MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138380/LO/2023
Date registered valid:	6 February 2024
Proposal:	Listed Building Consent for the installation of 2 no. individual lettered signs with halo illumination.
Address:	Saffron, 107 Cheetham Hill Road, Manchester, M8 8PY
Ward(s):	Cheetham Ward
Applicant:	M Sakaroglu
Agent (if any):	Rebecca Thompson
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	
Date of recommendation:	28 March 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 9 March 2024

Standard consultations:
Printed: 27 February 2024 Expired: 5 March 2024

Neighbour notifications
Printed: 27 February 2024 Expired: 5 March 2024

Site notice
Posted: Expired:

Press advert
Published: 14 November 2023 Expired: 28 November 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: No

Tree Preservation Order: No

107 Cheetham Hill Road is a Grade II listed building, which is occupied by different operators. One of which has two unauthorised free-standing signs in situ, at the front of the building facing Cheetham Hill Road. The original proposal included signage for two operators. However, the operator known as Daisy, which is a Wedding Venue, is subject to this application.

The site consists of a two-storey brick and stone built building. The site is predominately commercial in nature and is situated on a major ariel route into the city centre of Manchester.

The application seeks consent for the removal of two fascia signs and the installation of two individual lettered signs attached to the fabric of the building.

An advert application has been submitted to accompany the listed building application under ref: 138417/AO/2023.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one objection letter was received.

The proposal was advertised within the local press and a site notice was erected at the site.

The Highways Team- confirmed the proposal was acceptable, as the signs did not project over the highway and luminance of the static signs is noted as 600 cd/mc2, this is in line with the MCC recommended maximum of 600 cd/mc2.

Environmental Health-Requested a restriction of 300 cd/ during the hours of darkness and a condition has been added to the consent.

Design and Conservation- objected to the original submission due to the amount and appearance of the proposed signage. However, they do object to the revised scheme subject to the fixings do not cause damage to the original fabric and any fixings be attached via the mortar joints. An appropriately worded condition has been added to the consent.

The objection from a local resident states, that the proposed signs are bigger than the existing and the large standing time sign is over large and has a high illumination and causes light pollution and will be detrimental to road safety. The signs collectively would hinder view to existing businesses.

The proposal has been significantly amended, and the revised application includes two individual lettered signs attached to the fabric of the building. The large sign referred to in the objection letter has now been removed and two smaller free-standing signs are subject to on-going negotiations with the planning enforcement team. This current proposal relates to two individual lettered signs which are considered to be acceptable in terms of visual amenity and road safety. The reason is set out below.

Issues

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main polices that relate to the proposal are Section 16 (Conserving and enhancing the Historic Environment) of the revised National Planning Policy Framework (NPPF) (2023), and Policies DM1 (Development Management), EN3 (Heritage), EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester (2012), saved policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for Manchester (1995), and Policy JP-P2 (Heritage) of Places for Everyone.

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

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.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

Issues

Principle

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.

Impact on Heritage Asset

In accordance with the guidance provided in paragraph 208 of section 16 (Conserving and Enhancing the Historic Environment) of the NPPF, any less than substantial harm to the significance of a designated heritage asset caused by the proposed works should be weighed against the public benefits that would be delivered by the proposal.

In assessing the public benefits, consideration has been given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

The proposed individual lettered signs are considered acceptable and proportionate on account its size, position and appearance. They are slim in appearmace area not considered to be too large, obtrusive, or overbearing and their design is considered to be sympathetic to the character of the listed building.

The signage as a whole is considered to have a neutral impact of the special interest of the Grade II listed building, of the surrounding street scene, and of the conservation area in which the site is located.

Overall, the proposed signage is considered acceptable and proportionate on account their size, position and appearance. Their methods of fixings would cause a very low amount of less than substantial harm to the Grade II listed building.

The very low amount of less than substantial harm will be outweighed by the public benefits of improving the appearance of existing signage on site and by providing wayfinding for this entrance to the business.

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 benefits brought by this proposal.

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: Approve

Article 35 Declaration

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

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:

002 and 004, stamped as received on the 6 February 2024.

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.

3) All fixings, associated with the signage hereby approved shall only be secured within the property's mortar. No fixings shall be secured within the property's brickwork.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity and preserving the historical significance of the listed building in accordance with policies SP1, EN3 and DM1 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Heritage & Urban Design

First Floor, 142B Cheetham Hill Road, Manchester, M8 0PF
Unit 3, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Unit 2, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Unit 1, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Ground Floor Rear, 142C Cheetham Hill Road, Manchester, M8 8PZ
Unit 4H, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4G, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4F, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4E, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4D, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4C, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4B, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4A, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
142A Cheetham Hill Road, Manchester, M8 8PZ
First Floor, 142 Cheetham Hill Road, Manchester, M8 8PZ
FASHION UNDERWORLD LTD, Unit 1, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
First Floor, 142C Cheetham Hill Road, Manchester, M8 8PZ
Ground Floor Front, 142C Cheetham Hill Road, Manchester, M8 8PZ
Unit 5, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 7, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
1 - 7 Bent Street, Manchester, M8 8NF
142 Cheetham Hill Road, Manchester, M8 8PZ
Ground Floor, 142 Cheetham Hill Road, Manchester, M8 8PZ
142B Cheetham Hill Road, Manchester, M8 8PZ
Unit 2, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 3, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
109 Cheetham Hill Road, Manchester, M8 8PY
103 - 105 Cheetham Hill Road, Manchester, M8 8PY
142C Cheetham Hill Road, Manchester, M8 8PZ
140 Cheetham Hill Road, Manchester, M8 8PZ
124 Cheetham Hill Road, Manchester, M8 8PZ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA