

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140981/AO/2024

Date registered valid: 9 September 2024

Proposal: Retention of 1no. internally illuminated sign and display of 8no. signs to the barriers associated with the outdoor seating area.

Address: 26 Market Street, Manchester, M1 1PW

Ward(s): Piccadilly Ward

Applicant: Nuoc Cham Ltd

Agent (if any): Fiona Campbell, Pegasus Group

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 October 2024

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 26 September 2024

Standard consultations:

Printed: 20 September 2024 Expired: 11 October 2024

Neighbour notifications

Printed: 20 September 2024 Expired: 11 October 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: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The unit is located on the far end of Market Street, on the junction with Cross Street, in the City Centre ward of Piccadilly. There are two shopfront elevations, with the principal northern elevation facing onto Market Street, and a longer western elevation facing onto Cross Street.

Louvred panels are currently affixed above the glazing over both elevations. The vacant unit (Class E) was previously occupied by Samsung. The main entrance to the unit on Cross Street has level access. A secondary entrance on Market Street does not benefit from level access.

Market Street is predominantly commercial in character, comprising of a variety of retail shops, with some café and takeaways units. The area is a primary shopping area of Manchester City Centre.

The street is covered above at the location of the application site by the Manchester Arndale shopping centre.

Cross Street comprises a wide road, and is characterised by retail, food, and drink uses at ground floor level.

The host building is not listed, and it is not located within a Conservation Area. The site is located adjacent to St Ann's Square Conservation Area, the boundary of which runs through the centre of Cross Street, and it sits directly opposite the Grade II listed Royal Exchange on the

other side of Cross Street, so the proposals should be considered within the context of the adjacent conservation area and listed buildings.

Description of Development

The proposal seeks advertisement consent for the installation of 3no. internally illuminated fascia signs and 2no. internally illuminated projecting signs.

Related Applications

062321/FO/CITY1/01 - Installation of a new shop front.
Approved July 2001.

062242/AO/CITY1/01 - 3no. illuminated individual letter fascia name signs and 2no. projecting signs.
Approved July 2001.

105388/AO/2014/C1 - Retention of internally illuminated signage comprising 3no. fascia panels with individual letter signage attached and 2no. projecting signs with individual letter signage attached.
Approved July 2014.

128715/AO/2020 - Installation of replacement fascia signage comprising new fascia signs including 2no. internally illuminated projecting blade signs and no.3 internally illuminated individual letter signs.
Approved January 2021.

139404/FO/2024 - Shopfront alterations, including installation of tiling.
Approved May 2024.

139405/AO/2024 - Installation of 3no. internally illuminated fascia signs and 2no. internally illuminated projecting signs.
Approved May 2024.

Consultations & Notification Responses

Highway Services - Requested that some informatives be added relating to highway issues, including working near the tram.

Environmental Health - Are satisfied with the luminance levels of the proposal.

Transport For Greater Manchester – Have no comment to make.

Metrolink - Have no comment to make.

Publicity - Neighbour notification letters were sent to surrounding properties. No representations have been received because of this publicity.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

(1) The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- (b) factors relevant to public safety include—
 - (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content, or design of what is to be displayed.

The 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.

Policy 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.

Policy 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.

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

The Unitary Development Plan 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 box 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) On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs.

DC15.1 (Advertisements, Hoardings and Posters) states that the Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. 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 (Advertisements, Hoardings and Posters) states that 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.

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.

National Policy

Decisions should accord with the requirements of the **National Planning Policy Framework (2023)**, in particular to **section 12 (Achieving well-designed and beautiful places)** and **section 16 (Conserving and Enhancing the Historic Environment)**.

Paragraph 141 of section 12 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."

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.

Paragraph 136 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."

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.

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 the proposal is considered to be acceptable in this case. Signage of this manner is considered appropriate in order to advertise a commercial premises and to provide landscaping.

Visual Amenity

The site benefits from a wide shopfront set across two elevations. The new 'HOP' logo sign is proposed centrally on the northernmost louvre of the Cross Street elevation above the glazed shopfront.

Given the large extent of the shopfront across two elevations. The scale of the sign is relatively modest and is clearly subservient when viewed in the context of the scale of the building, which extends to 3 storeys in height.

Advertisement consent was recently granted for the installation of a sign of the same scale and design to the Market Street elevation (ref. 139405/AO/2024). The installation of a matching sign to the Cross Street elevation will provide consistency in shopfront design across both elevations.

Part a) of saved policy DC14.5 (Shops and Related Signs) states that “*signs should not normally be positioned other than at fascia level.*” The traditional fascia level is lower down than the louvres where this logo sign will be situated. Currently, there is individual letter fascia signage at this fascia level on the Cross Street elevation.

Whilst the signage is not situated at traditional fascia level, it is considered that the signage respects the architectural form of buildings and shop frontages, which complies with part b) of saved policy DC14.5.

There is signage situated at the same level in the neighbouring units currently occupied by Costa Coffee and Tui on the Market Street elevation, and so the siting of this signage is considered to respect the architectural form of buildings and shop frontages in this manner.

The 8no. sign to the barriers are considered to be proportionate in size and are not considered to be an incongruous feature in the street scene.



Signage as installed on Cross Street Elevation

The scale of the logos is modest, with the lettering extending to only circa 20cm in height and will therefore be subservient when viewed in the context of the scale of the wider host building to which they are associated. The logo will be sited centrally on the barriers themselves, ensuring a balanced appearance. The signs to the barriers will be neatly distributed across both Market Street and Cross Street, ensuring no undue visual clutter.

Similar barriers with signage have been approved further up the road at the Pizza Hut at 15 Corporation Street, so there is an established precedent of barriers with signage for outdoor seating areas within this street scene.

Taking all these aspect into consideration, the proposal can therefore be supported on visual amenity grounds.

Public Safety

The luminance levels of the signage are 600cd/m² and are therefore within an acceptable range to not cause any distraction to passing pedestrians or road users, or to cause a disturbance to any nearby commercial occupiers. A condition has been added to ensure that the proposed luminance levels are controlled and complied with.

The fascia signage complies with headroom and carriageway clearance requirements.

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

Conclusion

Given the above, the proposal is considered to be consistent with the Core Strategy for the City of Manchester, in particular DM1 (Development Management) and SP1 (Spatial Principles), the saved policies contained within the Unitary Development Plan for Manchester, in particular DC14 (Shop fronts and Related Signs) and DC15 (Advertisements, Hoardings and Posters), and the National Planning Policy Framework, in particular Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment).

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: Approve

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 be carried out in accordance with the following drawings and documents, received by Manchester City Council as the Local Planning Authority on 09 September 2024:

- Location Plan P013 Rev D
- Proposed Shop Front Elevation P002 C
- Proposed Signage Detail P003
- Proposed External Seating Layout P003.1 F

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, and saved policies DC14 and DC15.

3) The maximum luminance shall not exceed 600cd/m² in brightness at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policies DC14.1, DC18.1, DC19.1 and E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

- 1) Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements, will need discussion and agreement with the council's Highway Network Management teams via email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk
- 2) Please be advised of the details of working safely near Metrolink which can be found on the Metrolink Website at; <https://www.tfgm.com/public-transport/tram/workingsafely>. This

document provides contact details for the Metrolink Operator in order that the proposed method of erection can be discussed and relevant permits obtained.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester
Metrolink

Ocean Dental Manchester, Second Floor, Boots, 32 Market Street, Manchester, M1 1PL
Boots, 32 Market Street, Manchester, M1 1PL
Kiosk 19A, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 19, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Units R10 To R19, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R36, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R35, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R34, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R33, Arndale Centre, Market Street, Manchester, M4 3AT
Units R31 And R32, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R30, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R29, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R28, Arndale Centre, Market Street, Manchester, M4 3AT
Units R26 And R27, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R25, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R24, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R23, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R22, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R21, Arndale Centre, Market Street, Manchester, M4 3AT
Unit R20, Arndale Centre, Market Street, Manchester, M4 3AT
Advertising Right JC Decaux Outside 1, Cross Street, Manchester, M2 1HX
8 - 10 Cross Street, Manchester, M2 7AE
Stall Opposite Unit R23, Arndale Centre, Market Street, Manchester, M4 3AT
Stall Opposite Unit R21, Arndale Centre, Market Street, Manchester, M4 3AT
NatWest, 19 Market Street, Manchester, M1 1WR
Marks And Spencer, 7 - 17 Market Street, Manchester, M1 1PT
1 Cross Street, Manchester, M2 1HX
3 Cross Street, Manchester, M2 1WE
14 Market Street, Manchester, M1 1PT
Kiosk 12, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 11, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 10, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 9, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 8, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 6, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Taco Bell, Kiosk 5, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 4, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 3, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
McDonald's, Kiosk 2, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 1, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
Kiosk 7, Arndale Centre Food Chain, Market Street, Manchester, M2 1NP
19A Market Street, Manchester, M1 1WR
12 Market Street, Manchester, M1 1PT
16 Market Street, Manchester, M1 1PT
28 Market Street, Manchester, M1 1PW
30 Market Street, Manchester, M1 1PW
Unit R9, Arndale Centre, Market Street, Manchester, M4 3AT

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL