any factors of sufficient weight in amenity terms that would warrant refusal of the application.

On balance, the proposed development is deemed to accord with all relevant policy of the Manchester Core Strategy, Extant UDP and the NPPF as assessed in the following sections of this report.

The Manchester Core Strategy Development Plan (2012-2027)

The proposal has been assessed against the following policies of the Core Strategy:

DM 1 – Development Management

All new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The proposal has been assessed against the following issues:

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

The applicant is seeking the installation of facia sign with individually illuminated letters. It is important to note that the change of use has been assessed on 137509/FO/2023.

The proposed fascia sign is for a new restaurant/takeaway.

In negotiation with Heritage and Urban design the proposal is for a simple grey monocolour painted backing board with Brushed Aluminium letters standing no more than 20mm. The letters are backlit with white LEDs with a maximum of 200 candelas/m2.

Overall, it is considered that the proposed development has appropriate siting, layout, scale, form, massing, materials, and detail and is therefore in accordance with the development management principle.

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.

The proposal is located on Wilmslow Road within the Withington District Centre. Adjacent to the property is a bank, other restaurants, pubs, and food outlets.

The revised fascia would not be out of place in this busy district centre and its presence would not overwhelm the area or create any harm to the viability of the district centre.

The front façade has been negotiated to ensure it blends well into the architectural design of the building and locale providing a net benefit to the street scene.

Visual impacts in connection with the proposed development are not considered to have any significant impacts to the character of the area, and therefore the appearance is acceptable.

On balance, the proposal is considered comparable in terms of size and its position to others found in the immediate area, therefore it is felt that the proposal can be accommodated at the application property and is considered that the proposal would not interfere with the existing characteristics of the area.

Overall, it is considered that the proposed development has minimal impact on the surrounding areas in terms of the design, scale, and appearance and is therefore in accordance with the development management principle.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.

The proposal has minimal effect on privacy.

The proposal is expected to have a negligible effect on Air Quality.

The proposal in of itself has a negligible effect on local noise levels. It is recognised that demolition and/or construction works are often noisy and obtrusive to the local residential amenity. Contractors are expected to follow best practice to minimise the temporary effect on residents referring to construction guidance on controlling emissions.

The proposal has negligible effect on road safety and traffic generation and is therefore in accordance with this development management principle.

On balance the proposal has minimal effect on privacy, local light, noise, vibration, air quality, odours, litter, vermin, and birds and is therefore in accordance this development management principle.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

The proposal alters the existing access to the premises but does not create an unnecessary barrier to access and egress.

The proposal is therefore in accordance with this development management principle.

Effects relating to biodiversity, landscape, archaeological or built heritage

No ground contamination, groundwater contamination and/or ground gas relevant to the site or ground stability issues have been identified.

The proposal is within the Withington Conservation area.

The Withington Conservation Area is situated approximately three miles south of the city centre of Manchester. It consists principally of a linear shopping centre with some nearby housing at a point where one of the main radial road routes from the city centre branches: the junction of Wilmslow Road, Palatine Road, Burton Road and Parsonage Road.

Given the context of the area, the location within the borders of the Withington District Centre and the wider character of the area the harm to the conservation area would be less than substantial (as set out in the NPPF Section 16).

On balance the proposal has minimal effect on local biodiversity, landscape, archaeological or built heritage and is therefore in accordance with this development management principle.

Flood risk and drainage.

The site does not sit in a flood risk area and therefore no flood statement or assessment was required.

The proposal has a negligible impact on drainage using the existing drainage on site.

The proposal is therefore in accordance with this development management principle.

SP 1 - Spatial Principles

This policy outlines the guiding spatial principles and core development principles of Manchester City Council.

Most notably the core development principles highlight development should ‘make a positive contribution to neighbourhoods of choice’.

This proposal is considered to accord with the principles of this policy.

EC 2 – Existing Employment Space

This policy outlines the key principles to retain and enhance existing employment space and sites.

This proposal is considered to accord with the principles of this policy.

EC 9 – South Manchester

This policy outlines the principles for employment opportunities in South Manchester.

This proposal is considered to accord with the principles of this policy.

C 2 – District Centres

This policy outlines the strategy for development within district centres. Development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

This proposal is considered to accord with the principles of this policy.

C 6 – South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington

This policy outlines the strategy for development within district centres in South Manchester.

This proposal is considered to accord with the principles of this policy.

C 10 – Leisure and the Evening Economy

This policy outlines the key principles around development management of proposals pertaining to Leisure and the Evening Economy. In particular development that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy.

This proposal is considered to accord with the principles of this policy.

EN 1 – Design Principles and Strategic Character Areas

This policy outlines key design principles for development in Manchester most notably that all development in Manchester will be expected to follow the seven principles of urban design.

This proposal sits within the ‘Southern Character Area’.

This proposal is considered to accord with the principles of this policy.

EN 3 – Heritage

This policy outlines the key principles concerning Heritage and development management. In particular, development that complements and takes advantage of the distinct historic and heritage features of the city’s districts and neighbourhoods.

The development is considered to accord with the aspirations of this policy.

Extant Unitary Development Plan (UDP)

The Core Strategy replaced much of the UDP, but some UDP policies are extant (remain) and are relevant to this proposal.

DC14 - Shop Fronts and Related Signs

This policy outlines the key issues when considering development of shop fronts and related signage.

This proposal is considered to accord with the principles of this policy.

DC18 - Conservation Areas

This policy outlines the key issues when considering the development proposals within Conservation Area.

This proposal is considered to accord with the principles of this policy..

DC26 - Development and Noise

This policy outlines the key issues to reduce the impact of noise on people living and working in, or visiting, the City.

This proposal is considered to accord with the principles of this policy.

Places for Everyone Plan

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 on the Plan. The Examination of 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 is 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.

This proposal is considered to accord with the aspirations of the Places for Everyone Plan.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.

The NPPF has been adhered to and considered at all stages of the application.

Section 4 - Decision-making

Section 4 of the NPPF outlines how local planning authorities should approach decisions on proposed development in a positive and creative way.

Section 4 of the NPPF has been adhered to and considered at all stages of the proposal.

Section 6 - Building a strong, competitive economy

Section 6. of the NPPF outlines the development management principles to help create the conditions in which businesses can invest, expand, and adapt.

Section 12 - Achieving well-designed places

Section 12 of the NPPF outlines the need to achieve well-designed places.

Section 16 - Conserving and enhancing the historic environment

Section 16 of the NPPF outlines the development management regarding heritage assets.

Considering potential impacts (Para. 199-208)

These paragraphs outlines when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

This proposal is considered to accord with the principles of these policies.

Town and Country Planning (Control of Advertisements) Regulations 2007

The Town and Country Planning (Control of Advertisements) Regulation 2007 is an act of the United Kingdom Parliament regulating the development of advertisements in England.

Section 3

Section 3 outlines the powers to be exercised in the interests of amenity and public safety by the local planning authority.

1. A 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 proposal has been assessed against this criterion and is deemed in accordance with the regulations.

Other Material Considerations

Other material considerations & policy may be relevant to the proposal as follows:

- Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)
- Manchester Residential Quality Guide (July 2016) (MRQG)
- Manchester, Salford, and Trafford Strategic Flood Risk Assessment
- Manchester City Council Highways Developer Design Guidance – Sustainable Drainage Systems
- Manchester City Council Planning and Noise Technical Guidance (2022)
- Air Quality & Planning Technical Guidance (2022)
- Planning and Contaminated Land Technical Guidance (2021)
- Greater Manchester Joint Waste Development Plan Document (GMJWDPD)
- Waste Storage and Collection Guidance for New Developments (2017)
- Hot Food Takeaway Supplementary Planning Document (2017)

- Manchester City Council Houses in Multiple Occupation Guidance and Amenity Standards (2020)
- Manual for Streets (2007)
- National design guide & National Model Design Code (2021)
- Outdoor advertisements and signs: a guide for advertisers (2007)

Relevant policy and guidance have been considered within policies of the Core Strategy and Extant UDP.

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.

Conclusion

The proposal is considered acceptable in this location, in terms of design, scale and massing, without unduly detrimentally affecting the amenities of the occupiers of surrounding properties, or the character and appearance of the surrounding street scene, and there are no material considerations of sufficient weight to indicate otherwise. For the above reasons, the proposal is unlikely to have any detrimental impact and therefore accords with the relevant Core Strategy, Extant UDP, NPPF policies and other material considerations.

Recommendation: Approve

Article 35 Declaration

Officers have collaborated with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Minor issues have arisen during the consideration of this application and the officer negotiated with the applicant and consultees to reach a satisfactory resolution.

Condition(s) to be attached to decision for approve

1. **3-year time limit**

   The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. Specified plans

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

a. Drawing - Location Plan, 29 Sep 2023, AMA 845-001 THE LOCATION PLAN
b. Drawing – Proposed, 23 Nov, AMA 845-002-003 Rev C - plans and elevations. 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy.

3. Specified materials

The materials to be used on the external surfaces hereby permitted shall match those as specified on the application form in type, size, colour, and texture.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the structure. Pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy.

4. Advertisement mandatory condition

a. 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.
b. 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 hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

c. 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.
d. 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.
e. 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.

Reason - In the interests of pedestrian and highway safety, pursuant to Policy DM 1, SP 1 and EN 1 of the Manchester Core Strategy (2012) and The Town and Country Planning (Control of Advertisements) Regulation 2007.

5. Luminance requirements

The maximum luminance level of the backlighting shall not exceed 200 cd/m2.

Reason - In the interests of pedestrian and highway safety, pursuant to Policy DM1, EN 19, SP 1, EN 3 of the Manchester Core Strategy (2012)

Appendix 1 – List of consultees & neighbours notified

Highway Services
Withington Civic Society

463 Wilmslow Road, Manchester, M20 4AN
5 Egerton Crescent, Manchester, M20 4PN
455 - 459 Wilmslow Road, Manchester, M20 9AN
453 Wilmslow Road, Manchester, M20 4AN
462 Wilmslow Road, Manchester, M20 3BG
456 Wilmslow Road, Manchester, M20 3BG
Basement, 455 - 459 Wilmslow Road, Manchester, M20 9AN
458 - 460 Wilmslow Road, Manchester, M20 3BG

Flat 2, 458 - 460 Wilmslow Road, Manchester, M20 3BG

Flat 1, 458 - 460 Wilmslow Road, Manchester, M20 3BG

459A Wilmslow Road, Manchester, M20 4AN

461 Wilmslow Road, Manchester, M20 4AN

Albert Inn, 454 Wilmslow Road, Manchester, M20 3BG

7 Egerton Crescent, Manchester, M20 4PN

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