

## **Planning**

## **Growth & Development**

### **Delegated officer report for planning application**

**Application no.** 139588/AO/2024

**Date registered valid:** 16 April 2024

**Proposal:** Installation of 2no. illuminated box fascia signs, illuminated lubond masked LED to the entrance, and 1no. projecting illuminated blade sign.

**Address:** 58 - 66 Market Street, Manchester, M1 1PW

**Ward(s):** Deansgate Ward

**Applicant:** Mr Hrvoje Haramincic Museum of Illusions Ltd

**Agent (if any):** Mr Jimmy Lennon MHA Architects

**Case officer:** Jack Naven  
Tel: 0161 219 2095  
Email: [jack.naven@manchester.gov.uk](mailto:jack.naven@manchester.gov.uk)

**Recommendation:** Approved and Refused

**Date of recommendation:** 11 June 2024

## **Application Details**

**Type of application:** Advertisement Consent

**Development type:** Advertisements

**Date of site visit:** 19 April 2024

### **Standard consultations:**

Printed: 19 April 2024      Expired: 11 May 2024

### **Neighbour notifications**

Printed: 19 April 2024      Expired: 11 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:** Upper King Street (Extension) Conservation Area 1985

**Tree Preservation Order:** Not applicable

The application relates to a ground floor entrance to the first-floor unit and the associated first floor unit of 58-66 Market Street. The site 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.

## **Description of Development**

The proposal seeks advertisement consent for the installation of 2no. illuminated box fascia signs, illuminated lubond masked LED to the entrance, and 1no. projecting illuminated blade sign.

## **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.**

## **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.

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

**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) 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.

**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.

**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 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."*

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

**Paragraph 203** 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 205** 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.

**Paragraph 207** where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.

**Places for Everyone (PfE)** - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and

justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

**Policy JP-P 2 (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.

## **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 development, as well as the acceptability of the proposal in terms of its impact upon visual amenity and its impact upon public safety.

## **Principle**

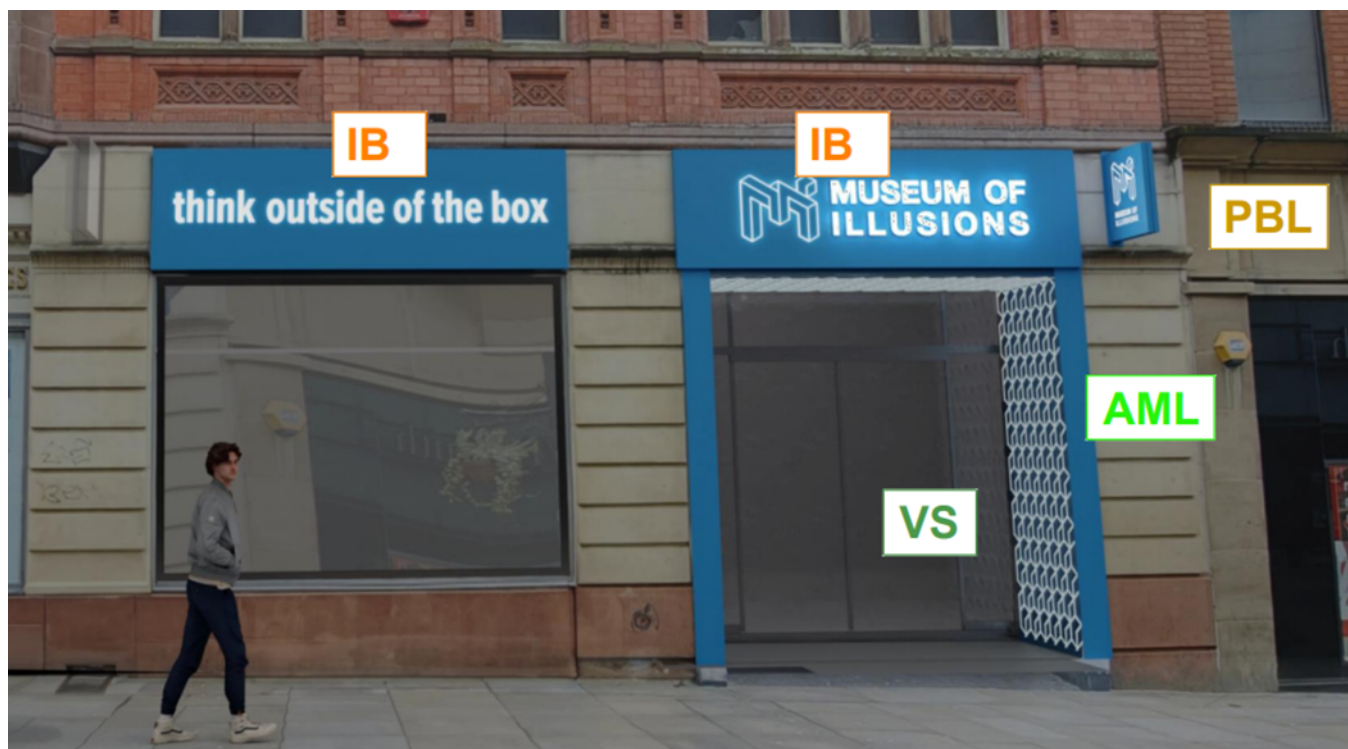
The principle of the advertisements is considered to be acceptable in this case. Signage is required in order to advertise an establishment such as this.

## **Visual Amenity**

At 30mm in depth, the projecting sign is considered to not be bulky in design, and the signage is in keeping with other similar projecting signs along the elevation. It is sited at the correct height and in an appropriate location to direct any visitors towards the entrance to the establishment.

However it is considered that the fascia signage would not respond positively to the architectural features of the host building. Whilst there were fascia signs in place in these locations when the building was occupied by the previous owner, these were unauthorised.

The fascia signs are considered to not respond to the architecture of building in the conservation area, partially by the nature in which they over sail below the stone banding details that run across the entirety of the elevation on this building. This stone banding detail forms a obvious fascia level and the expansion of the size of the fascia sign beyond this sits awkwardly with those architectural features.



### ***Proposed 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. A signage strategy brought in on the Arndale Centre on the opposite side of the street in order to improve the visual amenity appearance of adverts on Market Street. It is noted that the current signage on Tesco and the signage that was in place at Sports Direct was not authorised.

Any adverts that break up of the stonework and the stone banding details on this building are considered to not relate well to the architectural features of the overall building. Ideally, a backing to the signage that aesthetically responds positively to the architecture of the building, such as a stone effect backing panel, should be proposed. Individual letter and logo elements should then be incorporated on top of these stone effect panels.

In addition, the design of the Alubond masked LED to the entrance, is considered to be of a bulky design and also does not relate well to the architectural features of the host building.

Overall, the fascia signs and associated Alubond masked LED to the entrance is considered to have a negative affect 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 surround conservation area is considered to be contrary to Section 16 of the NPPF.

## **Public Safety**

There are no public safety concerns with the proposed signage. 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. 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.

## **Conclusion**

Given the above, the internally illuminated projecting sign is considered to be consistent with National Planning Policy Framework, in particular Section 12 (Achieving Well Designed Places) 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 fascia signs and associated Alubond masked LED to the entrance, by virtue of their appearance, 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.

They are also considered to be harmful to the visual amenity and character of the surrounding street scene and the Conservation Area.

On this basis, the installation of 2no. illuminated box fascia and associated Alubond masked LED to the entrance are 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 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:** Approved and Refused

**Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

0) Approve the installation of the following:  
- 1no. projecting illuminated blade sign.

Refuse the installation of the following:  
- 2no. illuminated box fascia signs.  
- Alubond masked LED to the entrance.

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.

1) The fascia signage and alubond masked LED to the entrance, by virtue of its design, fails to respond positively to the building and local environment. The signage relates poorly to the style, character, architectural language, and quality of the building, as well as to the surrounding street scene and conservation area. Overall, the signage would have an unduly harmful impact on visual amenity and the character of the local area and would be contrary to policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Policy JP-P2, the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

2) The 1no. projecting illuminated blade sign 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 21 March 2024:

- Proposed Site Plan SK006

Received by Manchester City Council as the Local Planning Authority on 06 June 2024:

- Proposed Signage Block Plan SK007-S2-P2
- Proposed Elevations SK009 S2 P2
- Proposed Plans SK010 S2 P2
- Design & Access Statement
- 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.

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 600cd/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 of the Unitary Development Plan for the City of Manchester.

### **Informatives**

1) The proposed projecting sign extends to a maximum projection of 0.8m over the adopted highway. As such, a Projection over License will be required. This can be obtained from [https://www.manchester.gov.uk/directory\\_record/451898/projecting\\_over\\_the\\_highway#:~:text=Summary,also%20need%20to%20be%20licensed.](https://www.manchester.gov.uk/directory_record/451898/projecting_over_the_highway#:~:text=Summary,also%20need%20to%20be%20licensed.)

### **Appendix 1 – List of consultees & neighbours notified**

Highway Services  
Environmental Health

Manchester Donor Centre, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW  
Advertising Right JC Decaux Outside 52, Market Street, Manchester, M1 1PW  
7 Brown Street, Manchester, M2 1DA  
39 Market Street, Manchester, M1 1WR  
Basement, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW  
Lower Ground Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW  
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 - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3  
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Conservation Area - Upper King Street (Extension) Conservation Area 1985  
Area Team Boundary - Name: CENTRAL