

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135807/AO/2022

Date registered valid: 18 January 2023

Proposal: Installation of 3 x externally illumination signage panels and non-illuminated vinyl signage to the Gorton Lane and Borwell Street elevations

Address: 548 Gorton Lane, Manchester, M18 8EH

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Bilal Ashraf

Agent (if any): Mr Colin Williams Alpha Design

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25.07.2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 10 February 2023

Standard consultations:

Printed: 3 July 2023 Expired: 10 July 2023

Neighbour notifications

Printed: 3 July 2023 Expired: 10 July 2023

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The planning application relates to a former public house situated at the junction of Gorton Lane and Borwell Street. The building has a broadly triangular configurations with a small yard area accessed via Borwell Street and providing an entrance to upper floor residential accommodation. The entrance to the yard is immediately adjoined by an entrance to a larger yard area that services an adjoining residential property at 22 a Borwell Street. The adjoining property appears to incorporate first floor accommodation that extends to the front of the building but has been excluded from the application site.

The main building has a pitched roof comprising grey slate. It has a roofscape articulated with chimney stacks. As the building returns the Borwell Street its height reduces from a gable adjoining a lower pitched roof element. A further reduction in height leads to the formation of a flat roof single storey toilet block.

The building has some architectural merit. It comprises crème painted walls with stone detailing painted black. The ground floor windows have been enclosed with metal shutters following the closure of the public house.



Fig. 1 – Views of the application site from Gorton Lane

Description of advertisements

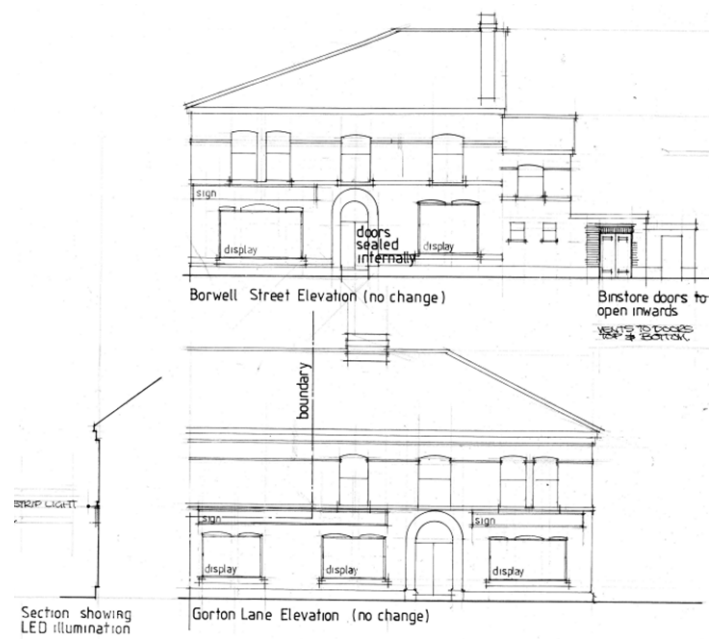


Fig.2 – External signage

The application signage has been installed and is detailed in Fig.2. The display involves the installation of fascia signage to the Gorton Lane elevation above window openings and to each side of the arched main entrance, A further fascia sign has been positioned on the returning elevation to Borwell Street elevation above the existing window openings. The fascia signage would have a depth of 600 mm and illuminated with projecting downward strip lights. Illumination is static with a specified illumination level of 2cd/m². Existing windows have been enclosed and external vinyl signage applied.

Site History

133158/FO/2022 - Change of use of ground floor from public house (sui generis) to retail store (Class E) with associated elevational alterations
Approved 5 July 2023

133888/FO/2022 - Retrospective application for the installation of ATM into the Gorton Lane ground floor elevation of building
Refused 21 July 2022

133889/AO/2022 - Retrospective application for the installation of advertisement signage relating the installation and ATM in the ground floor Gorton Lane elevation
Refused 21 July 2022

Consultations & Notification Responses

Local residents – No comments received.

Highway Services – The following comments have been received:

- i. The illuminated fascia signs are not located on the adopted highway network. The proposed fascia signs extend for a maximum of 0.4m over the adopted highway. As such, a projection over license will be required. The proposed luminance of the signs is 2cd/m². The proposed luminance is acceptable as it would not exceed the recommended maximum of 600cd/m². The fascia signs comply with headroom and carriageway clearance requirements.
- ii. Other signage is not located on the adopted highway network, will not project over the adopted highway, has no luminance and complies with headroom and carriageway clearance requirements.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

- (1) 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.

It is considered that the illuminated signage relates satisfactorily to the regulations.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. It states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

Chapter 12. Achieving well-designed places - States that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. It further states that: 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. With regard to advertisement signage Chapter 12 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 considered that the proposed signage represents a design that is commonly found within the local context. On balance, it is considered that the proposed signage would secure a satisfactory relationship to the shopfront and its characteristics. Chapter 12 would therefore be appropriately responded to.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read

in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG:

Advertisements - This section specifically refers to, amongst other things,

- i. Considerations affecting public safety
- ii. Considerations affecting amenity.

In this case it is considered that the display of signage would not be detrimental to highway safety and / or the amenity of the neighbouring area and would thereby be appropriately related to the relevant aspects of PPG.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The appearance and specification of the illuminated signage fascia signage would not unduly impact upon the character or composition of the shopfront. The enclosure of the window opening has had some impact on the appearance of the building. However, the definition of the openings has been retained and the application of vinyl signage has reduced the visual impact of the installed fascia panels. The signage is commensurate with the sustained operation of the premises. On balance the signage has been satisfactorily related to policy SP1.

Policy EN 1 Design Principles and Strategic Character Areas - States that design is appropriately related to the character of the surrounding area. It is not considered that the signage departs from the character of the shopfront or otherwise visually obtrusive and its illumination would be managed by conditions. The signage is thereby appropriately related to policy EN1.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance with regard to the character of the surrounding area;
- c. Effects on amenity;

d. Design for health.

For the reasons previously set out above, it is considered that the proposed signage would be satisfactorily related to policy DM1 as it has been satisfactorily related to the character of the existing building.

Unitary Development Plan saved policies - The following saved policies of the UDP are considered to be relevant:

Policy DC14 - Shopfronts and related signs

Policy DC14.1 - States that in determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shop fronts, where appropriate, and of the area within which the premises are located. Policy DC14.1 has been related to the relationship of the signage to the existing building and the context of the site and considered to be appropriate.

Policy DC14.5 - States that the advertisement regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies:

A. In the interests of amenity,

- a. Signs should not normally be positioned other than at fascia level;
- b. Signs should respect the architectural form of buildings and shop frontages;

B. In the interests of public safety,

- h. Any sign which is detrimental to the safety of pedestrians or motorists will be refused.

It is considered that the illuminated signage has a limited visual impact and thereby accords with policy DC14.1 with regard to amenity. The vinyl signage has been appropriately related to the enclosed window opening thereby retaining the characteristic of the building. There are no apparent public safety issues associated with the display of the signage as its positioning would accord with policy DC14.5.

Principle - The advertisement application has been specifically considered with regard to its compliance with policy and relevant guidance and legislation. It is considered that the proposed signage has been appropriately and cohesively related to the parameters of the existing shopfront and the position of fascia signage is considered to be acceptable. The agent has confirmed that employees of the ground floor shop occupy the upper floor.

Height and positioning - As stated the proposed signage would be appropriately related to the existing shop frontage. Sufficient clearance above ground thereby ensuring that there would be no impact on pedestrian movement. Highways issues are discussed below.

Highways Issues - From the information that has been provided it appears that the LED downlighting may project by 0.4 metres from the ground floor elevation rather than the fascia sign itself. Highway Services requirements for a projection over licence has been related to the decision by an informative.

Illumination levels – Low levels of illumination have been indicated. For the avoidance of doubt, a condition has been included to ensure that no illumination exceeds the specified usually recommended maximum of 2 cd/m².

Design – On balance, it is considered the signage has been appropriately related to the composition of the external elevations.

Residential amenity - The agent has confirmed that accommodation above the shop is occupied by employees of the shop. Notwithstanding the above the low level of illumination would not unduly affect residential amenity. On balance, the amount of signage is considered to be appropriate. Local amenity has not, therefore, been unduly harmed by the overall display of signs.

Conclusion – On balance the advertisement signage is acceptable.

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

N/A

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on 20 December 2022, 18 January 2023 and 24 May 2023:

Application forms for the display of advertisements

Location plan with a red edge

Drawing: Floor plans and elevations (proposed) Ref: 2A

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 for the City of Manchester.

3) The illumination of the advertising signage shall not exceed 2 cd/m² as specified on the submitted application forms for the display of advertisements.

Reason - In the interests of the visual amenities of the area pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policies E3.3 and DC14 of the Unitary Development Plan.

Informative

1) The proposed fascia signs and related lighting extend for a maximum of 0.4m over the adopted highway and a projection over license will be required. This is obtainable via Contact Manchester on 0161 234 5004 and will be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services

552, Gorton Lane, Manchester, M18 8EH
22A Borwell Street, Manchester, M18 8FH
1 Argyle Street, Manchester, M18 8EJ
22 Borwell Street, Manchester, M18 8FH
20 Borwell Street, Manchester, M18 8FH
7 Argyle Street, Manchester, M18 8EJ
5 Argyle Street, Manchester, M18 8EJ
3 Argyle Street, Manchester, M18 8EJ
562 Gorton Lane, Manchester, M18 8EH
544 Gorton Lane, Manchester, M18 8AN
546 Gorton Lane, Manchester, M18 8AN
1A Ansell Close, Manchester, M18 8EE
Flat 30, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 28, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 18, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 25, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 23, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 21, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 16, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 14, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 11, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 1, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
556 Gorton Lane, Manchester, M18 8EH
550 Gorton Lane, Manchester, M18 8EH
3 Heversham Walk, Manchester, M18 8AY
1 Heversham Walk, Manchester, M18 8AY
542 Gorton Lane, Manchester, M18 8AN
Flat 29, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 27, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 26, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 24, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 22, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 20, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 19, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 17, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 15, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 13, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 12, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 10, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 9, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 8, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 7, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 6, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 5, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 4, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 3, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 2, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
1 Borwell Street, Manchester, M18 8AQ
18 Oxenholme Walk, Manchester, M18 8AP

16 Oxenholme Walk, Manchester, M18 8AP
14 Oxenholme Walk, Manchester, M18 8AP
8 Robe Walk, Manchester, M18 8EB
6 Robe Walk, Manchester, M18 8EB
4 Robe Walk, Manchester, M18 8EB
2 Robe Walk, Manchester, M18 8EB
16 Robe Walk, Manchester, M18 8EB
14 Robe Walk, Manchester, M18 8EB
12 Robe Walk, Manchester, M18 8EB
10 Robe Walk, Manchester, M18 8EB
18 Borwell Street, Manchester, M18 8FH
16 Borwell Street, Manchester, M18 8FH
564 Gorton Lane, Manchester, M18 8EH
560 Gorton Lane, Manchester, M18 8EH
558 Gorton Lane, Manchester, M18 8EH
554 Gorton Lane, Manchester, M18 8EH
552 Gorton Lane, Manchester, M18 8EH
7 Heversham Walk, Manchester, M18 8AY
5 Heversham Walk, Manchester, M18 8AY

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA