

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135436/AO/2022
Date registered valid:	11 November 2022
Proposal:	Installation of illuminated fascia signs to the Kingsway and School Lane frontages
Address:	179 School Lane, Manchester, M19 1GN
Ward(s):	Didsbury East Ward
Applicant:	M Hussain 179 School Lane, Manchester, M19 1GN
Agent (if any):	Mr Saghir Hussain Create It Studio Architects Universal Square, Devonshire Street North, Manchester, M12 6JH
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	22 December 2022



Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 13 December 2022

Standard consultations:

Printed: 22 November 2022

Expired: 13 December 2022

Neighbour notifications

Printed: 22 November 2022

Expired: 13 December 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/area

179 School Lane is a hot food-take-away located at the corner of School Lane and Kingsway. There is hard standing surrounding the exterior of the site which makes provision for parking.

To the north of the property there are residential properties while to the west, separated by an alleyway, there are retail properties. To the south, on the opposite side of School Lane, there are further commercial properties.

Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

Retrospective application for the installation of illuminated fascia signs to the Kingsway and School Lane frontages.

Consultations & Notification Responses

Local Residents – No comments received.

Highway Services – Have made the following comments:

- The proposed sign is not located on the adopted highway network.
- The proposed sign extends to a maximum projection of 0.12m over an area of private forecourt and does not project over the adopted highway. As such, a Projection over License will not be required.
- The proposed luminance of the sign is noted as 1 cd/m² which is considered to be in line with the 600cd/m² maximum stated by the Institute of Lighting Engineers.

- A sufficient headroom clearance of 2.4m, compliant with the 2.30m minimum, is noted and accepted by Highways.
- The proposed sign complies with carriageway clearance requirements and is therefore
- compliant with MCC recommendations.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Saved UDP Policies – Policy DC14, *Shop Fronts and Related Signs* – This policy applies to all retail premises and to other commercial premises which have similar physical characteristics e.g. betting shops, banks, building society offices, opticians premises etc. The relevant elements are detailed below:

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 shopfronts, where appropriate, and of the area within which the premises are located.

DC14.5 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;
- c. where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building and in particular should not fill the gap between ground floor shop windows and first floor windows;
- d. projecting box signs, or any other type of sign which projects significantly beyond the shopfront, should line up with the associated fascia board. Where this is not the case, such proposals will not be permitted;
- e. the Council will normally permit only one projecting box sign for each shop unit. On listed

buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs;

- f. fixed canopies mounted above fascia level or which obscure the fascia or shopfront will not normally be permitted, unless within a structural opening;
- g. long canopies which ignore the architectural form of frontages will not normally be permitted.

B) In the interests of public safety:

- h. any sign which is detrimental to the safety of pedestrians or motorists will be refused;
- i. all canopies, blinds and awnings should provide a minimum clearance of 2.3 metres above the footpath

Issues

Under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 local planning authorities are required to exercise their powers under the Regulations with regard to amenity and public safety, taking into account relevant development plan policies in so far as they relate to amenity and public safety, and any other relevant factors.

The definition of “amenity” includes both visual and aural amenity. Therefore as well as visual amenity, the noise generated by advertisements should be considered. “Public safety” is not confined to road safety. Crime prevention and detection are relevant; the obstruction of highway surveillance cameras, speed cameras and security cameras by advertisements is now included.

Amenity – Given the location and context of the site, it is not considered that the signs to be installed on the building would have a detrimental impact upon either visual or aural amenity.

Public Safety – Given the location of the proposed signs, it is considered that they would not have a detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site. The siting of the signs would not compromise nor lead to a reduction in the levels of public safety in and around the site, especially in relation to pedestrian and highway safety.

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

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:

- a) Drawing nos. A1331(01)001 and A1331(02)002 P1 , stamped as received on 11 November 2022.
- b) Supporting information, stamped as received on 11 November 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Workshop Rear Of, 175 - 177 School Lane, Manchester, M19 1GN

Hairdressing Salon Rear Of 1, Queensway, Manchester, M19 1QP

First Floor, 1 Queensway, Manchester, M19 1QP

Flat 2, 177 School Lane, Manchester, M20 6JP

170A School Lane, Manchester, M19 1GN

2 Queensway, Manchester, M19 1QP

2A Queensway, Manchester, M19 1QP

500 Kingsway, Manchester, M19 1JU

170 School Lane, Manchester, M19 1GN

179A School Lane, Manchester, M19 1GN

177 School Lane, Manchester, M19 1GN

Ground Floor, 177 School Lane, Manchester, M19 1GN

Ground Floor, 175 School Lane, Manchester, M20 6JP

Flat 1, 175 School Lane, Manchester, M19 1GN

512 Kingsway, Manchester, M19 1WW

1 Queensway, Manchester, M19 1QP

172 School Lane, Manchester, M19 1GN

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

Area Team Boundary - Name: SOUTH AREA