MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141285/AO/2024
Date registered valid:	18 October 2024
Proposal:	Installation of 1 no. internally illuminated projecting sign.
Address:	46 Cross Street, Manchester, M2 7AR
Ward(s):	Deansgate Ward
Applicant:	Utility Retail
Agent (if any):	Emma Morrison, Pegasus Planning Group Ltd
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**11 December 2024**

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 6 November 2024

Standard consultations:
Printed: 29 October 2024 Expired: 19 November 2024

Neighbour notifications
Printed: 29 October 2024 Expired: 19 November 2024

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/Area

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

The application site comprises the ground floor of a four-storey building within National House, a Grade II listed building at 36- 46 Cross Street.

The building dates back to 1875, constructed as a Conservative Club to the designs of Horton and Bridgeford in sandstone ashlar in Baroque style. It occupies a prominent position on a corner site at a junction of Cross Street and St Anns Street, with frontage to both highways and modern glazed shopfront set in original stone frame at ground floor

The unit is question has a full height glazed frontage with central entrance door, which was approved by the Local Planning Authority (LPA) in 2017. Prior to this, a marble fascia ran across this unit. A small section of this marble fascia remains, situated above the fire exit door to the side of this unit.

The unit was vacant when this application was validated but has since been occupied. It has a lawful retail (Class E) use.

The site is within St Anns Square Conservation Area, adjacent Upper King Street to the east.

It is located in the setting of a number of listed buildings, including the Grade I listed St Ann's Church and the Grade II listed Winters Building to the west, the Grade II listed Thomas Chop House and 54 Cross Street to the south, the Grade II listed Former Lloyds Bank to the east and the Grade II* listed 25 St Ann's Square and the Grade II listed Alliance House to the north.

Thus, the building is located in a very heritage sensitive context and must be treated as such, with adequate weight given to the significance of the Grade II listed asset, the conservation area and the assets in its immediate.

Description of Development

The application seeks advertisement consent for the retention of 1 no. internally illuminated projecting sign.

The projecting sign consists of internally illuminated individual white letters spelling out 'UTILITY' within a solid purple finished panel of 60mm depth.

Related Applications

114251/LO/2016 - Listed Building Consent for the installation of a new shopfront and the internal fit out of the retail area.
Approved January 2017.

114250/FO/2016 - The installation of a new shopfront.
Approved January 2017.

141281/LO/2024 - Listed building consent for the installation of 1 no. internally illuminated suspended fascia sign and 1 no. internally illuminated projecting sign.
To be refused in tandem with this application.

Consultations & Notification Responses

Highway Services - The signs comply with headroom and carriageway clearance requirements but the projecting sign will require a projecting over licence due to it extending over the adopted highway by 0.89m

Environmental Health – Signage will need to be selected and installed so to not exceed 300cd/m2 so as not to cause residential amenity issues to surrounding occupants.

Metrolink/TFGM – Metrolink have no objection to this application and whilst the development proposals are unlikely to affect Metrolink operations.

Publicity - Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received due to this publicity.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007

(1) A 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 Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

CC9 (Design and Heritage) advises that design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed-use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

EN1 (Design Principles and Strategic Character Areas) advises that developers will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Paragraph 8.53 of the supporting text states that the City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

The Unitary Development Plan (UDP) for the City of Manchester

DC14.1 (Shops and Related Signs) 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 (Shops and Related Signs) 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. The policies relevant to this application are:

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 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.

DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

DC19.1 (Listed Buildings) advises that in determining applications for listed building consent 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. The City Council will:
- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application:

JP-Strat2 (City Centre) states that the role of the City Centre as the most significant economic location in the country outside London will be strengthened considerably. The City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester, but the increasingly important residential role of the City Centre will be expanded. It will be a priority for investment in development and infrastructure. This will include addressing current network capacity issues in the City Centre which will enable the future expansion of the rapid transit public transport network across Greater Manchester. Improvements in the public realm, walking and cycling facilities, and green infrastructure will help to enhance the local character and environmental quality of the City Centre so that it can rival city centres across the globe, enabling it to compete effectively at the international level for investment, businesses, skilled workers, residents and tourists. A broad range of commercial accommodation will be delivered, helping the City Centre to capture growth across key economic sectors. The new functions within the City Centre will be delivered in a way that complement, rather than displace the area's non-residential functions and will seek to protect and enhance the city centre's historic environment and assets.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Shopfront and Signage Design Guide (2024)

The shopfronts and signage SPD sets out the detailed guidance for shopfront alterations and the display of signage in Manchester.

The SPD states that new signage should:

- be limited to one fascia signage or internal hanging signage per elevation;
- be located below the first-floor cills, unless there is historic evidence of signage above;
- have a maximum depth of 30mm;
- not be in the form of internally illuminated lightbox signage;
- not conceal, obscure or damage any elements or detailing of a shopfront that positively contribute to its appearance, historic interest and appreciation.

National Planning Policy Framework (NPPF) (2023)

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development".

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 141 states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. 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. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Section 16 (Conserving and Enhancing the Historic Environment) addresses how proposals that affect heritage assets should be considered.

Paragraph 200 advises that Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 advises that in determining 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.

Other Legislation

Sections 16, 66, and 72 of the **Listed Buildings and Conservation Areas Act 1990** require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

The main issues for consideration relate to the principle of the proposal, as well as, in accordance with the advertisement regulations, the acceptability of the proposal in terms of its impact upon visual amenity and upon public safety. In judging this, the provisions of the development plan and any other relevant factors, so far as they are material, must be taken into account.

The Principle of the Proposal

The principle of providing signage in order to advertise and provide wayfinding to a commercial premise is considered to be acceptable.

Visual Amenity

The covering letter submitted with the application notes that the unit in question had a fascia and projecting signage in a similar position to what has been installed.

The previous projecting signs that had been in place at this unit, for Smile Direct Club, were never granted advertisement consent, were thus unauthorised – not considered as a valid material precedence on planning grounds.

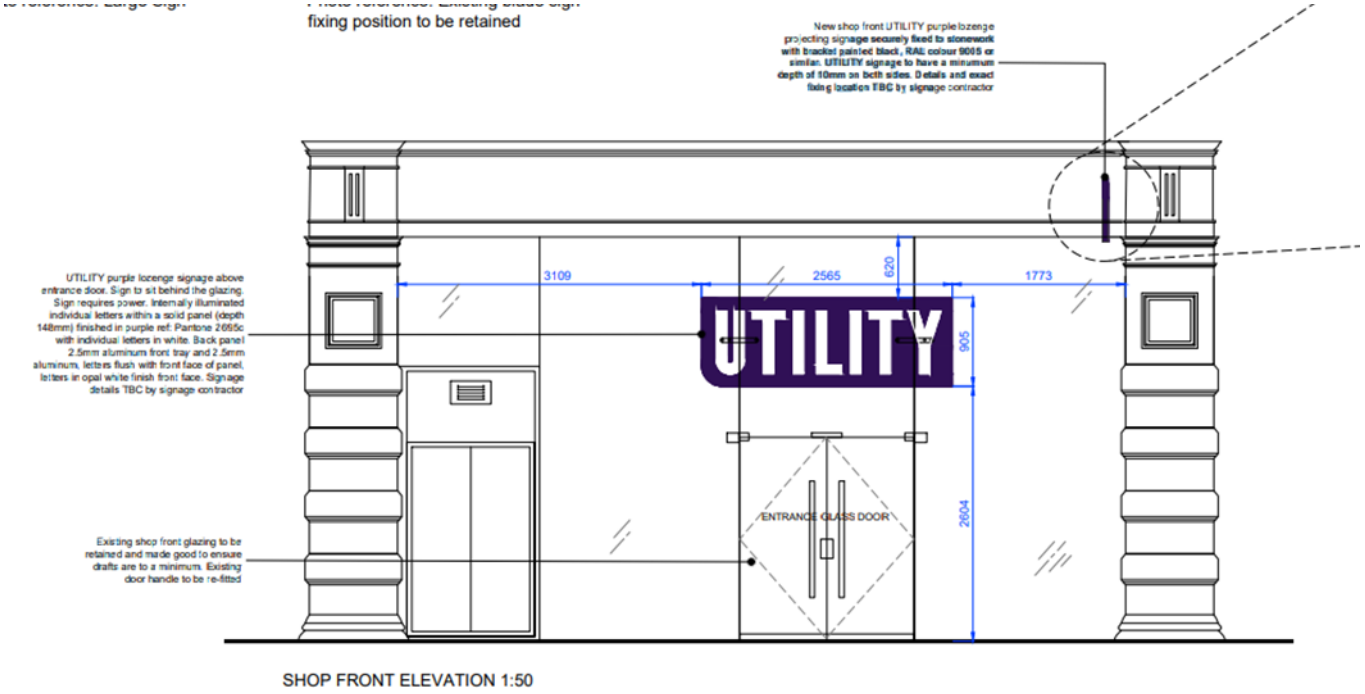


Google Street View – 2023

Most recently approved application for signage to the Grade II listed building is the illuminated fascia signage to the unit at the corner at 36 Cross Street, with no approved projecting signage on this prominent unit on this elevation of the building (128548/LO/2020).

Two projecting signs for SIDE and Timpsons, are installed on a modern addition to the listed building, not on the historic fabric. These signs are also unauthorised and so should not be used as a precedent for installing projecting signage on this elevation of the building.

The projecting signage at 36 St Anns Street, which is situated on the building but on a different elevation, pre-dates 2008 and appears have been permitted under 050174/AO/CITY1/96, in 1996, under different legislation and policy. Its consideration as a ‘precedence’ should be understood in those terms. In addition, this projecting sign is affixed to a modern intervention in the building, not historic fabric of the building.



Elevation Drawing



Installed Signage

Due to the lack of obvious fascia zone to shopfront, and the architectural composition of the façade, the principle of a proposed new projecting signage cannot be supported due to negative

impact on the appearance of the Cross Street frontage at ground floor level, the street scene of the conservation area and the original fabric of the Grade II listed asset.

There is no precedent of approved projecting signs on this elevation of the listed building.

UDP policy **DC14.5 (Shops and Related Signs)** states clearly that:

a) signs should not normally be positioned other than at fascia level.
b) signs should respect the architectural form of buildings and shop frontages.
d) projecting 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.

In this case, the projecting sign is clearly located above the “fascia level”, which is the level where the marble fascia used to be, where the suspended fascia sign behind the glazing is located, and where the fascia for the units occupied by Timpson and Yorkshire Building Society are.

Given the key architectural interest, composition and key original features that are in place on the columns of this listed building at fascia height, the LPA understand entirely why a projecting sign has not been sited on one of the columns, which would cause a high amount of less than substantial harm to listed building.

However, the siting of the projecting sign at this height clearly creates an incongruous feature that interrupts the architectural form of this listed building.

Discussions were undertaken with the applicant in order to see if there was a suitable alternative location on the unit to site a projecting sign.

It was proposed by the applicant to site the projecting sign on the remaining section of marble above the fire exit to the wider building next to the unit.



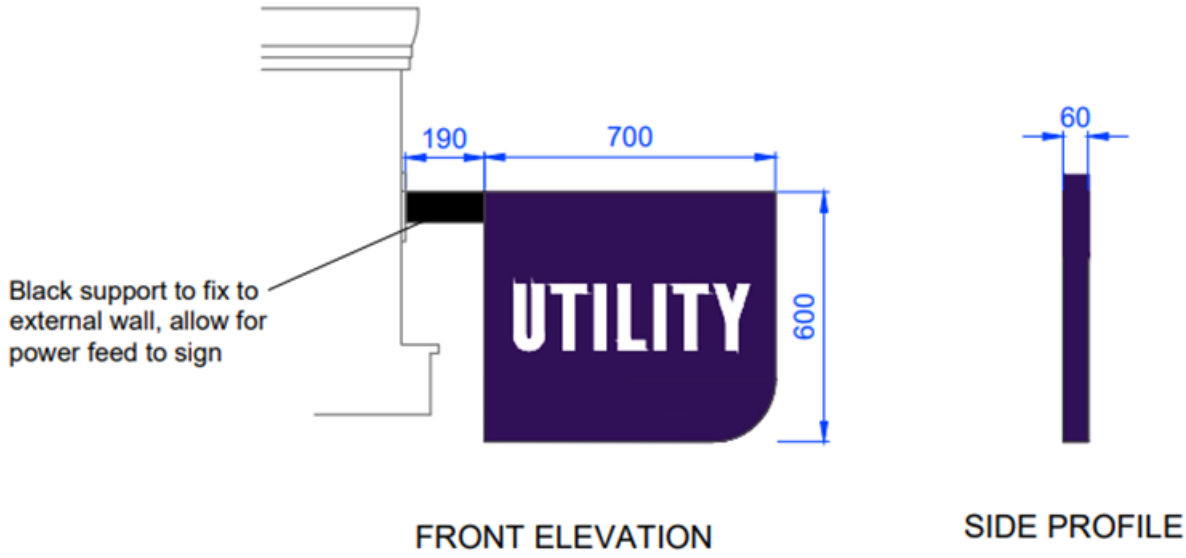
Marble section above fire door

Although siting here would line up with fascia level, the City Council considers that putting a projecting sign on this elevation of the listed building would cause harm to the listed building as there is no precedent on this elevation and it would therefore form an incongruous feature on this elevation.

In addition, the siting of the projecting sign here is over the fire exit and does not relate directly to the commercial unit in question.

The heritage harm that would be caused by the installation of the projecting signage is not out weighted by the public (rather than private) benefits of the proposal, failing to comply with paragraph 208 of the NPPF. It is not considered that the omission of the projecting signage would prohibit a viable new commercial use, particularly as an internal signage is supported, subject to it being appropriately located and sized and sympathetic in design and appearance.

The City Council acknowledges the provisions of saved UDP Policy 14 but highlight Policies EN3, SP1, JP-P1,JP-P2 and saved UDP Policies 18 and 19 that set out requirements for protection and enhancement of the built environment, including listed buildings and conservation areas, well-designated development that that enhances or creates character and for any new development to be well-integrated into a place. Based on these policies, and the guidance within Sections 12 and 16 of the NPPF, which set out a requirement for any works affecting designated assets to give great weight to their significance and for any harm to be justified and outweighed by public benefits and for any new development to be attractive and add to the overall quality of an area. Paragraph 141 pf the NPPF states that “the quality and character of places can suffer when advertisements are poorly sited and designed”, which is considered relevant to the assessment of the current proposal.

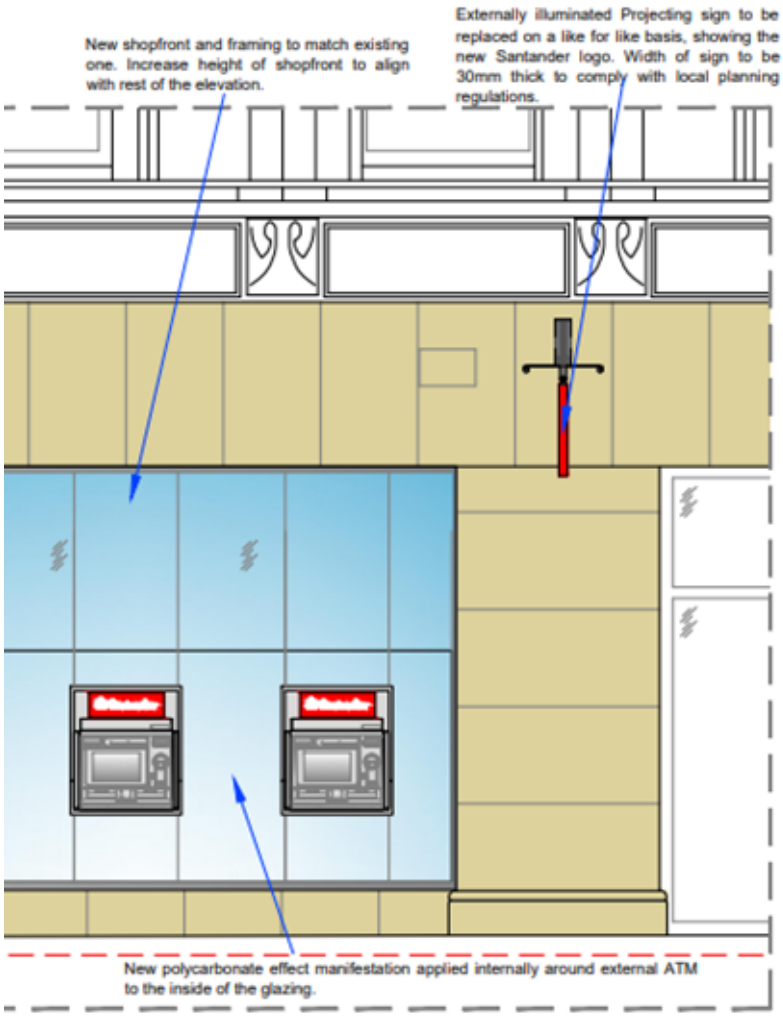


Projecting Sign

Furthermore, the projecting sign is 60mm in depth. As outlined in the Shopfront and Signage Design Guide (2024) the projecting signage should also be of a max. 30mm in depth and, due to its location on a listed building and within a conservation area, be generally non-illuminated or externally illuminated. The proposed signage would be 60mm in width and in the form of an internally illuminated signage, read as such (as a 'lightbox' signage). It would be overtly bulky and constitute an unsympathetic new addition to the designated asset, poorly integrated into the façade of the Grade II listed, would cause harm to the visual amenity of the street scene, and would fail to enhance or preserve the conservation area.

In recent years, acceptable projecting signage has been approved on Cross Street, within the Conservation Area, on listed buildings.

These include the two projecting signs at Santander, at 28/34 Cross St, Manchester, M2 7AQ, which is a listed building. These projecting signs are 30mm thick, externally illuminated and were approved under 133452/AO/2022 and 133467/LO/2022.



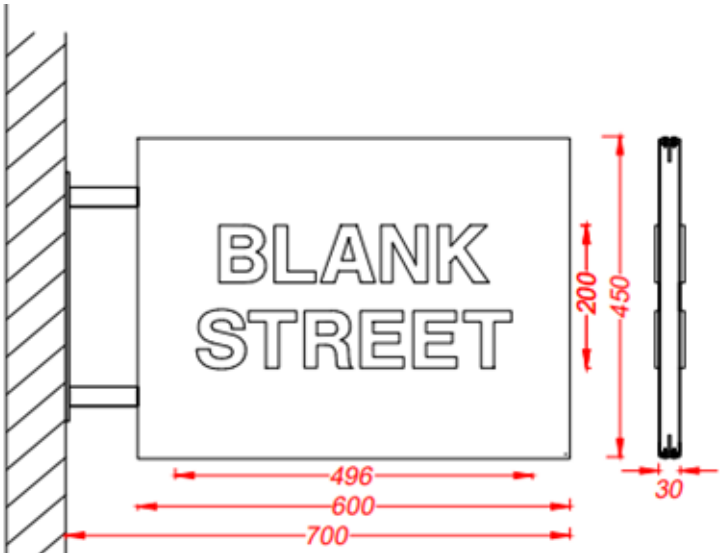
Approved drawing of 30mm projecting sign at Santander





Santander projecting sign in situ

Similarly, signs approved earlier this year at 62 Cross Street, on a listed building, were approved at 30mm depth under applications 138810/AO/2023 and 138813/LO/2023 in January 2024.



Projecting sign - 2 off
Scale 1:10
Folded and welded 2mm aluminium panels are finished light green RAL 6021 satin.
Flat cut 8mm aluminium letters are finished white satin and are bonded to the panel faces.
Panels are fixed around a steel inner frame which is welded to a pair of 26.9Ø CHS steel arms with a welded wall plate which are finished light green RAL 6021 satin.
Non illuminated.

Approved drawing of 30mm projecting sign at Santander



Blank Street Coffee projecting sign in situ

The internal hanging signage is supported, however, a split decision cannot be issued on listed building consents and the submitted application still retains the projecting sign at present, so the application is refused on these grounds.

Public Safety

The luminance levels of the signage are 500cd/m2 and are therefore within an acceptable range to not cause any distraction to passing pedestrians or road users as confirmed by Highway Services but are considered to be bright enough to cause a disturbance to any nearby residents or commercial occupiers. If signage were to be approved, a condition would have been added to ensure that the proposed luminance levels are controlled and complied with at 300cd/m2, so as not to cause a distraction to any nearby residents or commercial occupiers

All signage complies with headroom and carriageway clearance requirements.

If approved, a projection over licence would have been required for the projection of 0.89m over the adopted highway.

Overall, there are no public safety concerns with the proposed signage.

Conclusion

The works carried out have caused a harm to the visual amenity of the listed building, surrounding street scene, and conservation area, and is therefore refused in accordance with the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC18.1, and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework, and Planning (Listed Buildings and Conservation Areas) Act 1990.

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 polices 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

Reasons for recommendation to refuse

1) The proposed projecting sign would, due to its siting in an inappropriate location and its bulky design, form an incongruous feature that would fail to respond positively to and would fail to enhance the character, appearance, and architectural language of the listed building, its setting, and the local historic environment including the conservation area. The proposal is therefore contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC18.1, and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework, and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Second Floor, National House, 36 St Ann Street, Manchester, M2 7EL
52 Cross Street, Manchester, M2 4JR
33A Cross Street, Manchester, M2 1NL
Second Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
First Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
Sixth Floor, National House, 36 St Ann Street, Manchester, M2 7LE
Third Floor, National House, 36 St Ann Street, Manchester, M2 7LE
First Floor, National House, 36 St Ann Street, Manchester, M2 7LE
Ground Floor Basement And Mezzanine Floor, 34 St Ann Street, Manchester, M2 7LE
34 St Ann Street, Manchester, M2 7LE
James Binney House, 52 Cross Street, Manchester, M2 7AR
3 St Ann's Churchyard, Manchester, M2 7LN
33 Cross Street, Manchester, M2 1NL
Third Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
Veincentre Ltd, Fourth Floor, National House, 36 St Ann Street, Manchester, M2 7LE
Fifth Floor, National House, 36 St Ann Street, Manchester, M2 7LE
Mezzanine Floor, 33 Cross Street, Manchester, M2 1NL
First Floor, 33 Cross Street, Manchester, M2 1NL
36 Cross Street, Manchester, M2 7AQ
44 Cross Street, Manchester, M2 7AR
42 Cross Street, Manchester, M2 7AR
COS, 30 St Ann Street, Manchester, M2 7LF

Appendix 2 – Planning constraints

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL