

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133889/AO/2022

Date registered valid: 26 May 2022

Proposal: Retrospective application for the installation of advertisement signage relating the installation and ATM in the ground floor Gorton Lane elevation

Address: 548 Gorton Lane, Manchester, M18 8EH

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr James Williams, Notemachine UK Ltd, Russell House, Elvicta Business Park, Crickhowell, NP8 1DF

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 21 July 2022

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 16 June 2022

Standard consultations:

Printed: 6 June 2022 Expired: 27 June 2022

Neighbour notifications

Printed: 6 June 2022 Expired: 27 June 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: No

Tree Preservation Order: No

Description of area

The planning application relates to a former public houses situated at the junction of Gorton Lane and Borwell Street. The building has a broadly triangular configurations with a small yard area accessed via Borwell Street and providing an entrance to upper floor residential accommodation. The entrance to the yard is immediately adjoined by an entrance to a larger yard area that services an adjoining residential property at 22 a Borwell Street. The adjoining property appears to incorporate first floor accommodation that extends to the front of the building but has been excluded from the application site. The street elevations to the building area sited at the back of footpath.

The main building has a pitched roof comprising grey slate. It has a roofscape articulated with chimney stacks. As the building returns the Borwell Street its height reduces from a gable adjoining a lower pitched roof element. A further reduction in height leads to the formation of a flat roof single storey toilet block. The building has some architectural merit. It comprises crème painted walls with stone detailing painted black. The ground floor windows have been enclosed with metal shutters following the closure of the public house.

There is a bus stop outside the Gorton Lane frontage. Apart from H-bar markings on Borwell Street there are no adjacent parking restrictions.



Fig. 1 – Views of the site from Gorton Lane and Borwell Street

Description of advertisement

The application property is related to the following planning application ref:

133158/FO/2022 - Change of use of ground floor from public house (sui generis) to retail store (Class E)
548 Gorton Lane Manchester M18 8EH

The ATM is related to the operation of the retail shop.

The application relates to the retrospective installation of an ATM, in one aperture of a 3 section, arched shaped window within the Gorton Lane elevation. The adjacent footpath is 2.3 metres wide and accommodates a bus stop (without shelter) the aligns with the installed ATM.

The ATM unit has a central keypad positioned 1045 mm and above ground level. The installed unit incorporates an advertising panel and dimensions of 1338 mm (height) x 870 mm (wide). The remaining area of the aperture is enclosed with a white panel. The unit is not supported with a demarcated operational zone or bollards.

ATM surround with blue LED halo illumination with an advertisement fascia above the keypad. The advertisement has an internally illuminated static display with maximum illumination of 100 cd/m². The security measures include CCTV connection, mirror and lighting the keypad from overspill from the signage illumination.

The application has been considered in conjunction with planning application ref:

133888/FO/2022 - Retrospective application for the installation of ATM into the Gorton Lane ground floor elevation of building

Consultations & Notification Responses

Local residents – No comments

Highways - The following comments have been received:

- i. The ATM is building mounted and a 'projection over license' is not required.

The forecourt area within the vicinity of the ATM is sufficiently wide so that any queuing for the machine can be accommodated without inconveniencing passing pedestrians on the adjacent footway;

ii. Due to the location, it is anticipated that the ATM will not cause a significant increase to the level of vehicular trips on the surrounding highway. It is expected that many of the ATM users would arrive on-foot, by sustainable modes or park on-street on the surrounding residential roads;

ii. The illuminated panel associated with the ATM features static internal illumination. The applicant proposed luminance of such signage is stated as 100cd/m² which, as such, is considered acceptable.

Environmental Health – No objection

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.

The signage, in itself, has the potential to accord with the above regulations. However, the acceptability the signage is an integral part of the ATM unit, which is considered to be unacceptable.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021 and 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 - 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 126). It further states that: 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions' (paragraph 134). With regard to advertisement signage Chapter 12 states: 'the quality and character of places can suffer when advertisements are poorly sited and designed. As stated, the signage has been assessed as being an integral component of the ATM unit and has been considered accordingly. It is not considered that the development would be supported with measures to safeguard the users of the ATM against the risk of crime, including theft. Due to the significant of this risk, it is not considered that the retention of the ATM would be appropriate in this location. There is also concern regarding the fascia treatment surrounding the ATM and its harm to the character of the host building. Given these concerns, is not considered that chapter 12 would be accorded with.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

Whilst there are similar examples of ATM installations into existing windows elsewhere in the city, in this case the appearance and quality of the fascia surrounding the ATM unit and thereby its advertising, detracts from the appearance of the building. Furthermore, the absence of appropriate security arrangements to safeguard the users of the ATM. The development would not secure a well-designed space that would be beneficial to the safety and well-being of residents and visitors. The development would not, therefore, accord with policy SP1.

Policy EN 1 Design Principles and Strategic Character Areas - States that opportunities for good design to enhance the overall image of the City should be fully realised. The ATM would not be appropriate as it would not incorporate necessary security measures and would thereby fail to accord with policy EN1.

Policy DM1 - 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.

Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- c. Effects on amenity;
- d. Design for health.

For the reasons previously set out above, it is not considered that the retention of the ATM is acceptable. The development does not accord with policy DM1 due to its harm to residential amenity and well-being and character of the building.

Unitary Development Plan (UDP) saved policies -The following saved UDP policy is considered to be relevant:

Policy DC14 – Shopfronts and related signs. The following section of the policy is considered to be relevant and the installation relates to a commercial frontage.

Policy DC14.1 – States that in determining applications relating to these premises involving shop fronts, the Council will seek to ensure that proposals are in keeping with the character of the building.

DC14.2 Shopfronts should allow full access for people whose mobility is impaired. The only exceptions which the Council will normally permit are where the cost is unreasonably high or where there are particularly difficult physical constraints.

Policy DC14.5 - States that 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;
- B. In the interests of public safety,
 - h. Any sign which is detrimental to the safety of pedestrians or motorists will be refused.

In this case, the signage forms part of development that would undermine the safety and well-being of its user as a result of a lack of appropriate security measures. The proposed advertising would thereby not accord with policy DC14.

The advertisement signage and its illumination is consistent with similar ATMs that have been installed within the city. Notwithstanding, its compliance with the above policies, the advertising signage cannot be supported, as it forms part of an ATM that is considered to be unacceptable by virtue of its siting, lack of appropriate security measures and lack of inclusive access and relationship to the host building.

Conclusion – As the advertisement signage would form part of an unacceptable development its installation cannot be supported.

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

N/A

Reasons for recommendation to refuse

1) The proposed advertisement is integral to the installation of an ATM that, due to its virtue of its siting, lack of appropriate security measures and lack of inclusive access and relationship to the host building, has a harmful and detrimental impact upon the safety of pedestrians. On this basis, the proposal is considered to be unacceptable and contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester and policy DC14.5 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

22A Borwell Street, Manchester, M18 8FH

22 Borwell Street, Manchester, M18 8FH

1A Ansell Close, Manchester, M18 8EE

Flat 30, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 28, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 25, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 23, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 21, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 18, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 16, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 14, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 11, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

Flat 1, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE

550 Gorton Lane, Manchester, M18 8EH

Flat 29, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 27, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 26, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 24, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 22, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 20, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 19, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 17, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 15, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 13, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 12, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 10, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 9, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 8, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 7, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 6, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 5, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 4, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 3, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
Flat 2, Thomas Regan Court, 1 Ansell Close, Manchester, M18 8EE
1 Borwell Street, Manchester, M18 8AQ
8 Robe Walk, Manchester, M18 8EB
6 Robe Walk, Manchester, M18 8EB
4 Robe Walk, Manchester, M18 8EB
2 Robe Walk, Manchester, M18 8EB
16 Robe Walk, Manchester, M18 8EB
14 Robe Walk, Manchester, M18 8EB
12 Robe Walk, Manchester, M18 8EB
10 Robe Walk, Manchester, M18 8EB
554 Gorton Lane, Manchester, M18 8EH
552 Gorton Lane, Manchester, M18 8EH

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