

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138900/LO/2023

Date registered valid: 22 March 2024

Proposal: Listed Building Consent for the installation of internally illuminated individual letters signage and an internally illuminated barber pole sign.

Address: 9 Newton Street, Manchester, M1 1HF

Ward(s): Piccadilly Ward

Applicant: Mr Gebriel Mehammed

Agent (if any): Mr Tanveer Mohammed

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

Recommendation: Approve

Date of recommendation: 03 May 2024

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 28 March 2024 Expired: 20 April 2024

Neighbour notifications

Printed: 28 March 2024 Expired: 20 April 2024

Site notice

Posted: 2 April 2024 Expired: 23 April 2024

Press advert

Published: 4 April 2024 Expired: 18 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Other

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: N/A

9 Newton Street forms part of a larger listed Grade II building, St. Margarets Chambers. The building was constructed in 1885 as offices with shops to the ground floor to the designs of Manchester architect Charles Henry Heathcote.

It is located within the Stevenson Square Conservation Area in Manchester City Centre and is located with the immediate setting of a number of listed buildings, including the Grade II listed Kingsley House and the Grade II listed Clayton House. It is within walking distance from Manchester Piccadilly train station and Piccadilly Gardens bus/tram stop.

Positioned on a prominent corner, the red brick and stone dressed elevations with prominent gables ornamented with intricate stone carvings make an important and positive contribution to the local townscape. The recent modern large plate-glass shopfronts to the ground floor have improved the appearance and cohesion of the Grade II listed building, and its contribution to the conservation area and the setting of the nearby listed building.

The commercial unit in question benefits from a level threshold which allows access to wheelchair users.

Description of Development

The application seeks Listed Building Consent for the installation of internally illuminated individual letters signage and an internally illuminated barber pole sign. Both sets of signage will be situated behind the glazing.

Related Applications

136417/FO/2023 - Creation of 12 no. residential apartments (Use Class C3a) and associated external works.

Approved September 2023.

136418/LO/2023 - Listed building consent for internal and external works associated with the creation of 12 no. apartments.

Approved September 2023.

126810/FO/2020 - Removal of non-original shop frontage to be replaced with frameless glazed frontage.

Approved October 2020.

126811/LO/2020 - Listed building consent for removal of non-original shop frontage to be replaced with frameless glazed frontage and associated internal alterations.

Approved October 2020.

Consultations & Notification Responses

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

Issues

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

The Adopted Core Strategy for the City of Manchester

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

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

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 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-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

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

Sections 16, 66 and 74 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.

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

Paragraph 200 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPA's should take account of:

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

Paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

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

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

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.

Issues

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

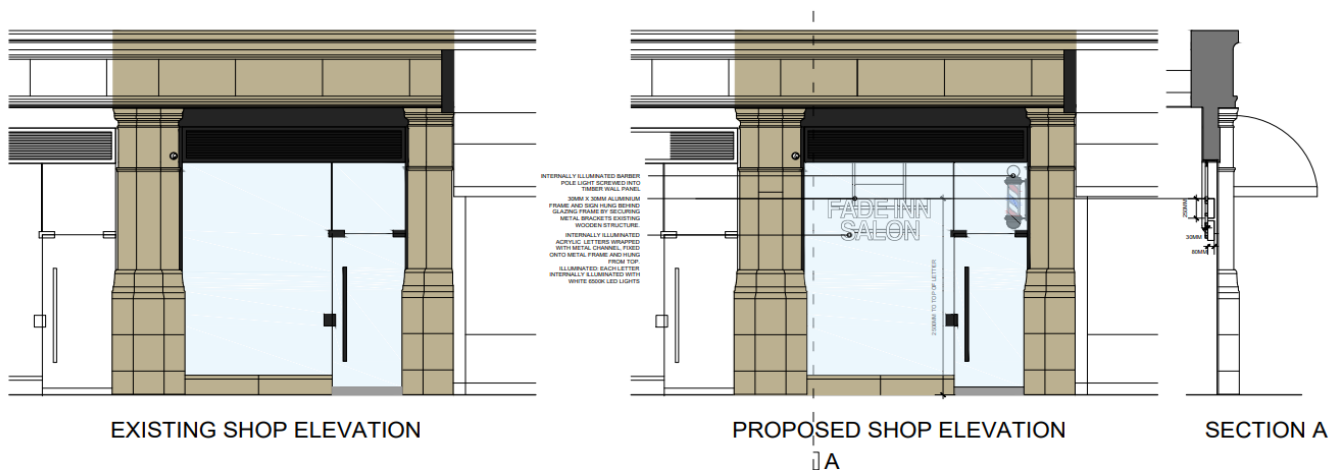
Principle of Development

The principle of the development is considered to be acceptable, as signage is considered to be necessary for the commercial viability of such a business in this location.

Impact on Heritage Asset

By reason of its location and form, the signage would cause a low level of less than substantial harm to the architectural and historic interest of the listed building and the conservation area.

Measures to minimise and mitigate the harm through the appearance, size, and position of the signage have been considered and implemented in designing the new advertisement. The low level of less than substantial harm through the introduction of new modern equipment within the designated premises and the context of the conservation area is justified by the commercial need for a new signage.



Existing and Proposed Elevation

In its setting, the new signage will be in keeping with the commercial character of the wider area, with no adverse impact on the local amenity. An example of a similarly approved scheme nearby that has been implemented in a similar manner would be 125944/LO/2020 at Cheetwood House, Newton Street, M1 1FZ, approved in March 2020, which similarly allowed a barber pole on the inside of the glazing.

Conclusion

In view of the above, this application is considered acceptable, as the works are considered to cause a low amount of less than substantial harm to the special interest and the historic character of the Grade II listed building.

Any less than substantial harm is considered to be outweighed by the public benefit gained by bringing viability to the commercial unit that will result from these works being carried out and the overall benefit that the continued occupation of the space will bring by being occupied by a commercial business, and so the proposed new signage is acceptable on heritage grounds and compliant with Policies EN3, DM1, JP-P1, JP-P2, saved UDP policies 18.1 and 19.1 and the guidance within Section 12 of the NPPF.

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

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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 be carried out in accordance with the following drawings and documents, received by Manchester City Council as the Local Planning Authority on 22 December 2023:

- Location Plan
- Design and Access Statement

Received by Manchester City Council as the Local Planning Authority on 22 March 2024:

- Existing and Proposed Elevation 021_01 F
- Heritage Statement

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.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Flat 2, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Ground Floor, 12 Newton Street, Manchester, M1 2AN
Basement, 14 Newton Street, Manchester, M1 2AF
11 Newton Street, Manchester, M1 1HF
Flat 12, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 11, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 17, Kingsley House, 15 Newton Street, Manchester, M1 1HE
12 Newton Street, Manchester, M1 2AN
6 Newton Street, Manchester, M1 2AW
16 Newton Street, Manchester, M1 2AE
14 Newton Street, Manchester, M1 2AF
Fourth Floor, 14 Newton Street, Manchester, M1 2AF
63 Piccadilly, Manchester, M1 2AG
7 Newton Street, Manchester, M1 1HF
Flat 20, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 14, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 10, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Second Floor Office 11, 69 Piccadilly, Manchester, M1 2BS
First Floor, 12 Newton Street, Manchester, M1 2AN
10 Newton Street, Manchester, M1 2AN
Fourth Floor, 16 Newton Street, Manchester, M1 2AE
Ground Floor, 16 Newton Street, Manchester, M1 2AE
Subway, 59A Piccadilly, Manchester, M1 2AG
Bundobust, 61 Piccadilly, Manchester, M1 2AG
36 Back Piccadilly, Manchester, M1 1HP
Flat 16, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 3, Kingsley House, 15 Newton Street, Manchester, M1 1HE
First Floor, 4 Newton Street, Manchester, M1 2AW
Second Floor, 16 Newton Street, Manchester, M1 2AE
First Floor, 14 Newton Street, Manchester, M1 2AF
British Study Centres, St Margarets Chambers, 5 Newton Street, Manchester, M1 1HL
Flat 5, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 9, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Third Floor Office 17, 69 Piccadilly, Manchester, M1 2BS
Third Floor Office 20, 69 Piccadilly, Manchester, M1 2BS
Third Floor Offices 18 And 19, 69 Piccadilly, Manchester, M1 2BS
8 - 10 Newton Street, Manchester, M1 2AN
Second Floor, 4 Newton Street, Manchester, M1 2AW
Basement, 4 Newton Street, Manchester, M1 2AW
VS MANCHESTER LTD, Basement, 36 Dale Street, Manchester, M1 2HN
67 Piccadilly, Manchester, M1 2BS
Flat 7, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 15, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 8, Kingsley House, 15 Newton Street, Manchester, M1 1HE
69 Piccadilly, Manchester, M1 2BS
Fourth Floor Office 21, 69 Piccadilly, Manchester, M1 2BS
Third Floor, 16 Newton Street, Manchester, M1 2AE
Second Floor, 14 Newton Street, Manchester, M1 2AF
1 Newton Street, Manchester, M1 1HW
3 Newton Street, Manchester, M1 1HW

Flat 18, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 13, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 4, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 19, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Kingsley House, 15 Newton Street, Manchester, M1 1HE
First Floor Gymnasium, 69 Piccadilly, Manchester, M1 2BS
Second Floor 12 To 14, 69 Piccadilly, Manchester, M1 2BS
Basement And Ground Floor, 12 Newton Street, Manchester, M1 2AN
Ground Floor, 8 Newton Street, Manchester, M1 2AN
Basement And Ground Floor, 6 Newton Street, Manchester, M1 2AW
First Floor, 16 Newton Street, Manchester, M1 2AE
Third Floor, 14 Newton Street, Manchester, M1 2AF
Ground Floor, 14 Newton Street, Manchester, M1 2AF
Flat 1, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 6, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Basement, 8 - 10 Newton Street, Manchester, M1 2AN
Ground Floor, 4 Newton Street, Manchester, M1 2AW
4 Newton Street, Manchester, M1 2AW

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 - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL