

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137065/AO/2023

Date registered valid: 24 May 2023

Proposal: Continued display of 1no. internally illuminated fascia sign and installation of 1no. internally illuminated projecting sign.

Address: Hip , 63 Thomas Street, Manchester , M4 1LQ

Ward(s): Piccadilly Ward

Applicant: HIP Innovate Signs

Agent (if any): Hannah Buss Innovate Signs

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation:

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 30 May 2023 Expired: 20 June 2023

Neighbour notifications

Printed: 30 May 2023 Expired: 20 June 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: Smithfield Conservation Area 1987

Tree Preservation Order:

Description of area

The area relates to the Northern Quarter, Manchester's central nightlife, dining and creative neighbourhood. The character of the area comprises many varied uses, including dining, drinking, office, gallery, nightclub and residential. Its is covered by two conservation area, Stevenson Square and Smithfield, but only the latter is pertinent to this development.

The site relates to the ground floor commercial unit of 63 Thomas Street, a red brick 3 storey historic building. The unit previously house renowned Manchester streetwear retailer Oi Polloi. The building is not listed but is located in a prominent location within the Smithfield Conservation Area.

Description of development

The development relates to the installation of 1no. projecting sign and the continued display of 1no. illuminated logo fascia sign consisting of individual letters to reflect the branding of the new occupier.

Consultations & Notification Responses

Publicity - letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

Environmental Health: No objection, but luminance condition requested which is attached to this approval

Highways – No objections, not expected to cause any distraction to drivers or dangers to pedestrians. Informative requested.

Issues

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity, impact upon the adjacent Conservation Area and Public Safety.

The main policies that relate to the assessment of the proposal are the Town and Country Planning (Control of Advertisements) Regulations 2007 and Core Strategy policies DM1 (Development Management), SP1 (Spatial Principles), CC9 (Design and Heritage) and EN3 (Heritage), the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC14 (Shop fronts and Related Signs), DC15 (Advertisements, Hoardings and Posters) DC18.1 (Conservation Areas) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places) and Section 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—

- (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 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 these criteria is outlined below.

Visual amenity

The proposed projecting sign and the fascia sign for continued display are modest in scale, massing and design.

As per saved policy DC14.5(e), the fascia sign for continued display is made up of individual letters, which is the preferred style of fascia sign in conservation areas. Whilst the fascia sign

will be positioned between the doorway and upper floor window, which would usually be discouraged pursuant to DC14.5(c), in this instance the constraints of the elevation mean this would not be possible.

There is a large quantity of glazed openings on both floors, which leaves little room otherwise for signage, combined with the lack of defined fascia. Therefore, placement above the corner door, which serves as the main customer entrance to the unit is considered to be a reasonable location.

In line with saved policy DC14.5(e), which permits a single projecting sign per unit, there is a single projecting sign proposed on the Thomas Street elevation. This will replace an existing sign installed by the applicant without consent. The existing sign is of a depth of 60mm. Following discussions with the agent, a new sign with a depth of 30mm, as would ordinarily be supported by the City Council, is to be installed. The sign would hang from a bracket, which is considered an acceptable mounting method in conservation areas.

Public safety

Thomas Street is one-way traffic, except cycles, from its junction with Tib Street to its junction with High Street. Thomas Street has a Prohibition of Driving except cycles and for loading 6am to 10am. Oak Street is one-way traffic, except cycles, from its junction with Thomas Street in a north easterly direction for a distance of 11.5 metres. A prohibition of Driving, except cycles, and for loading 6am to 10am, is in place on Oak Street. No waiting at any time is in place on Oak Street.

Due to these restrictions on traffic, the road outside 63 Thomas Street sees minimal motor traffic during the day. As such there is a reduced risk of the signage causing driver distraction. Highways Services were consulted, who stated that owing to the static nature of the signage and its low illuminance level, the signage is considered acceptable from a Highways perspective.

Environmental Health has recommended a condition to limit the illuminance level to 250cd/m². This will make the signage less visually prominent and therefore pose less of a risk of distraction to drivers, as well as protecting the amenity of nearby occupiers.

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:

- Drawing - Proposed MIXED PLANS - SIGNAGE received by the City Council, as Local Planning Authority, on 24/05/2023
- Drawing - Proposed PO25484 REV A PROJECTING SIGN received by the City Council, as Local Planning Authority, on 03/07/2023

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, saved policy DC18.1 and Section 12 of the National Planning Policy Framework.

3) Illuminated signage shall be designed and installed so as to control glare and overspill onto nearby residential properties.

The signage will be selected and installed to ensure the illuminance does not exceed 250cd/m2.

Reason - To safeguard the amenities of the occupiers of nearby properties. pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

Informatives

1) The proposed sign extends for a maximum of 0.7m 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.

2) 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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

First Floor, 5 Oak Street, Manchester, M4 5JD
61B Thomas Street, Manchester, M4 1NA
59 Thomas Street, Manchester, M4 1NA
61 Thomas Street, Manchester, M4 1NA
Photographic Studio, 5 Oak Street, Manchester, M4 5JD
4 - 6 Oak Street, Manchester, M4 5JB
Flat At, Millstone Hotel, 67 Thomas Street, Manchester, M4 1LQ
Liverpool And Manchester Design, 5 Oak Street, Manchester, M4 5JD
Shisha, 5 Oak Street, Manchester, M4 5JD
The Department Store, 5 Oak Street, Manchester, M4 5JD
Creativity Culture And Education, 5 Oak Street, Manchester, M4 5JD
Manchester Pride, 5 Oak Street, Manchester, M4 5JD
12 Oak Street, Manchester, M4 5JE
Millstone Hotel, 67 Thomas Street, Manchester, M4 1LQ
10 Oak Street, Manchester, M4 5JE

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Smithfield Conservation Area 1987
Area Team Boundary - Name: CENTRAL