

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141281/LO/2024

Date registered valid: 18 October 2024

Proposal: Listed building consent for the installation of 1 no. internally illuminated suspended fascia sign and 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: Listed Building Consent

Development type: Listed building alteration

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

Posted: 6 November 2024 Expired: 27 November 2024

Press advert

Published: 5 November 2024 Expired: 26 November 2024

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 in 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 seems listed building consent for the installation of 1no. internally illuminated suspended fascia sign and 1no. internally illuminated projecting sign.

The internally illuminated suspended fascia sign consists of individual letters within a solid purple panel.

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.

141285/AO/2024 - Retention of 1 no. internally illuminated projecting sign.

To be refused in tandem with this application.

Consultations & Notification Responses

Urban Design and Heritage – Confirmed that the proposals are considered not acceptable on heritage and urban design grounds due to the identified harm to the Grade II listed 46 Cross Street and St Ann's Conservation Area on account of the position, size, form, design and method of illumination of the proposed new signage.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received due to this publicity.

Policy

The effect of the proposal on the affected heritage asset has been considered under the following criteria.

The Adopted Core Strategy for the City of Manchester

SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment/

EN1 (Design Principles and Strategic Character Areas) advises that developer's 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.

CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed, and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

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

DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

DC19.1 (Listed Buildings) states that 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 settings by; not permitting any external or internal alterations or addition to a listed building where, in its opinion, there would be an adverse effect on its architectural or historic character; and seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

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.

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.

JP-P1 (Sustainable Places) states an aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

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 eaves, 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 Policy

Development decisions should, therefore, accord with the requirements of the **NPPF (National Policy Planning Framework)**, in particular to **section 16 (Conserving and Enhancing the Historic Environment)**.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

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.

Section 16 (Conserving and Enhancing the Historic Environment) states the following:

Paragraph 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

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 LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPAs should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 advises 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.

Paragraph 206 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 207 states that where a development proposal will lead to substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 208 advises that proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

Paragraph 212 advises that Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

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

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Principle of the Development

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

Impact on Heritage Asset

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 an explicit advertisement consent, were thus unauthorised – not considered as a valid material precedence on planning grounds.

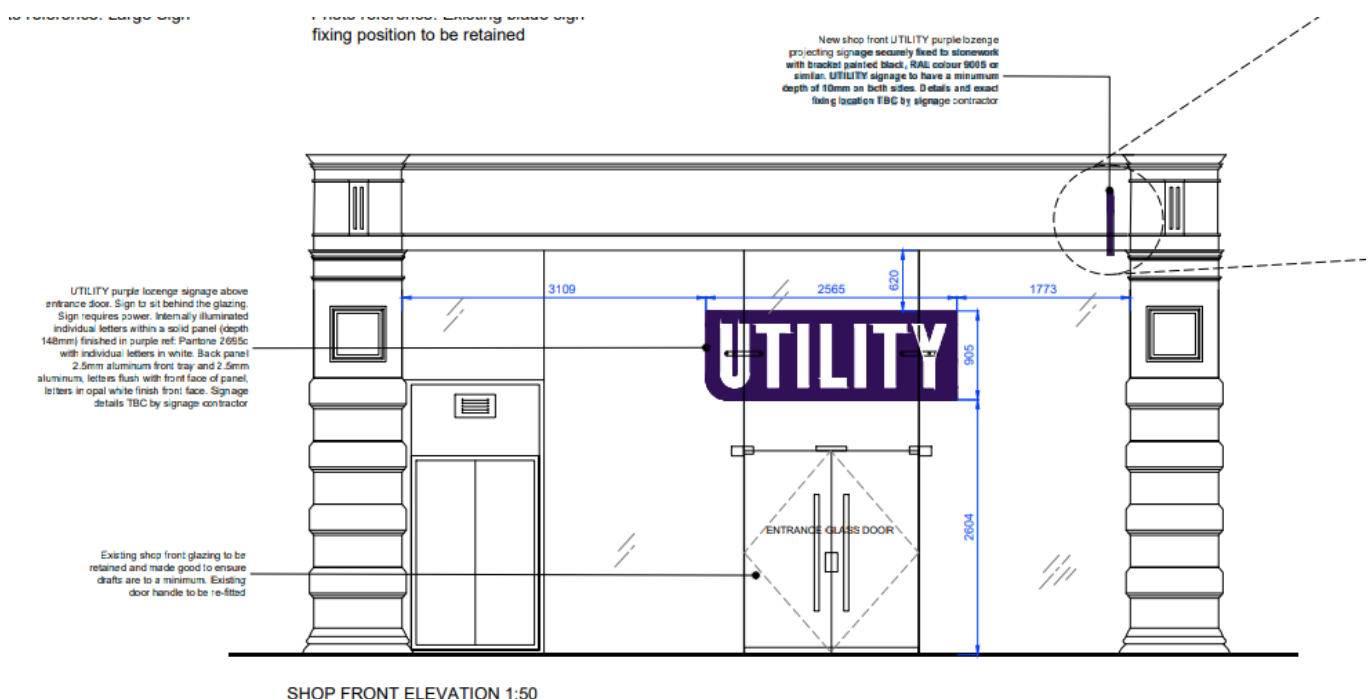


Google Street View – 2023

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 Timpson, 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.

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.

It would draw attention away from the cornice that runs between the ground and first floor on the elevation as well as the the banded corner pilasters that run across this elevation of the building and are a key feature at the sandstone ashlar building designed in a Baroque style.

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 a low level of harm to the listed building, as there is no precedent of a projecting sign on this elevation at the level, and it would therefore form an incongruous feature on this elevation.

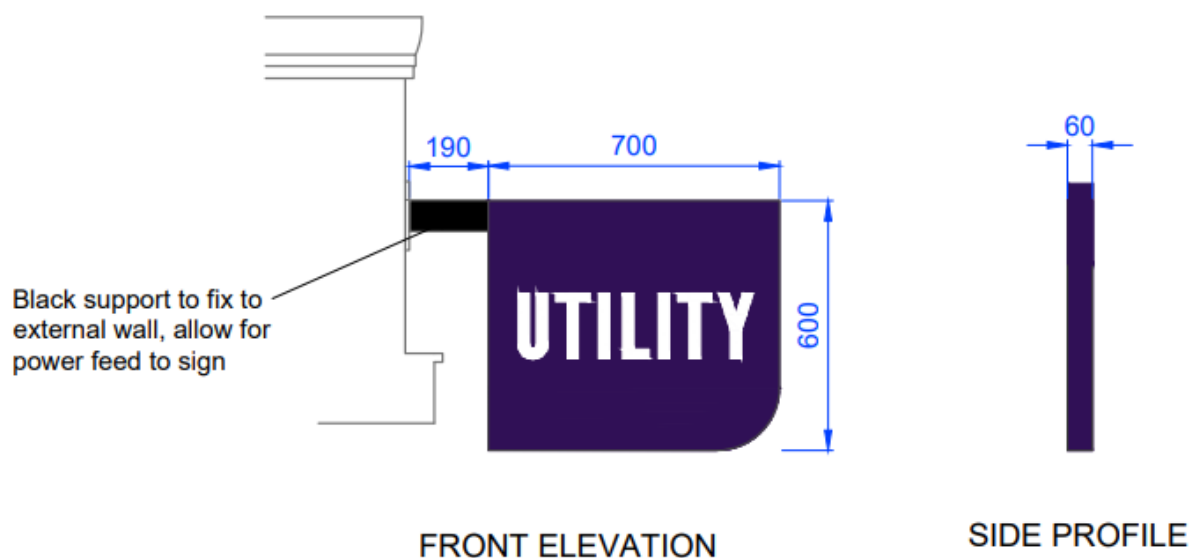
The heritage harm that would be caused by the installation of the projecting signage is not outweighed by the public (rather than private) benefits of the proposal, the public benefit being the occupation of the unit, failing to comply with paragraph 208 of the NPPF.

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 highlights 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-designed development 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.

The City Council considers that the primary suspended fascia signage located behind the glazing, is sufficient enough to provide enough advertising for and wayfinding to the premises in a manner that would have created a very low less of less than substantial harm to the building, but this much smaller amount of less than substantial harm would have been outweighed by the public benefit of having an occupied unit.



Projecting Sign

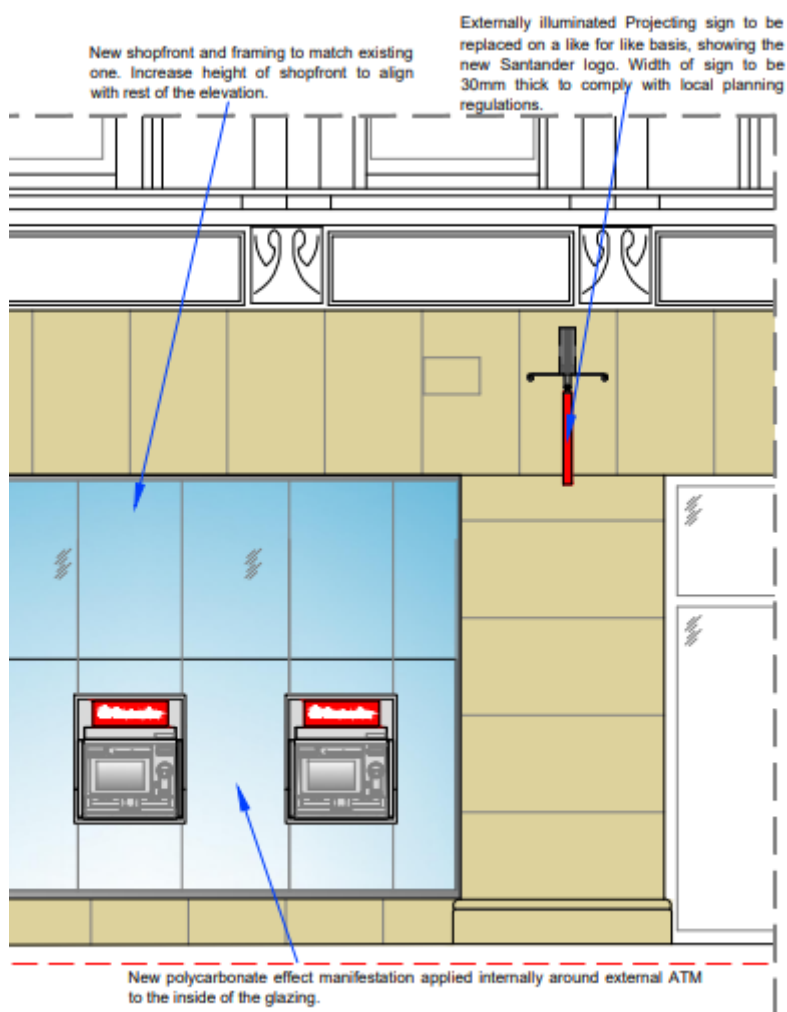
Furthermore, the projecting sign is 60mm in depth. As outlined in the Shopfront and Signage Design Guide (2024) the projecting signage should also be of a max. 30mm in depth and, due to its location on a listed building and within a conservation area, be generally non-illuminated or externally illuminated. 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 special interest of the listed building and the conservation area.

The Shopfront and Signage Design Guide (2024) also makes notes that "Whilst the Council will normally permit only one projecting sign for each commercial unit, this will be resisted in inappropriate locations or where this would cause undue harm to local amenity, heritage assets and appearance or sense of character of a building/group of buildings". In this case, it is considered that the projecting sign will cause undue harm to the heritage asset and so cannot be supported.

In terms of the thickness of the signs, 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.

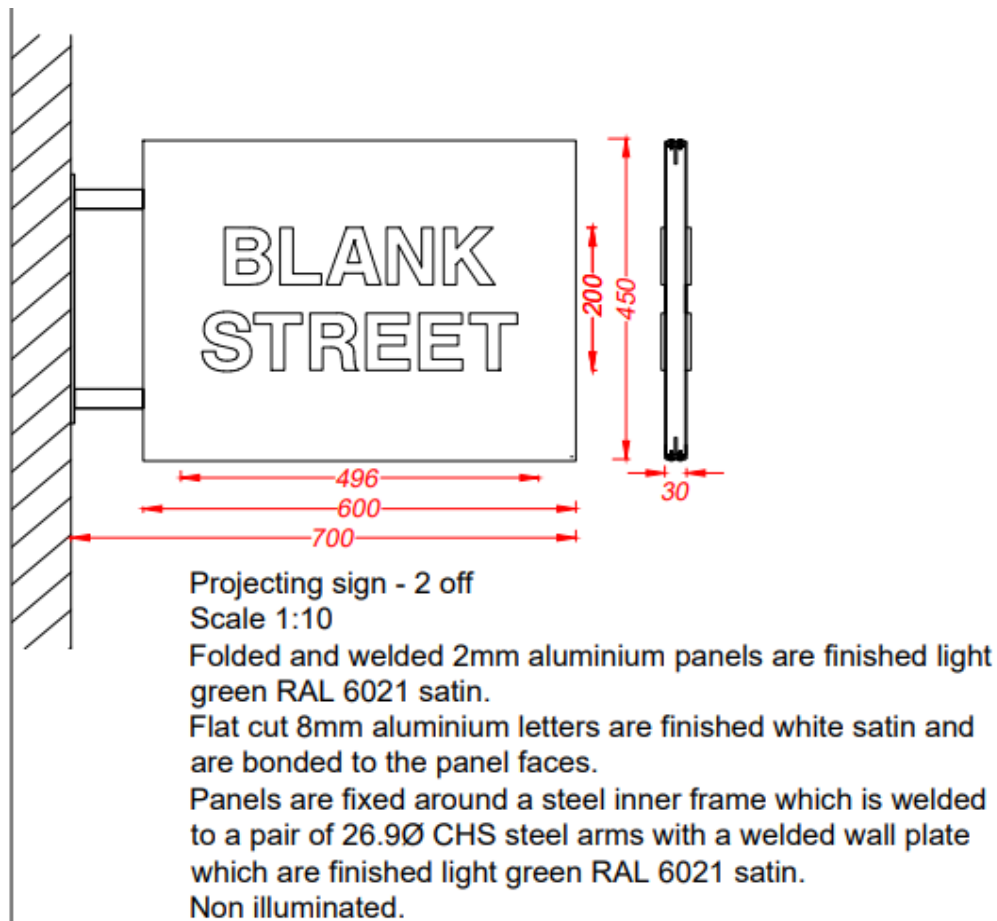


Approved drawing of 30mm projecting sign at Santander



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.



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.

Conclusion

The works carried out to install the projecting sign in the location specified have caused a low amount of less than substantial harm to the listed building, with insufficient public benefits identified to outweigh this harm, and the application is therefore refused in accordance with 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 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

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. Alternatives proposals were discussed and considered carefully, however, the issues identified, particularly relating to the view of the Local Planning Authority that there is not

a suitable location on the unit to site a projecting sign, are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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 building, its setting, and the local historic environment. The proposal would cause a low amount of less than substantial harm to the listed building and it is not considered that the public benefits identified are substantial enough to outweigh the identified harm. The proposal is therefore contrary to 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

Heritage & Urban Design

Third Floor, 37 King Street, Manchester, M2 7AT
3 St Ann's Alley, Manchester, M2 6AJ
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 205, 56 Cross Street, Manchester, M2 7AR
Flat 204, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Flat 201, 56 Cross Street, Manchester, M2 7AR
Flat 305, 56 Cross Street, Manchester, M2 7AR
Flat 304, 56 Cross Street, Manchester, M2 7AR
Flat 303, 56 Cross Street, Manchester, M2 7AR
Flat 302, 56 Cross Street, Manchester, M2 7AR
Second Floor, National House, 36 St Ann Street, Manchester, M2 7EL
39 - 43 King Street, Manchester, M2 7AT
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
Basement, 37 King Street, Manchester, M2 7AT
Fourth Floor, 49 King Street, Manchester, M2 7AY
Third Floor Front, 49 King Street, Manchester, M2 7AY
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
Third Floor Rear, 49 King Street, Manchester, M2 7AY
34 St Ann Street, Manchester, M2 7LE
37 King Street, Manchester, M2 7AT
James Binney House, 52 Cross Street, Manchester, M2 7AR
3 St Ann's Churchyard, Manchester, M2 7LN
33 Cross Street, Manchester, M2 1NL
49 King Street, Manchester, M2 7AY
Third Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
Sixth Floor, 49 King Street, Manchester, M2 7AY
Fifth Floor, 49 King Street, Manchester, M2 7AY
Second Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
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
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY
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