MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140105/AO/2024 and 140106/LO/2024
Date registered valid:	24 May 2024
Proposal:	140106/LO/2024 - Listed Building Consent for removal of existing signs and replacement with 7no. internally illuminated LED screen displays and 1no. double sided internally illuminated LED screen display on the Quay Street elevation of the building 140105/AO/2024 - Removal of existing signs and replacement with 7no. internally illuminated LED screen displays and 1no. double sided internally illuminated LED screen display on the Quay Street elevation of the building
Address:	Opera House, Quay Street, Manchester, M3 3HP
Ward(s):	Deansgate Ward
Applicant:	Mr Stefan Ziemelis Ambassador Theatre Group
Agent (if any):	Mr Ting Lai Osbornes
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	4 December 2024

Application details

Type of application: Listed Building Consent and Advertisement Consent

Development type: Listed building alteration and Advertisement Consent

Date of site visit: 19 June 2024

Standard consultations:
Printed: 10 June 2024 Expired: 1 July 2024

Neighbour notifications
Printed: 10 June 2024 Expired: 1 July 2024

Site notice
Posted: 19 June 2024 Expired: 10 July 2024

Press advert
Published: 18 June 2024 Expired: 2 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application relates to the Grade II listed Opera House Theatre, which is located on the northern side of Quay Street adjacent to the junction where Byron Street meets Quay Street. The site is bound by Quay Street, Byrom Street and Atkinson Street.

It was designed by Sir Albert Richardson and Charles Lovett Gill with Horace Farquarson. The theatre dates from 1912 and features a decorative front elevation completed in a Neo-Classical style. Its ornate stucco frontage and lavish and exceptionally intact auditorium are of the highest significance and are core to the asset's appreciation. The side elevations of the property are secondary being more utilitarian in appearance but are not void of features.

The historic rendered façade was recently repaired in accordance with permissions referenced 133917/FO/2022 and 133918/LO/2022. The application site remains in active use as a theatre.

The property is within the Deansgate Conservation Area. Neighbouring buildings to the west along Quay Street date from the late 19th and early 20th century, including the Grade II listed Sunlight House. To the south and west of the application site lies more modern development, with Hardman Square to located west of the application site and the Grade II listed Cobden House to the south-east.

Neighbouring uses are predominantly commercial and are comprised of shops, cafes, bars, gyms, offices and cinema uses.

Description of development

Listed Building Consent and Advertisement Consent is sought for the following signage:

- 7no. internally illuminated LED screen displays would be installed along the ground floor elevation underneath the canopy.
- 1no. double sided internally illuminated LED screen display would be installed above the canopy.

These signs would replace 14no. non-illuminated non-original signs.

Consultations & Notification Responses

Publicity -

140106/LO/2024 - The application was advertised in the local press as an application for Listed Building Consent and as affecting the setting of a conservation area a site notice was displayed on site and letters were sent to surrounding occupiers to inform them of the proposals - No comments received.

140105/AO/2024 - Letters were sent to surrounding occupiers to inform them of the proposals - No comments received.

Issues

The Adopted Core Strategy for the City of Manchester

Policy 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.

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

Policy CC4 (Visitors, Tourism and Leisure) advises that development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.

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

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

Policy 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 for the City of Manchester

Saved Policy DC14 (Shopfronts and Related Signs) confirms acceptable shop front and signage works.

Saved Policy 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.

Saved Policy 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.

Policy JP-P1 (Sustainable Places) aims 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.

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.

National Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 - requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

Sections 16, 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and 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.

The NPPF 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.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

The amount and type of signage proposed is considered to be in keeping with the use of the building as a theatre, in particular as it was built to be a theatre and retains features characteristic of historic theatres and is currently used as a theatre.

The signage proposed would also replace fourteen existing posters with poor quality non-original black frames with 8 LED screens with high-quality bespoke bronze frames representing a fairly large reduction in the number of signs.

The double-sided screen above the canopy would replace a much larger sign and although it could be seen as incongruous and over-large its harm is reduced due to the proposed bespoke framing, the fin used to make the screens appear slimmer and the bespoke features.

It is understood that the existing fixings cannot be reused due to the instability of the render and the unknown strength of the fabric behind the render. The canopy also cannot be used to support the screens due to their weight. The fixings into the building would however be as minimal as possible and have been justified. The support would be painted metallic gold to match the frames and existing features of the elevation.

For the above reasons, the signage would cause less than substantial harm that is justified by the public benefits described below and is minimised by the mitigation proposed as described above.

The theatre has advised that this signage is critical to the continued success of the theatre. The building if vacated would not suit many other uses due to its historic layout and is unlikely to be used by another theatre.

In view of the above, it is considered that the proposals would cause less than substantial harm to the Grade II listed building affected by the works. The signage would comply with Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Polices SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester as the public benefit of the proposals is that the proposed signage is required to retain the theatre use, which is the original use of the building and a use that is important contribution to the success of the City Centre.

Public safety - No issues.

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: 140105/AO/2024 - Approve
140106/LO/2024 - Approve

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and discussions regarding amendments to the proposals that have allowed that application to be approved.

140105/AO/2024 Condition(s) to be attached to decision for approval

1) 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.

2) The development hereby approved shall have been carried out in accordance with the following drawings and documents:

The location plan received by the City Council as local planning authority on 24 May 2024

The drawings referenced:

23-135-D1
23-135-E1 Rev G
23-135E2 Rev D
23-135-SO1A
3984-003 Rev A
23-135-S1 Rev D

Received by the City Council as local planning authority on 2 December 2024

The Design, Access and Heritage Statement Rev D received by the City Council as local planning authority on 2 December 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9 and SP1 and saved policies E3.3, DC14.1 and 14.5, DC18.1 and DC19.1 of the Unitary Development Plan.

3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
(b) No individual advertisements shall be displayed for duration of less than 10 seconds.
(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
(d) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
(e) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
(f) The maximum luminance level of the advertisements displayed on the panel shall not exceed 300 cd/m2 during non-daylight hours / inclement weather and 600 cd/m2 during and shall be equipped with auto dimmable function that reacts to the ambient light level to ensure the limit is controlled during the hours of darkness.
(g) The signs shall not be illuminated outside of the hours 08:00 to 23:00 and this shall be controlled by electronic timer.
(h) Lighting from illuminated signage shall be designed and installed so as to control glare and overspill onto nearby properties.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation and in the interest of pedestrian and highway safety, as specified in policies T1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC15.1 and DC15.2 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary pedestrian/traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email -highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

140106/LO/2024 Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby approved shall have been carried out in accordance with the following drawings and documents:

The location plan received by the City Council as local planning authority on 24 May 2024

The drawings referenced:

23-135-D1
23-135-E1 Rev G
23-135E2 Rev D
23-135-SO1A
3984-003 Rev A
23-135-S1 Rev D

Received by the City Council as local planning authority on 2 December 2024

The Design, Access and Heritage Statement Rev D received by the City Council as local planning authority on 2 December 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9 and SP1 and saved policies E3.3, DC14.1 and 14.5, DC18.1 and DC19.1 of the Unitary Development Plan.

3) Samples and specifications of the frame and support structure of the double sided LED screens to be mounted above the canopy and the finishes of these elements and specifications of the fixings and LED screens that would be used along with a method statement for the works shall be submitted to and approved in writing by the City Council as local planning authority prior to the fixing of the support to the elevation. The approved materials shall then be implemented fully and only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Samples and specifications of the frames to be used for the LED screens to be installed on the ground floor elevation and the finishes of these and specifications of the fixings and LED screens along with detailed drawings of each frame type shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the frames and LED screens on the ground floor elevation. The approved materials shall then be implemented fully and only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) All signs identified for removal on drawing referenced 23-135-SO1A shall be removed prior to the installation of the LED screens hereby approved.

Reason - In the interests of visual amenity and because the proposed works affect a building that is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

6) In the event that the alterations hereby approved are no longer required they shall be removed from the building only in accordance with a method statement submitted to and approved in writing by the City Council as local planning authority prior to the removal of the works hereby approved. The removal shall be carried out only in accordance with the approved method statement and shall be completed within three months of the date of removal of the works hereby approved.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with policies DM1, SP1, CC9 and EN3 of the Core Strategy for the City of Manchester and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Fourth Floor, 1 Hardman Square, Manchester, M3 3EB
8 Byrom Street, Manchester, M3 3BF
10 Byrom Street, Manchester, M3 3BF
1 Hardman Square, Manchester, M3 3EB
Eighth Floor, 1 Hardman Square, Manchester, M3 3EB
Third Floor, 1 Hardman Square, Manchester, M3 3EB
Tenth Floor, 1 Hardman Square, Manchester, M3 3EB
Eleventh Floor, 1 Hardman Square, Manchester, M3 3EB
Twelfth Floor, 1 Hardman Square, Manchester, M3 3EB
Fourteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Ninth Floor, 1 Hardman Square, Manchester, M3 3EB
Second Floor, 1 Hardman Square, Manchester, M3 3EB
First Floor, 1 Hardman Square, Manchester, M3 3EB
Ground Floor, 1 Hardman Square, Manchester, M3 3EB
Seventeenth Floor, 1 Hardman Square, Manchester, M3 3EB
Store, 1 Hardman Square, Manchester, M3 3EB
Seventh Floor, 1 Hardman Square, Manchester, M3 3EB
Sixth Floor, 1 Hardman Square, Manchester, M3 3EB
Fifth Floor, 1 Hardman Square, Manchester, M3 3EB
Nineteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Eighteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Thirteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Third Floor, 15 Quay Street, Manchester, M3 3HN
First Floor, 15 Quay Street, Manchester, M3 3HN
Second Floor, 15 Quay Street, Manchester, M3 3HN
Fifth Floor, 15 Quay Street, Manchester, M3 3HN
Fourth Floor, 15 Quay Street, Manchester, M3 3HN
Fifteenth And Sixteenth Floor, 1 Hardman Square, Manchester, M3 3EB
MANSON INSURANCE LTD, Ground Floor, 15 Quay Street, Manchester, M3 3HN
1 Byrom Place, Manchester, M3 3HG
17 Quay Street, Manchester, M3 3HN
19 Quay Street, Manchester, M3 3HN
5 - 7 Byrom Street, Manchester, M3 4PF
15 Quay Street, Manchester, M3 3HN

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
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
Conservation Area - Deansgate Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL