

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135273/AO/2022
Date registered valid: 24 October 2022
Proposal: Installation of temporary non-illuminated 4 metre x 1 metre vinyl banner sign
Address: The Woodstock, 139 Barlow Moor Road, Manchester, M20 2DY
Ward(s): Didsbury West Ward

Applicant: Mr Chris Bills Manchester Road, Manchester, M21 9AH
Agent (if any): Mr Josh Greenfield 83 Manley Road, Manchester, M16 8WF
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Temporary approval
Date of recommendation: 12 December 2022



Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 10 November 2022

Standard consultations:

Printed: 8 November 2022 Expired: 29 November 2022

Neighbour notifications

Printed: 8 November 2022 Expired: 29 November 2022

Site notice

Posted: 10 November 2022 Expired: 1 December 2022

Press advert

Published: 15 November 2022 Expired: 6 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The Woodstock (139 Barlow Moor Road) is a large 2 storey detached public house. To the front (north) of the building there is a small car parking area and beyond that a mature landscaped boundary running along the Barlow Moor Road frontage. On the opposite side of Barlow Moor Road there are residential properties which are located within the Albert Park Conservation Area.

To the south of the building is the larger car parking area and beyond that a row of mature trees and then the residential developments of Tall Trees and Langham Court. To the west of the site lies no. 139a Barlow Moor Road, a day nursery, operated by Kids Unlimited. To the east of the building there is an external drinking/eating area which consists of a mix of hardsurfaced and lawned areas.

Listed building: Grade II

Conservation area: no

Tree Preservation Order: yes

Description of development

Installation of temporary non-illuminated 4 metre x 1 metre vinyl banner sign

Consultations & Notification Responses

Local Residents – no comments received.

West Didsbury Residents Association – no comments received.

Highway Services – Have made the following comments:

- The signage is located within the site boundary and does not extend onto the adopted highway. Oversail licensing will not be required.
- There is no luminance proposed and therefore Highways accept no likelihood of visual glare or driver distraction.
- The siting of the development does not hinder sight lines and therefore Highways have no objections to the scheme in principle.

Neighbourhood Team Leader (Arboriculture) – No objection to the proposed erection of the temporary signage. Please ensure that any roots encountered whilst creating the post holes are dealt with in accordance with BS:5837.

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.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 in Section 16 states that in determining planning 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.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Core Strategy Development Plan Document – 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.

Relevant policies in the Core Strategy are detailed below:

DM1, Development Management – This policy states that all development should have regard to a number of specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant specific issues are detailed below:-

- 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, odours, litter, vermin, birds, 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.

Policy EN 3, *Heritage*, - This policy states that throughout the City, the Council will encourage development that complements and takes advantage 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 and archaeological remains.

Saved UDP Policy 15, "Advertisements, Hoardings and Posters"- Policy DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining 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.

Saved UDP Policies – Policy DC19.1, *Listed Buildings*, states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting.

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.

Factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Factors relevant to public safety include:

- i. the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome);
- 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.

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 and its temporary nature of the sign, it is not considered that the proposal will have a detrimental impact upon either visual or aural amenity.

Public Safety – Given the location of the proposed sign it has been determined that it will 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 will 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.

Impact on The Woodstock – Given the siting of the property and the landscaped belt that exists between it and the proposed sign, it is not considered that the proposed sign will have a detrimental impact upon the character of The Woodstock.

Impact on the Character of the Adjoining Conservation Area – The proposed temporary signage will not have a detrimental impact upon the conservation area on the opposite side of Barlow Moor Road.

Trees – The applicant has confirmed that the signage will be secured with stakes in the ground and that these will be installed in such a manner to avoid tree roots. As with the previous temporary consent a “hand dig” condition will be imposed to protect tree roots.

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: Temporary approval

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

1) The advertisement shall not be displayed beyond 30 December 2022. The advertisement and any supporting structures shall be removed on that date.

Reason - The advertisement is of a temporary nature only and is not considered acceptable as a permanent feature on this site in order to comply with saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

2) 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.

3) The development hereby approved shall be carried out in accordance with the drawings and supporting documents stamped as received 24th 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.

4) All excavations required for the installation of the temporary signage hereby approved must be carried out using hand tools (spades, forks and trowels) only.

Reason - In order avoid damage to trees adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)
West Didsbury Residents Association

111 Clyde Road, Manchester, M20 2WW
Flat 3, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 124 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 7, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 126 Barlow Moor Road, Manchester, M20 2PU
Flat 6, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 4, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 130 Barlow Moor Road, Manchester, M20 2PU
124 Barlow Moor Road, Manchester, M20 2PU
126 Barlow Moor Road, Manchester, M20 2PU
128 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 1, 128 Barlow Moor Road, Manchester, M20 2PU
Flat 5, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 3, 130 Barlow Moor Road, Manchester, M20 2PU
Flat 2, 130 Barlow Moor Road, Manchester, M20 2PU

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