

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138331/FO/2023
Date registered valid: 25 October 2023
Proposal: Installation of fascia panel.
Address: 68 - 70 Market Street, Manchester, M1 1PW
Ward(s): Deansgate Ward

Applicant: H&M Hennes & Mauritz UK Ltd
Agent (if any): Mr Christian Fisk Pegasus Group
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 27/12/2023

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit:

Standard consultations:

Printed: 9 November 2023 Expired: 30 November 2023

Neighbour notifications

Printed: 9 November 2023 Expired: 30 November 2023

Site notice

Posted: 5 December 2023 Expired: 26 December 2023
Posted: 10 November 2023
Expired: 1 December 2023

Press advert

Published: 12 December 2023 Expired: 26 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the ground floor of no68-70 Market Street, a four storey property with a single commercial unit present spanning its ground and first floor. The application property was created under planning permission 057156/FO/CITY1/99 which saw the retention and amalgamation of 3no existing properties that front onto Market Street and the erection of a new build development that would be located to the rear and west of said buildings. As such the application site now spans the ground floors of 4no distinct buildings, the most ornate of which is the one that the ground floor entrance of the aforementioned commercial unit is situated within.

The building's upper floors are completed in sandstone with decorative columns above and is considered to be a non-designated heritage asset. The application site features a modern shopfront completed in sandstone. The unit's shopfront has gone through various iterations, with it having originally been approved with exposed steel beam detailing. Under application 097769/FO/2011/C1 a slim fascia panel was then approved that obscured the property's front metal support beam. Since the fascia's installation, various unauthorised larger fascia panels have been installed on site and have then been subsequently removed.

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application site is situated on Market Street, one of Manchester's principle commercial roads that lies at the heart of Manchester City Centre, as well as its primary shopping area. The section

of Market Street that the application site lies on is segmented by Cross Street and High Street. Along its northern half and western end lies the Manchester Arndale that visually dominates said areas of Market Street. The application site and southern side of Market Street lie within the Upper King Street (Extension) Conservation Area and consequently this area of Market Street is home to multiple buildings of architectural and historical merit, this includes no58-66, no68-70, no74-76 and no78. Unauthorised fascia signs are present on Market Street at no74-76 and no47.

Description of development

The application seeks the retention of a fascia panel. The proposed panel is situated across the top of the property's shopfront obscuring its lead flashing and steel beam detail.

The fascia panel has a width of 11010mm, a height of 915mm and a depth of 50mm, it is then completed in powder coated aluminium coloured "grey white".

The proposed development is considered to be that of an elevational alteration rather than the installation of advertisement due to the absence of any proposed signage on the proposed plans.

Planning History

138328/AO/2023 - Installation of 1no internally illuminated fascia sign and 3no internally illuminated projecting signs – Approved and refused December 2023.

136632/AO/2023 - New internally illuminated fascia sign and 3no projecting signs – Withdrawn July 2023.

109535/AO/2015/C1 - The installation of three individual lettered signs and two projecting signs – Approved November 2015.

109534/FO/2015/C1 - The installation of a new shop front – Approved November 2015.

097770/AO/2011/C1 - Installation of new shop signs including individual letter fascia sign and 2 projecting signs – Approved March 2012.

097769/FO/2011/C1 - Elevational alterations to shopfront including renewal of 2 stone columns either side of entrance. Installation of new spandrel glazing and new fascia and works to entrance – Application March 2012.

083156/FO/2007/C1 - Elevational alterations to existing shop front – Approved August 2007.

062130/AO/CITY1/01 - 5no. illuminated fascia name signs and 2no. projecting signs – Application withdrawn October 2001.

057156/FO/CITY1/99 - New build retail and leisure development, including A1 (shops), A2 (financial and professional services), A3 (food and drink) and D2 (leisure) – Application approved December 1999.

Consultations & Notification Responses

Environmental Health – No objection.

Highways – No objection.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC14 – Shopfronts and Related Signs
- Policy DC18 – Conservation Areas

Other Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG)

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. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Principle of Development

The application would see the retention of a fascia. As the proposal only seeks consent for the retention of an external alteration it is considered the proposal is acceptable in principle and therefore accords with Core Strategy Policies SP1 and DM1, subject to the matters discussed below.

Visual Amenity

The application comprises part of a hybrid development approved under planning permission 057156/FO/CITY1/99. This permission saw the demolition of the buildings to the rear of no68-70 Market Street and the erection of a new wrap-around contemporary building. Internally, party walls were removed to allow for the creation of a single large commercial unit, which is currently occupied by H&M. The approved plans for this development depicted that an exposed steel beam would cut across the ground floor of the application site's Market Street elevation and that potential fascia signage would be located below it.



Approved plans from planning permission 057156/FO/CITY1/99 which notes that an exposed steel beam finish would be adopted across the frontage of the site along Market Street.

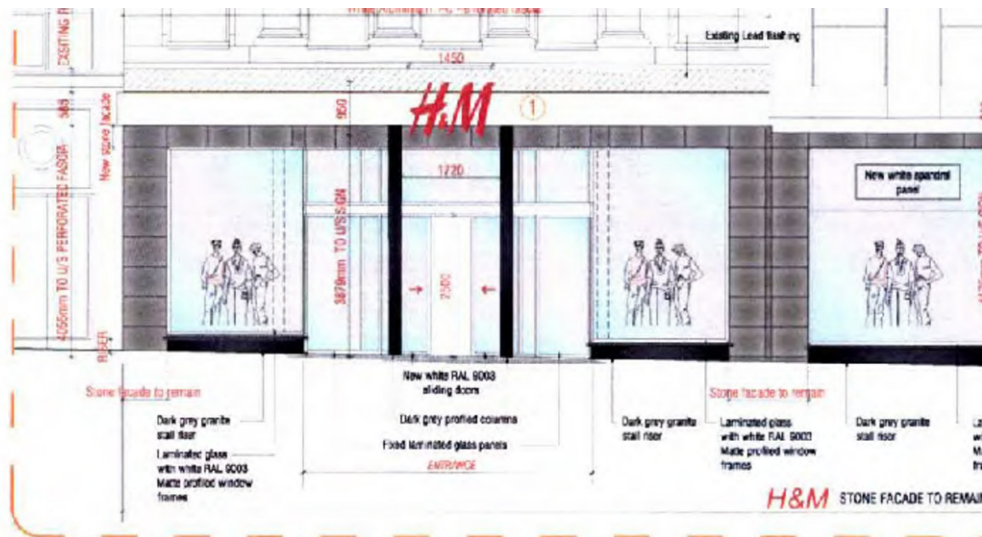
It is considered that the original design intention for the inclusion of the steel beam was both necessary from an engineering standpoint but also provided architectural interest to the ground floor of the premises, tying the ground floor together, whilst also providing an attractive border between the contemporary ground floor shopfront and the more historic upper floors of the retained properties.

Notwithstanding the above, by the time the approved development was completed, a lead flashing detail was retained on site, which provided not only a neat finish to the ground floor of the property but also a feature that further complemented the approved border between modern shopfront and historic upper floors. These two features in conjuncture with each other, as well as the new stone finish below, created a contemporary shopfront that responded to the architectural points of merit of the upper floors of the property.



Application site circa 2011/2012.

Under planning permission 097769/FO/2011/C1 a fascia sign, along with associated shopfront alterations were approved. The fascia the City Council as Local Planning Authority approved cut across the property's steel beam feature and left the lead flashing above exposed. It is considered that this development, approved in March 2012, would not comply with the Council's current local development plan, nor would it comply with the provisions of the National Planning Policy Framework. This is due to how the fascia conceals a key part of the property's shopfront and a point of architectural merit and interest. As a result, the application property is deprived of this in place of a solid fascia that is finished in a notably cheaper material, that is also of little to no architectural interest, thereby negatively impacting on the appearance of the host property.

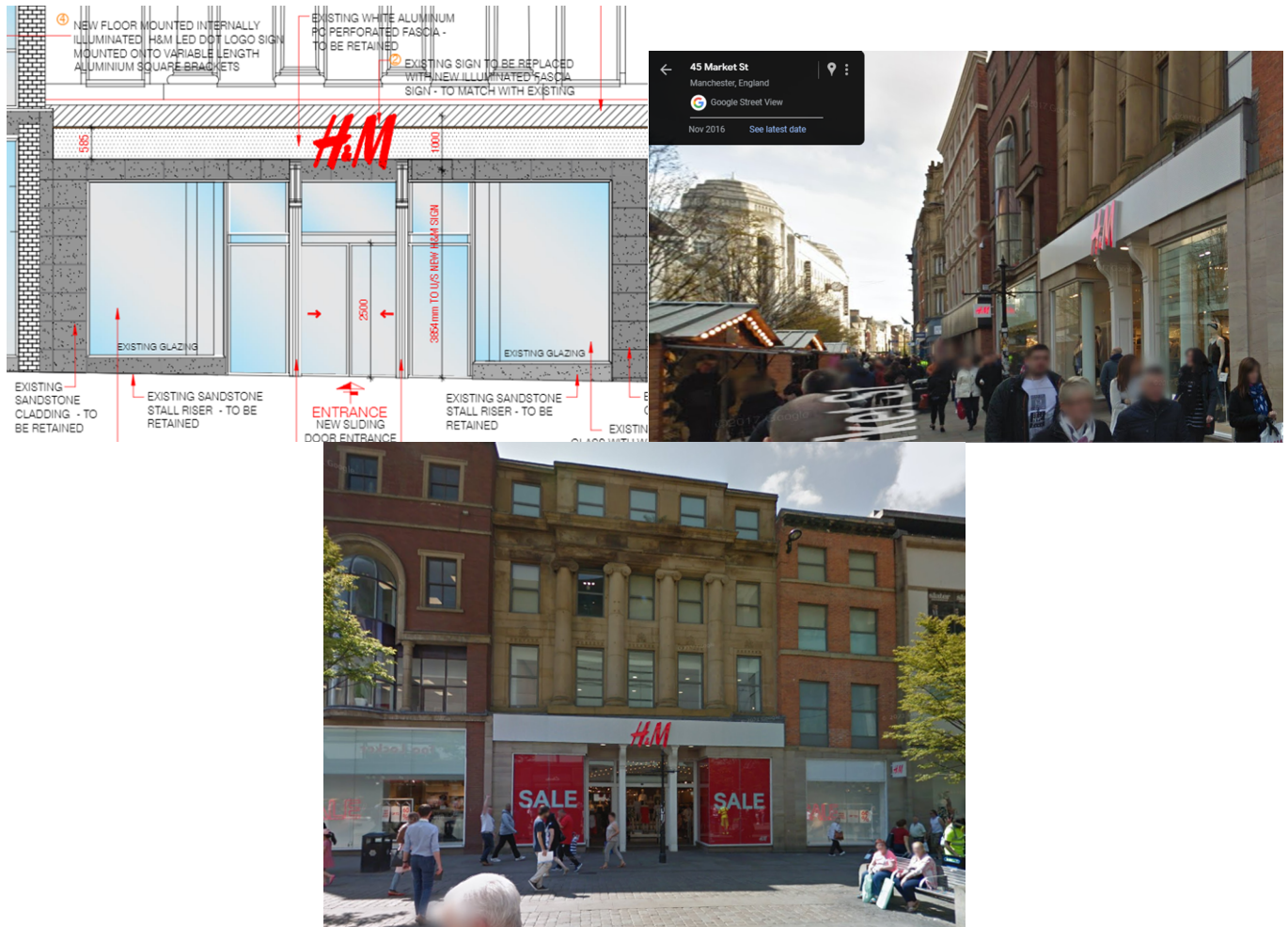


PROPOSED SHOP FRONT ELEVATION - MARKET STREET



Approved plans from planning permission 097769/FO/2011/C1 noting the introduction of a new fascia and the retention of lead flashing detail (Top). Application site as of 2011/2012 during implementation of works approved under planning permission 097769/FO/2011/C1 (Bottom left). Application site circa 2015 (Bottom right).

The approved plans for planning permission 109534/FO/2015/C1 saw a series of unrelated external alterations approved on site, however, the plans also noted that the existing fascia on site would be retained. By November 2016 however, the fascia approved under planning permission 097769/FO/2011/C1 had been removed and a new unauthorised taller fascia had been installed that not only screened the property's steel beam feature from view but also its lead flashing detail. This design choice compounded the negative visual impact the previously approved fascia on site caused, with the modern shopfront's features of architectural interest, that also tied it in with the property's historic upper floors, being completely obscured. In its place a visually uninteresting and obtrusive fascia was installed on site which failed to respect or in anyway relate to its host building.



Approved plans for planning permission 109534/FO/2015/C1 noting retention of lead flashing detailing (Top left). Unauthorised fascia that obscures both steel beam and lead flashing circa November 2016 and July 2018 (Top right and bottom).

The unauthorised fascia installed on site after the issuing of planning permission 109534/FO/2015/C1 was retained until the spring of 2023 when it was removed during the carrying out of internal renovation works on site. In its place an unauthorised timber fascia was installed for a number of months till that was then replaced by the powder coated aluminium fascia that permission is now sought for.



Application site with unauthorised fascia removed and original features exposed circa May 2023 (Top). Application site with unauthorised timber fascia and signage circa July 2023 (Middle left). Application site circa November 2023 with unauthorised fascia proposed to be retained (Middle right). Proposed Plans (Middle centre). Application site circa December 2023 with unauthorised fascia and signage (Bottom left and right).

The fascia panel permission is sought for is considered to be of a poor material when compared to that of the existing property. A shopfront of stone and glazed panels, with elevations then completed in a variety of high quality materials such as sandstone, heritage red brick and exposed steel beams, lead to the fascia to contrast harshly with the material palette of the property, appearing as a more haphazard and inappropriate addition to its front façade.

The fascia's lack of visual interest and poor quality material then highlights how it fails to respond architecturally to the upper floors of the property, particularly the building's ornate columns standing in harsh contrast to the cheap simplicity of its ground floor fascia. This impact is made worse by how the fascia is located within a position that obscures more ornate and architecturally interesting features on the property's shopfront that would avoid the impact described above, this being its lead flashing and steel beam feature. Steel beams are also noted as being not just a feature present on the host property but also the Manchester Arndale to the north of the site. As such, the obscuring of this feature on the host property would, rather than tie it into its surroundings, actively push it away from neighbouring development so that it would sit more awkwardly within the street scene.

It is noted that the submitted covering letter notes that the proposed development benefits from a fallback position, in that under planning permission 097769/FO/2011/C1, saw the approval of a fascia on site that obscured the host property's steel beam. Considering how the fascia was removed prior to November 2016 and a larger unauthorised fascia was then installed, the Local Planning Authority are of the position that the application site does not benefit from a fallback position. Furthermore, the proposed fascia compared when compared to that previously approved on site, goes beyond the scope of that approved under planning permission 097769/FO/2011/C1 due to how it is taller in height and how it obscures an additional feature of the property, this being its lead flashing.

Taking the above into account, it is considered that the development would have an unacceptable impact on visual amenity and is thus contrary to Core Strategy Policy SP1 in that it fails to enhance or create character, as well as fails to protect and enhance the built and natural environment. The proposal is then contrary to Core Strategy Policy DM1 due to how the development has failed to have due regard to appropriate siting, layout, scale, form, massing, materials and detail, as well as having an unacceptable impact on the surrounding area by virtue of its poor design and appearance. Lastly, the proposal is also contrary to Saved Unitary Development Plan Policy DC14.1 which requires that developments relating to shopfronts to ensure that they are in keeping with the character of the building and adjoining buildings, due to the reasons listed above it is considered the proposal fails to do this as well.

Heritage

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states "In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area".

Paragraph 203 of the National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The application site lies within the Upper King Street (Extension) Conservation Area along its northern boundary which extends along the centre of Market Street. As previously noted within

this report, the southern side of Market Street features properties of architectural merit, of which the application site is one of. Due to the site's ornate façade, the application site is considered to be that of a non-designated heritage asset.

As it has been established earlier within this report, the proposed development is comprised of a low quality material when compared to that of the other materials present on the host building's elevations, would obscure points of architectural interest on the host property and would fail to respond to the host property's architectural merit and grandeur.

In light of this the proposed development is considered would fail to preserve or enhance the Upper King Street (Extension) Conservation Area by way of the retention of a poorly designed external alteration, and would fail to compliment or take advantage of the distinct historic heritage features of the Conservation Area by the decision to conceal architectural points of interest. Further to paragraph 203 of the National Planning Policy Framework, in coming to a balanced judgement, there is considered to be no public benefits to the proposal and thus the recognised harm to the non-designated heritage asset would not be outweighed. As such, the proposal is considered to have an unacceptable impact on the appearance and character of the Upper King Street (Extension) Conservation Area, and is thus contrary to Core Strategy Policies CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC18.1, Places for Everyone Plan Policy JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Highway Safety

The fascia on site does not overhang the public highway by a significant margin and does not contain any illumination that may serve as a distraction for road users. Highways do not object to the proposal subject to an informative noting that if the fascia panel overhangs the public highway by 0.35m or more, a projection license will be required. As the fascia sign would only overhang by 50mm it is considered that the development does not require a projecting license. As such, the proposal is acceptable from a highway safety perspective and is thus in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Enforcement

The City Council, as Local Planning Authority, issued an enforcement notice on the 2 January 2024 which seeks removal of the fascia panel and replace with stone cladding panels above the two main windows of the shopfront. The notice comes into effect on the 2 February 2024.

Conclusion

In light of the above it has been found that the development would have an unacceptable impact on local visual amenity and the appearance, setting and significance of the Upper King Street (Extension) Conservation Area, and as such is contrary to Core Strategy Policies SP1, EN1, EN3, CC9 and DM1, Saved Unitary Development Plan Policies DC14 and DC18, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework. The development is therefore recommended for refusal.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, negotiation has been unable to resolve the issues identified in a satisfactory way and due to the harm, which has been clearly identified within the reason for the refusal, approval has not been possible.

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

1) The fascia panel, comprised of a low quality material in comparison to other materials on the buildings elevations, and obscuring points of architectural interest, would fail to respond positively to the property's architectural merit and grandeur. The fascia panel would therefore have an unacceptable impact on visual amenity and is unduly harmful to the Upper King Street (Extension) Conservation Area 1985. The development is therefore contrary to Core Strategy Policies SP1, EN1, EN3, CC9 and DM1, Saved Unitary Development Plan Policies DC14 and DC18, Places for Everyone Plan Policy JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Cafe Opposite 31, Arndale Centre, Market Street, Manchester, M4 2HU
Sugar Hut, Kiosk Adjacent 74 To 76, Market Street, Manchester, M1 1PD
31 Arndale Centre, Market Street, Manchester, M4 2HU
74 - 76 Market Street, Manchester, M1 1PN
What A Potato, Kiosk, Market Street, Manchester, M1 1PD
First Floor, 58 - 66 Market Street, Manchester, M1 1PW
72 Market Street, Manchester, M1 1PN
Basement, 49 Market Street, Manchester, M1 1WR
58 - 66 Market Street, Manchester, M1 1PW

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL