Planning

Growth & Development

Delegated officer report for planning application

Application no.	140752/AO/2024
Date registered valid:	12 August 2024
Proposal:	Installation of 1no. illuminated lettering and logo sign mounted on reconstructed facade, and 1no. Alubond masked LED to building entrance.
Address:	58 - 66 Market Street, Manchester, M1 1PW
Ward(s):	Deansgate Ward
Applicant:	Mr Hrvoje Haramincic, Museum of Illusions Ltd
Agent (if any):	Ms Jessica Pillay, MHA Architects
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	20 August 2024
Date of recommendation:	**4 October 2024**

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 20 August 2024

Standard consultations:
Printed: 16 August 2024 Expired: 7 September 2024

Neighbour notifications
Printed: 16 August 2024 Expired: 7 September 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: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

The site in question refers to a ground floor entrance to the first-floor unit and the associated first floor unit of 58-66 Market Street. This is located on a major pedestrianised street that sees a significant amount of footfall and is considered to be the main commercial street in Manchester City Centre.

The premises in question has operated as a shop for an extended period of time, it most recently was occupied by Sports Direct. The ground floor of the building is currently occupied by Tesco Metro and has been occupied by this operator for an extended period of time.

The surrounding uses are predominantly retail.

The site sits within Upper King Street Conservation Area.

There are no listed buildings within the nearby vicinity of the Market Street elevation of 58 - 66 Market Street and so the works do not need to be considered within the setting of a listed building.

Description of Description

The application seeks advertisement consent for the retention of 1no. illuminated lettering and logo sign mounted on reconstructed facade, and the retention of 1no. Alubond masked LED to building entrance.

A projecting blade sign is denotated on some of the drawings. A projecting sign with a thickness of 30mm was approved under 139588/AO/2024 but does not form part of this application.

There has been no corresponding planning application for the alterations to the building's façade, and these do not form part of the advertisement for the purposes of this application.

Related Applications

139400/FO/2024 - Flexible change of use of the ground floor entrance area and associated first floor level from Class E(a) Retail to flexible use between Class E(a) Retail and Class F1(c) Museums, together with the installation of a new ground floor shopfront. Retention of Class E(a) Retail use for the rest of the building.
Approved May 2024.

139588/AO/2024 - Installation of 2no. illuminated box fascia signs, illuminated lubond masked LED to the entrance, and 1no. projecting illuminated blade sign.
Split decision June 2024 to approve the projecting sign and to refuse all other elements.

Consultations & Notification Responses

Highway Services - Requested a condition be added to control luminance, confirmed that the signs complied with carriageway requirements and requested that informatives be added to the applications concerning any highway licensing requirements.

Environmental Health - Requested that a condition be added to control luminance and that the luminance levels should not exceed 300cd/m2 instead of 600cd/m2.

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

Policy

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.

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 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 74 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 works, as well as, in accordance with the advertisement regulations, the acceptability of the works 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 Works

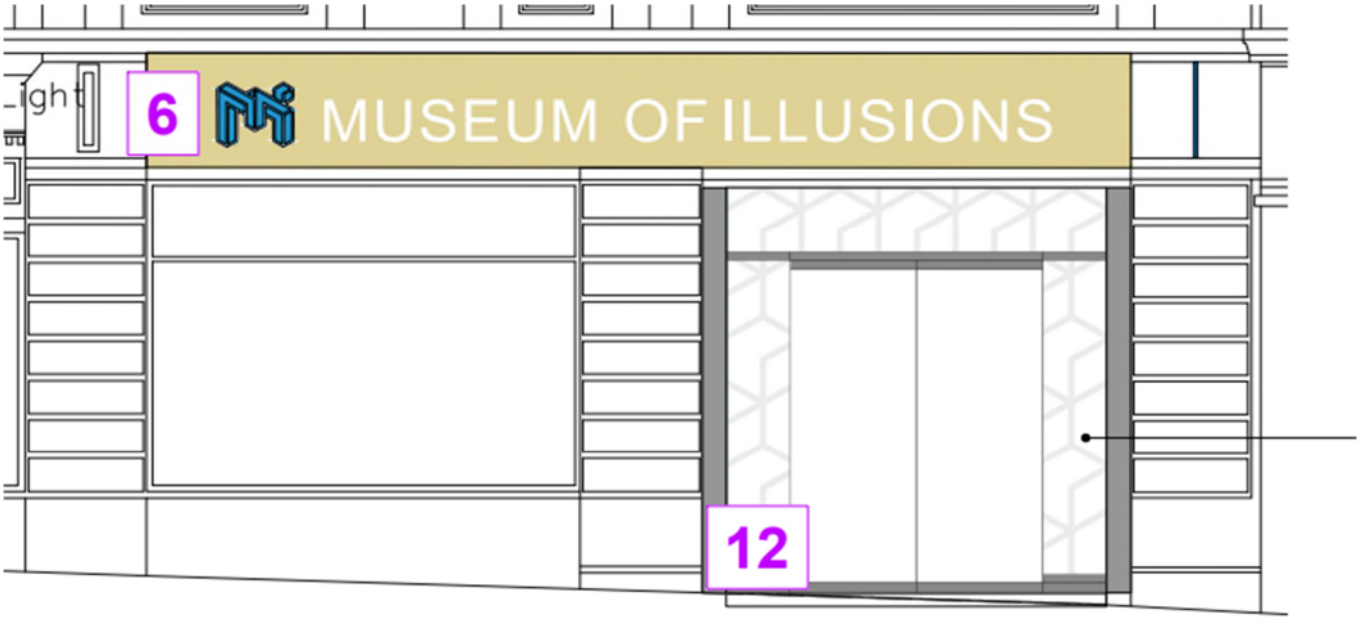
The fascia level signage is considered to be unacceptable and would have an unduly harmful impact on amenity within the commercial area such of Market Street.

Visual Amenity

Since the split decision on application 139588/AO/2024, the applicant has been in dialogue with the Local Planning Authority (LPA), to discuss how to bring forward an acceptable scheme in relation to the refused elements of the previous scheme, namely, the primary signage at fascia level and the LED surround to the entrance.

Although these discussions had not yet concluded, the applicant proceeded to submit a revised application. Officers have also observed that the applicant has proceeded to install signage at the property without the consent of the LPA and before the determination of this advertisement application. What is now present on site is different to what is outlined on the submitted drawing.

The elevational drawings that have submitted with this application were lacking in substantial detail. They imply a solid fascia panel that would run right across the entirety on the elevational, including the existing decorative protruding stonework/pillar that runs up the elevation between the window and the main entrance to the unit.



Proposed Market Street elevations

In addition, the submitted drawings only referred to the illuminated logo sign and individual illuminated letters, not to what the backing panel would be.

Upon receipt of the advertisement application, the LPA advised that individual letter signage should be mounted onto any existing natural stone that may be present underneath the previous building signage or, if this was not found to be present, a natural stone panel which could be positioned within the recesses between the architectural pillars. This would offer a sympathetic alteration to the property and one which would complement the character and appearance of this older building within the conservation area. The rendered panels that have since been installed have not been assessed as part of this advertisement application, and no separate permission has been sought for the operational development.

The plans, as submitted, are not considered to respond positively to the architecture of a building in the conservation area. The proposed fascia panel cuts across key architectural features of the original historic shop front which undermines the character and appearance of the building. The stone banding forms an obvious and historic fascia to this property and any proposed fascia signage is considered to be an awkward and incongruous addition to the property and would harm the character and appearance of the property including key architectural features.

Since the advertisement application was submitted, officers have observed that signage has been installed at the property which is not in line with the drawings applied for or the comments provided by officers on what would constitute appropriate form of signage on the building.



Signage installed on site

The wider building as a whole is an attractive building with traditional features and detailing, especially on the levels above the ground floor, but also of note is the original ‘Stephens Building” lettering on an ornate, decorative feature, that sits in between the neighbouring ground floor unit where Tesco is situated and the unit in question.

As previously noted, and not forming part of the application; a buff render has been applied at fascia level and made this flush with the architectural pillars. Works have also been undertaken to paint the fascia level section of the central stone pillar and the flank pillar of the entrance, so as to match the buff render applied at fascia level. A secondary buff mounting fascia panel has been installed over the render and the letters ‘MUSEUM OF ILLUSIONS’ have been installed alongside the logo.

The rendered panels now sit flush with the dividing pillars, whilst the mounting fascia panel and individual lettering do sit slightly proud of the rendered fascia panel, they do not project beyond the roll-top header of the pillars. Historically, there would have been some form of recess to the inset fascia within the architectural pillars.

The works carried out are considered to be harmful to the visual amenity of the existing building and shop front and undermines the character and appearance of the building and its original ship front.

The signage is low quality and unsympathetic to the building. This result in an uneven, monolithic and cumbersome feature that clearly stands out as an incongruous feature on the elevation, instead of blending into the surrounding stonework on the elevation and respecting the character of the property.

The painting on the stonework in order to try and present a more uniform appearance across the elevation is not considered to be acceptable and therefore is also harmful on visual amenity grounds, forming part of the unauthorised modifications/alterations at fascia level.

Furthermore, the introduction of a solid supporting structure upon which the individual letters should sit, is considered to be out of keeping with the appearance of similar units in the surrounding street scene and conservation area.

Along Market Street, and the surrounding area, in cases where individual letter signage has been put in place, the individual letters are either fixed on directly, or as is seen right across the Arndale side of Market Street, are affixed on to metal railings. The appearance of the protruding

supporting structure is not considered to be in keeping with this approach on Market Street. In addition to this, the elevational and signage drawings submitted with this application given no indication of how the individual letters will be affixed. No cross section was submitted with the application that will have been able to detail this, further showing that the submission was lacking in substantial detail on the signage.

In this regard, the works are considered to be contrary to the provisions of Saved Unitary Development Plan Policy DC14 that requires signage to respect the architectural form of the building and shopfront. It is considered the points regarding the sign's visual impact in relation to how they are contrary to Core Strategy Policy DM1 also apply here, thus rendering the development also contrary to Saved Unitary Development Plan Policy DC14.

The online listing for Upper King Street Conservation Area, in which this site is situated, specifically states that "*designers should respect the architectural character of the existing historic buildings and create proposals which harmonise with them.*"

The use of incongruous features on buildings situated in the Upper King Street (Extended) Conservation Area is considered to detract from its historical significance and setting due to their poor design. This would be contrary to Core Strategy Policies CC9, EN1 and EN3, Saved Unitary Development Plan Policy DC18, and Places for Everyone Plan Policy JP-P2, which states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering, amongst other things, the effect of signs and advertisements.

Whilst it is acknowledged that there was signage approved of a similar size on this building, these approvals were granted in the late 1990s and the quality of signing within the area has changed significantly in the period of time that has elapsed between.

It is noted that the signage that was in place when this unit was occupied by Sports Direct was not approved at any time by the City Council.

The alubond masked LED to building entrance is considered to be harmful to visual amenity on the grounds of its colour, which forms an incongruous feature when compared to the architecture of the building. A lighter colour that would have been more in keeping with the building would have been preferred.

Taking all these aspect into consideration, the works therefore cannot be supported on amenity grounds.

Overall, the signage is considered to have a negative effect on the quality and the character of the surrounding area. Paragraph 141 of Section 12 of the NPPF confirms that the quality and character of places can suffer when advertisements are poorly sited and designed.

The impact upon the heritage of the surrounding conservation area is considered to be contrary to Section 16 of the NPPF.

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.

All signage complies with headroom and carriageway clearance requirements.

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

Conclusion

Given the all of the above, the works are not 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 DC14.1 and DC14.5 (Shop fronts and Related Signs), and the National Planning Policy Framework, in particular Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment), due to the their impact upon visual amenity.

The harm to visual amenity is considered to be caused by the appearance of the signage, which are considered to form incongruous and bulky features, that is not in keeping with the architectural features of the building and would have has an unduly harmful impact on the visual amenity and the character of the building, as well as the surrounding street scene and conservation area.

Therefore, the application has been refused accordingly.

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: Refused

Reasons for recommendation to refuse

1) The signage, by virtue of its siting, design and appearance, fails to respond positively to the style, character, architectural language, and quality of the existing building and its historical shop frontage. The design and appearance also considered fails to preserve or enhance the character of the Upper King Street (Extension) Conservation Area and therefore detracts from the historical setting and significance of this conservation area. The signage would have an unduly harmful impact on the visual amenity and the character of the local area and would be 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 and DC18 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Policy JP-P2, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Manchester Donor Centre, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Cafe Opposite 31, Arndale Centre, Market Street, Manchester, M4 2HU
Advertising Right JC Decaux Outside 52, Market Street, Manchester, M1 1PW
68 - 70 Market Street, Manchester, M1 1PW
7 Brown Street, Manchester, M2 1DA
Unit 7 Halle Place, Arndale Centre, Market Street, Manchester, M1 1PT
39 Market Street, Manchester, M1 1WR
Lloyds Bank PLC, 42 - 46 Market Street, Manchester, M1 1PW
Basement, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
1 Pall Mall, Manchester, M2 1JR
Lower Ground Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
29A Market Street, Manchester, M1 1WR
29B Market Street, Manchester, M1 1WR
Metro Bank, 45 Market Street, Manchester, M1 1WR
First Floor, 58 - 66 Market Street, Manchester, M1 1PW
48 - 50 Market Street, Manchester, M1 1PW
37 Market Street, Manchester, M1 1WR
GVA GRIMLEY LIMITED, Third Floor And Fourth Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Second Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Ground Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Basement, 49 Market Street, Manchester, M1 1WR
41 - 43 Market Street, Manchester, M1 1WR
31 Market Street, Manchester, M1 1WR
1 Brown Street, Manchester, M2 1DA
Third Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
First Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
52 - 56 Market Street, Manchester, M1 1PW
19 Brown Street, Manchester, M2 1DA

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
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL