

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136118/AO/2023

Date registered valid: 1 February 2023

Proposal: Retention of halo illuminated lettering fascia sign and retention of 8 externally applied vinyl window signs

Address: 32 Oldham Road, Manchester, M4 5FE

Ward(s): Ancoats & Beswick Ward

Applicant: Cheshire Cheese Assets Ltd

Agent (if any): James Berggren EdgePlan Ltd

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

Recommendation: Refuse

Date of recommendation: 17/03/2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 16 February 2023 Expired: 9 March 2023

Neighbour notifications

Printed: 16 February 2023 Expired: 9 March 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: Ancoats Conservation Area 1989

Tree Preservation Order: n/a

Description of area

The site is located on the peripheries of an area known as Ancoats, which houses a variety of commercial, residential, cultural, religious and dining and drinking uses. It is within a conservation area and as such the development affects the setting of a conservation area. Oldham Road forms part of the Manchester ring road and therefore the site sits alongside a major thoroughfare into Manchester city centre.

The site relates to the ground floor commercial unit of a residential tower block located at 32 Oldham Road. The commercial unit currently houses a private medical practice.

Description of development

The application relates to the retention of the existing internally illuminated, box tray-style fascia signage and the retention of opaque vinyls applied to the windows.

Consultations & Notification Responses

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

Highways - no objections

Issues

Policies

The main policies that relate to this application are The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), policies DM1 (Development Management), SP1 (Spatial Principles) and EN1 (Design Principles and Strategic Character Areas) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and Related Signs), DC15 (Advertisements, Hoardings and Posters) DC18 (Conservation Areas) and E3.3 of the Unitary Development Plan for Manchester (1995) and the NPPF.

Planning history

An application (app. ref. 133181/AO/2022) for the display of a box fascia sign with illuminated lettering, identical to that currently proposed, was refused on the grounds of visual amenity.

Advertisement consent was granted in December 2022 for the installation of an individual letter sign and relocation of the projecting 135113/AO/2022.

Principle

The principle of advertisements upon or adjacent to commercial buildings within a commercial setting can be acceptable, subject to any adverse impact upon visual amenity and/or public safety.

It is considered that the signage proposed for display, namely the box fascia signage and window vinyl, by virtue of their design, appearance and position along a prominent frontage adjacent to one of the city's key radial routes and upon a gateway building into the Ancoats Conservation Area, would form a visually intrusive feature, harmful to the character and appearance of the host building and wider street-scene, whilst undermining the heritage value of the immediate area.

In this case, the main issue is the effect of the proposal upon the amenity of the area. This is outlined further below.

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 Ancoats 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.

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 signage proposed for display, namely the box fascia signage and window vinyl, by virtue of their 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 architectural design of the building.

Saved policy DC18 of the UDP states that development should enhance conservation areas. It is not considered that the fascia sign or window vinyl would achieve this aim. The site lies within the Ancoats Conservation Area and the design of the fascia signage submitted in support of this application is of box/tray-style design. This is contrary to Policy 14.5 (e) of the Unitary Development Plan for Manchester (1995) which states that in conservation areas, signs consisting of individual letters are preferred to box fascia signs.

Furthermore, the box/tray of the sign is to be positioned over an area of glazing above the shop front and would complete obscure the glass. It is believed that the design of the sign coupled with its placement over the glazed area would undermine the original design intent of the host building and hence contrary to the provisions of DM1 and SP1 of the Manchester Core Strategy, which require impact on visual amenity to be taken into account.

The opaque, glazing-applied vinyl are not supported. It is recognised that as the unit is occupied by a doctor's surgery and therefore some level of screening may be required to ensure the privacy of those in the waiting room. However, the use of advertisement vinyl for this purpose is not considered appropriate and could be achieved in a substantially less visually intrusive manner.

Furthermore, external vinyl are not durable and degrade quickly and easily, thereby forming an unsightly and low-quality elevational feature that would detract from the architectural quality of the host building. Hence, the use of vinyl is considered to be contrary to Policy DC15.1 (f) of the UDP (1995), which states that adverts should be capable of being satisfactorily maintained and the provisions of DM1 and SP1 of the Manchester Core Strategy, which require impact on visual amenity to be taken into account.

As previously stated, the site lies on Oldham Road, a major gateway route into Manchester city centre. Saved policy E3.3 of the UDP (1995) seeks to improve the appearance of premises adjacent to key radial routes. The harm caused to visual amenity by the advertisements proposed for display is considered contrary to this objective.

Public Safety

There are no public safety concerns with regards to the adverts.

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: Refuse

Article 35 Declaration

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

1) The fascia sign and the 8 externally applied vinyl, by virtue of their design, position, appearance and location do not respond positively to the architecture and appearance of the building, have created advertisement clutter and have created a visually harmful feature in the street-scene along a key radial route, at the gateway to the Ancoats Conservation Area, to the detriment of visual amenity and the heritage value of immediate area. The advertisements would therefore be contrary to 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, the National Planning Policy Framework (NPPF) and the Ancoats and New Islington Neighbourhood Development Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Flat 19, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 6, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 501, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 203, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 202, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 44, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 38, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 27, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 403, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 204, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 103, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 35, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 32, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 23, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 34, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 7, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 42, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 602, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 506, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 504, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 303, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 104, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 8, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 31, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 16, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 406, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Jungle Jazz Cafe Limited, 44 Oldham Road, Manchester, M4 5EE
41 Oldham Road, Manchester, M4 5FS
Flat 40, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 10, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 1, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 405, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 306, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 206, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 205, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 5, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 14, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 41, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 13, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 503, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 201, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 105, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 101, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 37, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 28, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 17, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 45, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 36, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 33, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 29, Connect House, 1 Henry Street, Manchester, M4 5DA

Flat 20, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 11, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 505, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 404, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 107, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 102, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 26, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 21, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 9, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 43, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 24, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 606, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 604, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 304, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 302, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 207, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 30, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 305, Deluna House, 2 Cornell Street, Manchester, M4 5EF
Flat 4, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 12, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 46, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 39, Connect House, 1 Henry Street, Manchester, M4 5DA
Serviced Apartment 3, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 25, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 22, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 2, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 18, Connect House, 1 Henry Street, Manchester, M4 5DA
Flat 15, Connect House, 1 Henry Street, Manchester, M4 5DA
3 Anita Street, Manchester, M4 5DU
1 Anita Street, Manchester, M4 5DU

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) 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(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL