

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135159/AOH/2022

Date registered valid: 21 October 2022

Proposal: Installation of 3 x internally illuminated fascia signs and 4 x vinyl signs within aluminium frames

Address: Tesco Extra, Hyde Road, Manchester, M18 8LD

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Andy Horwood

Agent (if any):

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28 April 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Standard consultations:

Printed: 31 October 2022 Expired: 21 November 2022

Neighbour notifications

Printed: 31 October 2022 Expired: 21 November 2022

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: Not applicable

Tree Preservation Order: Not applicable

This application relates to part of the car park of the Tesco Superstore, located between Garratt Way and Hyde Road, a busy radial route to/from Manchester City Centre. The main entrance, to the Tesco building, faces onto the car park, and close to the front of the building, An application has been submitted to erect a detached single storey structure, to form a retail unit, on an area currently occupied by 4 car parking spaces (135157/FO/2022).

The unit would be used by Timpsons to offer services such as shoe repairs, and key cutting, and would operate as an ancillary use of the main Tesco store. The unit would have dimensions of 6.7 metres long x 2.7 metres wide x 2.45 metres high, with a flat roof with the sides consisting of timber cladding and glazing.

This application relates to the advertisements that would be associated with this facility and comprises of:

1 x internally illuminated fascia sign, on front elevation of unit (dimensions 6.8 metres x 0.35 metres)

2 x internally illuminated fascia signs, on side elevation of unit (dimensions 2.7 metres x 0.35 metres)

2 x non-illuminated vinyl signs, on front elevation of unit (dimensions 1.35 metres x 0.875 metres)

2 x non-illuminated vinyl signs, on side elevations of unit (dimensions 2.11 metres x 1.66 metres)

The fascia signs would contain the name branding and the vinyls would indicate the services offered.

Description of area

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

Given that the proposed signage does not project over the adopted highway, a Projection Over License will not be required. The signage will also not project over car-park circulation routes or pedestrian routes.

The proposed luminance of the signs falls below maximum guidelines and as such, is considered acceptable in principle.

All imagery is noted to be static with no moving features and therefore no highway implications in terms of driver distraction is anticipated.

Highways have no objections

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.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 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:

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this (paragraph 126).

Paragraph 136 states that 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.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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.

Policy SP1 identifies the City Council's Core Development Principles and 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
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

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.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy E3.3 relates to sites along radial routes, which includes Hyde Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Saved development control policy DC14.1 sets out the considerations that the City Council will take into account in determining applications relating to shop fronts, security grilles, advertisement signs, canopies and awnings. It states that in determining applications for advertisement signs, the Council will seek to ensure that proposals are in keeping with the character of the building, adjoining buildings and the area. In the interests of amenity, signs should not normally be positioned other than at fascia level and should respect the architectural form of the building. In the interests of public safety, any sign that is detrimental to the safety of pedestrians or motorists will be refused.

Saved policy DC15.1 states that the Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining such applications, for free standing hoardings and wall mounted posters the council will take account of the following matters in assessing these interests:

- a) the general location of the proposed development and the effect on visual amenity
- b) the scope for posters and hoardings to make a positive contribution to the locality
- c) the design of the structures, and the relationship with any premises on which they are located

- d) the effect of the proposal on permanent redevelopment of the land
- e) public safety resulting from the positioning of the design of the display
- f) the ease with which the structure is capable of being satisfactorily maintained
- g) the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent
- h) the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development
- i) the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities
- j) the number of advertisements in the locality and their cumulative effect on visual amenity

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

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

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

Visual amenity - The signs are typical for an operation of this type with the unit being seen against the backdrop of a large superstore with various illuminated signage. Also the unit is set away from all road frontages and represent basic branding, and advertising of services, for the company, and it is not considered that the signage would have a harmful visual impact upon the locality.

Highway safety - The signs are all within the grounds of the existing superstore operation. Highways Services have no highways concerns about the proposed signs.

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 site location plan and drawings numbered 02_5566_ 02_TIMP_03A and 02_TIMP_03B, stamped as received by the City Council as Local Planning Authority, on 10 October 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies E3.3, DC14.1, DC15.1, DC15.2 and DC15.3 of the Unitary Development Plan for the City of Manchester.

3) The maximum luminance level of the signs shall not exceed 350cd/m² at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC14 and DC15 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services

624 Hyde Road, Manchester, M18 7EE
Coopers Family Butchers, Unit 10 To 12, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
First Floor And Second Floor, 636 Hyde Road, Manchester, M18 7EE
632 - 634 Hyde Road, Manchester, M18 7EE
Subway, Garratt Way, Manchester, M18 8LD
Flat Above, 618 Hyde Road, Manchester, M18 7EE
630A Hyde Road, Manchester, M18 7EE
Flat Above, 644 Hyde Road, Manchester, M18 7EE
650A Hyde Road, Manchester, M18 7EE
Top Flat, 642 Hyde Road, Manchester, M18 7EE
Gorton District Centre, Garratt Way, Manchester, M18 8HE
Flat 3, 622 Hyde Road, Manchester, M18 7EE
Flat 2, 622 Hyde Road, Manchester, M18 7EE
648A Hyde Road, Manchester, M18 7EE
638A Hyde Road, Manchester, M18 7EE
Unit 9, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 8, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 7, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 6, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 5, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 4, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 3, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 2, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Unit 1, Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Gorton Retail Market, Garratt Way, Manchester, M18 8LD
Flat 3, 620 Hyde Road, Manchester, M18 7EE
Flat 2, 620 Hyde Road, Manchester, M18 7EE
Flat 1, 620 Hyde Road, Manchester, M18 7EE
636 Hyde Road, Manchester, M18 7EE
Ground Floor, 644 Hyde Road, Manchester, M18 7EE
642 Hyde Road, Manchester, M18 7EE
650 Hyde Road, Manchester, M18 7EE
620 Hyde Road, Manchester, M18 7EE
618 Hyde Road, Manchester, M18 7EE
644 Hyde Road, Manchester, M18 7EE
Ground Floor, 636 Hyde Road, Manchester, M18 7EE
Flat 1, 622 Hyde Road, Manchester, M18 7EE
648 Hyde Road, Manchester, M18 7EE
646 Hyde Road, Manchester, M18 7EE
640 Hyde Road, Manchester, M18 7EE
638 Hyde Road, Manchester, M18 7EE
630 Hyde Road, Manchester, M18 7EE

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