

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133702/AO/2022

Date registered valid: 6 May 2022

Proposal: Display of 3 non illuminated poster signs to building

Address: First Floor, 11 Derby Street, Manchester, M8 8QE

Ward(s): Cheetham Ward

Applicant: Shayheda Butt First Floor, 11 Derby Street, Manchester, M8 8QE

Agent (if any): Miss Nazia Shah Urban Future Planning Consultancy Ltd Rockley House, Rockley Street, Dewsbury, WF13 1NS

Case officer: Katie Raw
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Recommendation: Split- Approved and Refused

Date of recommendation: **1 July 2022**

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 30 May 2022

Standard consultations:

Printed: 19 May 2022 Expired: 9 June 2022

Neighbour notifications

Printed: 19 May 2022 Expired: 9 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:

Tree Preservation Order:

Description of area

The application site relates to First Floor, 11 Derby Street located within the Cheetham ward of north Manchester. The property sits on the corner of Derby Street and Stocks Street. It is a flat roofed, red brick property, with large windows and an entrance door within the front elevation, and a smaller door positioned within the side elevation. The site is currently used as a solicitor's office and looks fairly typical of other commercial units within the immediate area.

Description of development

Advertisement Consent is sought for the display of 3 non illuminated poster signs to building. Following on from the recent appeal dismissal (appeal ref no. APP/B4215/Z/21/3284278), this application seeks consent for 3 signs, as opposed to the 7 dismissed by the Inspectorate. As such, the application seeks consent for sign no.1, no. 2 and no. 4 as marked within the Visuals submitted alongside the application form. Sign no.1 is located on the gable end of the property and is the largest in size, displaying information related to the business. Sign no.2 is a smaller sign underneath sign no.1 referencing customer parking limitations and sign no.4 sits underneath the small door to the side of the property displaying the business name and contact information. In general, they are of various colours, fonts, sizes and of differing positions. They have been pinned flat to the wall.

Planning history

131338/AO/2021- Installation of 7 x non illuminated poster signs to building.
Refused- 29 September 2021 and Appeal Dismissed- 6 April 2022.

028871- Extension at first floor level to form additional storage space and alterations to the elevations.
Approved 9 June 1987.

Consultations & Notification Responses

Local residents

The occupiers of the surrounding properties were consulted, and no representations were received.

Highway Services

Highways provided the following comments. The proposed signs are not located on the adopted highway network. The proposed signs do not extend over the adopted highway. As such, a Projection over License will not be required. The proposed signs are not illuminated. The proposed signs comply with headroom and carriageway clearance requirements. In light of the above Highways have no objections.

Issues

POLICY

The National Planning Policy Framework (July 2021)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. National Planning Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 12- Achieving well-designed places

Paragraph 126 states that in 'the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve'. It further 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 136 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that 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.

Town and Country Planning (Control of Advertisements) Regulations 2007

The local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account:

(1)

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

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

It 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. Of relevance are:

Policy DM1 (Development Management); which 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. The relevant issues are the appropriate siting, layout, scale, form, massing, materials and detail. The 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. The 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.

Policy SP1 (Spatial Principles); which sets out 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, amongst these include: 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.

Policy EN1 (Design Principles and Strategic Character Areas); states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located.

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC15: Advertisements, Hoardings and Posters:

DC15.1 states:

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.

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 or 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 affect 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.

Reasons: The Council accept that advertisements can have a positive role in improving the quality of the visual environment in the City - examples are given in policy DC15.2. At the same time, there is the need to maintain public safety, avoid clutter, and safeguard the particular features of buildings or land.

ISSUES

According to the NPPF (Chapter 12) the main issues for consideration relate to the impact of the proposals on visual amenity and public safety.

Principle of Development

The development is for the display of 3 non illuminated poster signs to building, used to display information relating to the business. The proposed signage would be viewed contextually with the building and would therefore be related to a context with a notable representation of advertising signage. A split decision will be recommended. Sign no.1 and no.2 is considered to cumulatively create an over-dominant feature in the streetscene, to the detriment of visual amenity. The principle of these signs is considered to be unacceptable. Sign no.4 is considered appropriate for its setting, the property and its architecture.

Within the recent Inspectorate's decision, whereby the 7 poster signs were dismissed (appeal no. APP/B4215/Z/21/3284278), the Inspector acknowledged the current signs lacked a cohesive design and that the number of signs is excessive for the building and contributes to the existing advertisement clutter within the area. The Inspector confirmed the principle of development and the impact on visual amenity was unacceptable.

Visual amenity

Sign no.1 and no.2:

The signs are positioned on the gable end of the property and when viewed in conjunction with the prominent signage on the front elevation, contribute to advertisement clutter. These add to the existing advertisement clutter within the wider area. Sign no.1 is considered overtly dominant on the side of the property and is poorly designed in terms of the fonts and pictures. Sign no.2 is smaller in size sitting below sign no.1 but again does not relate well to the activity at the front of the property and is designed poorly in terms of the fonts and pictures displayed. As a result, the two signs do not positively contribute to the quality or character of the building or wider area.

Sign no.4:

The sign is positioned above the side entrance to the property and is considered appropriate in terms of its size and positioning. The sign relates appropriately to the property and its architecture. In terms of design, the font and colours are considered appropriate, and the sign is clearly legible and allows the building to be identified by the applicant's clients, by way of the name of the firm and contact information.

There are no residential uses in immediate proximity, and it is not considered that the proposed sign would have any greater impact on the amenity currently experienced by the surrounding commercial units. Therefore, it is considered that the proposal would not have a detrimental impact on visual amenity or the character of the built environment.

Public safety

Each of the proposals comply with MCC recommendations, and Highway Services have confirmed that the siting of the proposed signage is acceptable, in highway and operational terms. However, it is not considered that these operational arrangements would overcome concerns regarding the harmful impact of the proposed signage on visual amenity.

Conclusion

Sign no.1 and no.2 would, by virtue of its location, design, number, and appearance, have a cumulatively detrimental impact on visual amenity thereby constituting an over dominant feature

within the streetscene. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area contrary to the National Planning Policy Framework (NPPF), the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DM1 and SP1 of the Manchester Core Strategy and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

Sign no.4 is considered suitably related to the streetscene and context, in terms of the advertisements' height and siting and are therefore considered to be commensurate with National Planning Policy Framework (NPPF), the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DM1 and SP1 of the Manchester Core Strategy and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

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: Split- Approved and Refused

Article 35 Declaration

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

Sign no. 1 and no.2:

1) The proposed posters (sign no.1 and no.2) would, by virtue of its location, design, number, and appearance, have a cumulatively detrimental impact on visual amenity thereby constituting an over dominant feature within the streetscene. The proposal would therefore have an unacceptable and detrimental impact on the amenity and character of the area contrary to the National Planning Policy Framework (NPPF), the Town and Country Planning (Control of Advertisements) Regulations 2007, saved policies DM1 and SP1 of the Manchester Core Strategy and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

Sign no.4:

2) Sign no.4- 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 (sign no.4) shall be carried out in accordance with the following drawings and documents:

- Application for consent to display an advertisement(s) form, stamped as received by the City Council, as Local Planning Authority on 6 May 2022.
- Drawing- Visuals, stamped as received by the City Council, as Local Planning Authority on 6 May 2022.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Ground Floor, 11 Derby Street, Manchester, M8 8QE
148 Cheetham Hill Road, Manchester, M8 8PZ
Central Gurdwara, 32 Derby Street, Manchester, M8 8RY
152 Cheetham Hill Road, Manchester, M8 8PZ
40 - 42 Stocks Street, Manchester, M8 8QJ
13 Derby Street, Manchester, M8 8QE
96 - 108 Stocks Street, Manchester, M8 8QH
150 Cheetham Hill Road, Manchester, M8 8PZ

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH