

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135547/AO/2022

Date registered valid: 21 November 2022

Proposal: Retention of internally illuminated fascia signage

Address: The No1 Plug, 412 Wilmslow Road, Withington, Manchester, M20 3BW

Ward(s): Old Moat Ward

Applicant: Mr Mohammed Farooq, The No1 Plug (Wilmslow) Ltd

Agent (if any):

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: REFUSAL

Date of recommendation: 12.01.2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 08.12.2022

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 1 December 2022 Expired: 22 December 2022

Site notice

Posted: 08 December 2022 Expired: 29 December 2022

Press advert

Published: 6 December 2022 Expired: 27 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Withington Conservation Area 1983

Tree Preservation Order: None

The site comprises a 3 storey mid terraced property located within a parade of shops along Wilmslow Road in the Withington District Centre. The premises is doubled front with a commercial unit occupying the ground floor and with what appears to be residential above.

Description of area

The property is part of a short parade of six units located at the junction of Wilmslow Road and Wellington Road located at the northern edge of Withington District Centre and Conservation Area.

The parade extends to the south. To the north separated by Wellington Road is Withington Public Library and to the south further along Wilmslow Road is Bank House the Grade II Listed Building.

Description of development

The application seeks the retention of an internally illuminated fascia signage across the full width of the property.

Consultations & Notification Responses

Local residents were notified however no responses were received.

Councillor Gavin White objected to the proposal with the following comments:

Signage and lettering is not in keeping with the conservation area in Withington, and is not in keeping with the heritage guidance and design considerations in the MCC Withington Village Framework plan which is a material consideration for planning applications in the Withington Village Conservation Area.

Signage should be timber fascia, not plastic, have trough lighting and have lettering and fonts that are more in keeping with the conservation area.

Withington Village Regeneration Partnership objected to the proposal with the following comments:

The design of the signage is unsuitable in this location at the heart of Withington Conservation Area by virtue of its materials and internal illumination. The signage is garish and unduly obtrusive with what is a heritage street scene.

The design takes no reference from the design objectives clearly laid out within the Withington Village Development Framework 2021 which is a material planning consideration.

Withington Civic Society objected to the proposal with the following comments:

The signage installed is garish, and not in keeping with the conservation area or in accordance with the Withington Village Framework March 2021.

Highways had no objections to the proposal and produced the following comments:

- The proposed signage will not be located on and will not project over the adopted highway network. As such, a Projection over License will not be required.
- The proposed luminance of the intermittent sign as noted as 300 cd/m² which is in line with MCC recommendations.
- Sufficient headroom and carriageway clearance is noted and accepted by Highways.
- The proposed sign complies with carriageway clearance requirements.

Legalisation

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

- 1) The Local Planning Authority would exercise its power 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);

- 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 would not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

Policy

In considering the impact of the application on visual amenity and public safety, regard was had to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), The Town and Country Planning (Control of Advertisement) (England) Regulations 2007, The Adopted Core Strategy for the City of Manchester, The Guide to Development SPD and the saved policies of the Unitary Development Plan for the City of Manchester. The relevant policies are as follows:

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2018 and 2021. It 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. However, paragraph 11 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

Paragraph 126 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further 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.'

Paragraph 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that 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. Significantly, chapter 12 states that advertisements

should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Chapter 16 'Conserving and Enhancing the Historic Environment

Paragraph 197 states that in determining applications, local planning authorities should take account of:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness

Government Guidance on advertisements within the NPPG Paragraph 026 advises that advertisements should be controlled only in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and any other relevant factors.

Government Guidance on advertisements within the NPPG Paragraph 079 advises that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state within Part 1 Regulation 3 that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

The following policies within **Manchester Core Strategy** are considered relevant:

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes.

Policy DM1 (Development Management) of the Core Strategy states that all development should have regard to appropriate siting, layout, scale, form, massing, materials and detail and the effects on amenity and the character of the surrounding area.

Policy SP1 (Spatial Principles) of the Core Strategy states that development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protecting and enhancing the built and natural environment.

Policy EN3 (Heritage) states that the Council will encourage development that complements and takes advantages of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

Policy DC14 relates to retail premises and other commercial premises, which have similar physical characteristics e.g. betting shops, banks, etc.

-In determining applications relating to these premises, the council will seek to ensure that the proposals are in keeping with the character of the building and of adjoining shop fronts, where appropriate, and of the area within which the premises are located.

Policy DC18 relates to development within a Conservation Area and seeks to preserve and enhance the character of its Conservation Areas by considering the relationship of new structures to neighbouring buildings and spaces, the effect of changes to existing buildings and the desirability of retaining existing features.

Withington Village Development Framework 2021 is a material consideration when assessing applications within Withington's District Centre and a key aim is to restore the quality of the Conservation Area. Opportunities for more appropriate signage and shopfronts should be explored. Developments should reflect the character of their area consistent with policies set out in the Core Strategy and saved policies from the UDP.

Issues

Principle

The proposal would have an unacceptable and detrimental impact on the amenity of the area within Withington's Conservation Area, contrary to Government Guidance contained in Section 7 (Required Good Design) of the National Planning Policy Framework, and the saved policies DC14.1 (Shopfronts and Signages), DC18 (Conservation Areas) of the Unitary Development Plan for Manchester, and EN1 (Design Principles and Strategic Character Areas), EN 3 (Heritage), SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester.

Visual Amenity

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) and the National Planning Practice Guidance (PPG) require that decisions on advertisements be made only in the interests of amenity and public safety.

This is reflected in development plan policy in the form of saved policy DC14 of the Unitary Development Plan (UDP) and policies DM1, EN1 and SP1 of the Manchester Core Strategy, which seek to guide the general location of new development, including advertisements, with close regard to the impact upon visual amenity and the character of an area. Aligned to these, policy E3.3 seeks to improve the appearance of premises adjacent to key radial routes.

Saved policy DC18.1 of the UDP and policy EN3 of the Core Strategy are also of relevance, due the position of the host building within the Withington Conservation Area. New development 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 136 of the NPPF which advises that *'the quality and character of places can suffer when advertisements are poorly sited and designed'*. Paragraph 197 also underline the desirability for new development to make a *'positive contribution to local character and distinctiveness'*.

Taking account of the above policy, legislation and guidance, it is believed that the proposed fascia sign, by virtue of its position, design, appearance and location, would have a detrimental impact upon the surrounding environment and constitutes an unduly intrusive, feature within the street scene in a prominent location and would undermine the distinctive character of Withington's Conservation Area.

The immediate area has a mixed urban character, featuring commercial properties, shops, foods, and drink establishments and residential dwellings.

As previously highlighted, the host building is situated along a prominent frontage within the bounds of Withington Conservation Area within the Wilmslow Road corridor that is characterised by domestically scaled buildings with commercial units along the ground floor and residential dwellings on the upper floors.

In this case, the fascia sign compromises folded aluminium panels, and LED lightbox fixed to the panels.

Of notable concern is the use of aluminium material for the fascia sign, alongside the LED lightbox and the strident font and lettering utilised to display the commercial company of the unit.

Through the use of the bulky aluminium fascia panel with strident sign lettering, colouring and means of illumination, the proposed sign is considered an unsympathetic addition which would form a principal, rather than secondary feature of the entire development, due to it being excessively conspicuous as a consequence of its position and design.

In turn the strident nature of the sign would form a highly visible feature that would be noticeable from Wilmslow Road and Wellington Road and whilst there other poorly situated and designed advertisements in the area, these are generally legal advertisements which have become established over time.

It is believed that the signage would be visually prominent and would have a noticeable, negative impact of its surroundings. Development should seek to preserve or and enhance the character of the conservation area, including making a positive contribution to the local character. In this instance the signage would harm rather than enhance the character and environmental quality of the area, due to its lack of appreciation for the local context and the design quality of the building to which the sign is proposed to be affixed.

Moreover, due to the location of the host building within Withington Conservation Area, the signage represents an incongruous, invasive feature which undermines the heritage value of the area. Whilst the sign is considered to be of less than substantial harm, there is still sufficient harm which is not outweighed by public benefits.

Additionally, alternative design solutions were put forward to the agent during the negotiation process which could still achieve the same, desired aim of advertising the premises to which the sign relates, including replacing the aluminium panel and altering the style and design of lighting and lettering. However, the agent failed to produce revised drawings within the timeframe of the application and proceeded with the original scheme.

In light of the above, it is concluded that the proposed sign would harm amenity and conflict with the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DC14, DC18.1 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Public Safety

No objections or concerns are raised in this regard.

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: REFUSAL

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The fascia sign by virtue of its design, position, appearance and location does not respond positively to the appearance of the host building and creates a visually harmful feature in the street scene within Withington Conservation Area, to the detriment of visual amenity and the heritage value of the immediate area. The proposal advertisement would therefore be contrary to the Town and Country Planning (Control of Advertisement) Regulations 2007, saved policies DC14, DC18.1 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1, EN3 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF) and the Withington Village Development Framework 2021

Appendix 1 – List of consultees & neighbours notified

Highway Services
Withington Civic Society
Withington Village Regeneration Partnership
Withington Civic Society
Withington Village Regeneration Partnership

Unit 1A, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 1, 1 Rippingham Road, Manchester, M20 3FX
Flat 2, 1 Rippingham Road, Manchester, M20 3FX
Jordan Fishwick, Unit 1B, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Unit 1C, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
First Floor, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Ground Floor Rear, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
412A Wilmslow Road, Manchester, M20 3BW
2A Davenport Avenue, Manchester, M20 3EY
414 Wilmslow Road, Manchester, M20 3BW
416 Wilmslow Road, Manchester, M20 3BW
Flat 9, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 6, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 4, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 2, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 8, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 7, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 5, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 3, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
Flat 1, 160 - 164 Wellington Road, Old Moat, Manchester, M20 3FU
2 Davenport Avenue, Manchester, M20 3EY

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
Flood Zones Type 2 (low to medium risk) -
Regulation 7 Direction (Control Advert) - Control Of To Let Boards (Yew Tree Road/Mauldeth Road West)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA