

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139665/AO/2024

Date registered valid: 2 April 2024

Proposal: Retention of an internally illuminated individual letter sign and 2no. internally illuminated projecting signs.

Address: Duttons, 2 - 10 Albert Square, Manchester, M2 6LW

Ward(s): Deansgate Ward

Applicant: Mr David Espley JW Lees

Agent (if any): Mr Michael Healy Michael Healy Limited

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

Recommendation: Approved and Refused

Date of recommendation: **23rd May 2024**

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 15 April 2024

Standard consultations:

Printed: 11 April 2024 Expired: 2 May 2024

Neighbour notifications

Printed: 11 April 2024 Expired: 2 May 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: Albert Square Conservation Area

Tree Preservation Order: Not applicable

The proposal relates to the Founders Hall, a public house that was recently called Duttons, and is located within Albert Square in Manchester City Centre. It is located within the Albert Square Conservation Area.

Albert Square is currently undergoing a significant regeneration as a part of the works to improve Manchester Town Hall.

The public house takes up the ground floor and basement of the elevation of 2-10 Albert Square that faces out on to Albert Square. The upper levels of the building contain offices.

The building features an arched brick recess / colonnade on the building's principal elevation that faces on to Albert Square.

The external seating area is located beneath the colonnade and on the pavement directly in front of the public house on Albert Square.

The uses of the surrounding buildings include offices, drinking establishments, cafes, restaurants.

The site must be considered within the context of various listed buildings, including the Grade I listed Manchester Town Hall, and the Albert Square Memorial, as well as the Grade II listed 1 Albert Square, Jubilee Fountain, Bright's Statue, Heywood's Statue, and Gladstone's Statue.

Description of Development

The application seeks advertisement consent for the retention of an internally illuminated individual letter sign and 2no. internally illuminated projecting signs.

Related Applications

139664/FO/2024 - Retention of reclaimed timber enclosure with planters and roller shutter, main entrance pergola, and external lighting.

Refused in tandem with this application.

105713/FU/2014/C1 - Use of external paving for the siting of tables and chairs and ancillary equipment associated with and ancillary to the restaurant/bar within the ground floor of 2-10 Albert Square.

Approved October 2014.

Consultations & Notification Responses

Highway Services - Requested that a condition be added to control luminance. Confirmed that the signage complies with carriageway clearance requirements.

Environmental Health - Requested that a condition be added to control luminance.

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) 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.

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.

National Policy

Decisions should accord with the requirements of the **National Planning Policy Framework (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 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.

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

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.

Paragraph 203 states 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.

Paragraph 205 states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its 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

The main issues for consideration relate to the principle of the development, as well as the acceptability of the proposal in terms of its impact upon visual amenity and its impact upon public safety.

Principle of Development

The principle of the proposals is considered to be acceptable in this case. Signage is considered appropriate in order to advertise a commercial premises such as this and to provide wayfinding to said premises.

Visual Amenity

Given the conservation area location in particular, the two projecting signs are considered to be far too bulky with a depth of 200mm. The Local Planning Authority would seek far slimmer projecting signage that is more in keeping with the area and complimentary to the high-quality public realm amenity of Albert Square (which is undergoing significant regeneration as a part of the Town Hall regeneration project) and the conservation area.

This project has an entire budget of £330 million across the Town Hall and Albert Square, and any works in the surrounding area should complement this significant regeneration.

The positioning of the projecting signs is also a concern. The projecting signs are not sited level with the fascia signage. This is contrary to UDP policy DC14.5 (Shops and Related Signs) which states that *“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.”*

The position of the projecting signs should be lowered accordingly to be in line with the fascia signage. It is noted that the previous projecting signs were hanging signs and the actually projecting part of the sign hung down to be level with the fascia signs. It appears that these

projecting signs have been hung at the same height, but as they do not hang and simply project horizontally out from the bracket, they are not in line with the fascia sign.

The Albert Square conservation area is dominated by important historical and listed assets, most notably Manchester Town Hall. The surrounding area and new buildings have all been designed to be complementary to the historic significance of this conservation area and to preserve and enhance the conservation area and the nearby heritage assets affected.

Core Strategy Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected and UDP 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. Due to the signs bulkiness and poor siting, it is not considered that the projecting signs preserve or enhance the character of Albert Square Conservation Area, or that they preserve or enhance the setting of adjacent heritage assets.

It is important to consider the impact of good design of signage on the enhancement and preservation of the conservation area and of affected heritage assets, as the visual amenity of poor-quality design signage can certainly impact on efforts to enhance and preserve these conservation areas and affected listed assets. Slimmer profile projecting signs that were properly sited in line with the main fascia level signage would go a long way towards contributing towards such enhancement and preservation.

Overall, it is considered that the projecting signs will have an unduly harmful impact on the character and visual amenity of the building, surrounding area, conservation area, and nearby listed buildings and structures such as the Grade I listed Town Hall and Albert Square Memorial, as well as various other Grade II listed buildings in the area.



Installed Projecting Sign



Installed Individual Letter Signage

The individual letter signage is considered to not be bulky, be of a high quality design, and it considered to be an improvement on the design of the previous existing “Duttons” fascia signage. The reduction in the numbers of fascia signage, down from 4 to 1 across the Albert Square elevation is welcomed by the Local Planning Authority and it considered to reduce signage clutter. These improvements would have a positive impact on visual amenity by enhancing the setting of the conservation area and adjacent listed buildings. It is considered to not cause any negative visual amenity impact on the building, surrounding street scene, or surrounding conservation area.

However those improvements would for the reasons set out above be undermined by the design and location of the projecting signs.



Previous Signage

Public Safety

All signage complies with headroom and carriageway clearance requirements.

The luminance levels as stated on the application form are listed as 1cd/m2. This appears to be incorrect. Clarification has been sought from the applicant as to the luminance levels, but this have not been confirmed.

As such, a condition will be attached to control the luminance of the approved individual letter signage to ensure that the luminance levels are 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.

Conclusion

Given the above, the internally illuminated individual letter sign is considered to be consistent with National Planning Policy Framework, in particular Section 12 (Requiring Good Design) and Section 16 (Conserving and Enhancing the Historic Environment, the Core Strategy for the City of Manchester, in particular DM1 (Development Management) and SP1 (Spatial Principles), and the Saved Policies contained within the Unitary Development Plan for Manchester, in particular DC14 (Shop fronts and Related Signs).

However, the projecting signs, by virtue of their siting, scale, appearance, and overly large design, are considered to form an incongruous and bulky feature, that are not in keeping with the character of the area and has an unduly harmful impact on the visual amenity and the character of the building.

They are also considered to be harmful to the visual amenity and character of the surrounding street scene, of Albert Square Conservation Area, and of the nearby Listed Buildings that the proposed works must be considered within the setting of, including the Grade I listed Town Hall and Albert Square Memorial, as well as various other Grade II listed buildings within close proximity. They would not preserve or enhance the setting of affected heritage assets.

On this basis, the retention of the projecting signs is therefore refused.

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: Approved and Refused

Condition(s) to be attached to decision for approval and reasons for refusal

Refuse the installation of the following:

- 2no. internally illuminated projecting signs.

1) The two projecting signs, by virtue of their position, size, and appearance, form an overly large, bulky and incongruous feature to the building. The result is an unduly harmful impact on the character and visual amenity of the building and surrounding area. In particular, the two signs fail to preserve or enhance the setting of the Albert Square Conservation Area, the recently improved Albert Square Public Realm, and nearby Listed Buildings including the Grade I listed Town Hall and Albert Square Memorial. The projecting signs are therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 together with policies SP1, EN1, EN3, CC9, and DM1 of the Manchester Core Strategy (2012), saved policies DC14, DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Approve the installation of the following:

- Internally illuminated individual letter sign that reads 'J.W.Lees Founder's Hall'

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 :

- Location Plan
- Proposed Plans and Elevations 1288/JWL/3
- Proposed Signage 1289/JWL/11

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 DC18.1.

3) Lighting from illuminated signage shall be designed and installed so as to control glare and overspill onto nearby properties.

The signage will need to be selected and installed to ensure they do not exceed 300cd/m²

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Level 1, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
First Floor Offices, 9 Princess Street, Manchester, M2 4DN
9 Princess Street, Manchester, M2 4DN
Fifth Floor, 9 Princess Street, Manchester, M2 4DN
Ground Floor, 57 Cross Street, Manchester, M2 4JW
Fourth Floor, 1 Princess Street, Manchester, M2 4DD
Basement, 3 - 5 Princess Street, Manchester, M2 4DF
Town Hall, Albert Square, Manchester, M2 5DB
Level 3, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Basement, 2 - 10 Albert Square, Manchester, M2 6LW
Ground Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Fifth Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Maray Restaurant, 2 - 10 Albert Square, Manchester, M2 6LW
Xana Health Manchester Clinic, 1 Albert Square, Manchester, M2 6LW
Second Floor, 1 Albert Square, Manchester, M2 6LW
59A Cross Street, Manchester, M2 4JW
1 Princess Street, Manchester, M2 4DF
City Council Engineers And Surveyors, Albert Square, Manchester, M2 5HD
Level 5, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Level 7, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Fourth Floor, 2 - 10 Albert Square, Manchester, M2 6LW
50 - 52 Brazennose Street, Manchester, M2 5EA
Northern Assurance Building, 9 - 21 Princess Street, Manchester, M2 4DN
Pearl Assurance House, 23 Princess Street, Manchester, M2 4EN
57 Cross Street, Manchester, M2 4JW
Ground Floor, 59 Cross Street, Manchester, M2 4JW
Johnson THE CLEANERS, 61 Cross Street, Manchester, M2 4JW
Front And North Wings Level 6, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Second Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Third Floor, 9 Princess Street, Manchester, M2 4DN
8 - 10 Clarence Street, Manchester, M2 4DW
23A Princess Street, Manchester, M2 4EN
First And Second Floor, 59 Cross Street, Manchester, M2 4JW
3 - 5 Princess Street, Manchester, M2 4DN
7 Princess Street, Manchester, M2 4DN
Third Floor Office, 1 Princess Street, Manchester, M2 4DF
First Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Optimax Laser Eye Clinic, Third Floor, 1 Albert Square, Manchester, M2 6LW
Fourth Floor, 9 Princess Street, Manchester, M2 4DN
Ground Floor And First Floor, 3 - 5 Princess Street, Manchester, M2 4DN
Second Floor Offices, 1 Princess Street, Manchester, M2 4DF
First Floor, 1 Princess Street, Manchester, M2 4DF
Sixth Floor, 9 Princess Street, Manchester, M2 4DN
Slug And Lettuce, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Level 2, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Third Floor, 2 - 10 Albert Square, Manchester, M2 6LW
1 Albert Square, Manchester, M2 3FU
Skin Clinics, Fourth Floor, 1 Albert Square, Manchester, M2 6LW

25 Princess Street, Manchester, M2 4HH
Basement And Ground Floor, 25 Princess Street, Manchester, M2 4HH
Level 4, Heron House, 11 - 12 Albert Square, Manchester, M2 5HD
Ditto, 2 - 10 Albert Square, Manchester, M2 6LW
Basement To First Floor, 1 Albert Square, Manchester, M2 3LW
Second Floor, 9 Princess Street, Manchester, M2 4DN
Ground Floor, 7 Princess Street, Manchester, M2 4DF
Basement, 9 Princess Street, Manchester, M2 4DN

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 - Albert Square Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL