MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138281/AO/2023
Date registered valid:	12 December 2023
Proposal:	Retention of 2no externally illuminated projecting signs and 1no internally illuminated fascia sign
Address:	74 - 76 Market Street, Manchester, M1 1PN
Ward(s):	Deansgate Ward
Applicant:	Nationwide Building Society
Agent (if any):	Holly De-Buriatte
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve and Refuse

Date of recommendation: 02/02/2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 20 December 2023 Expired: 13 January 2024

Neighbour notifications
Printed: 20 December 2023 Expired: 13 January 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/building

The application relates to the ground floor of 74-76 Market Street, a five storey corner building with a single commercial unit present at its ground floor. The site is bound by Market Street, Spring Gardens and Barnes Street, a gated side access to the western side of the property. The property features an unauthorised fascia sign and 2no unauthorised hanging signs at ground floor. The ground floor shopfront is curved and spans both the property's Market Street and Spring Gardens elevations. The upper floors of the property are completed in red brick, with timber sash windows and white surrounds.

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 it's 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. A high number of advertisements are present along Market Street with them consisting of a variety of projecting, hanging and fascia signs.

Description of development

The application seeks advertisement consent for the retention of a fascia sign and 2no hanging signs.

The fascia sign is a curved advertisement that features internally illuminated letters along its Market Street elevation finished in white acrylic. The fascia itself runs for the entirety of the property's Market Street elevation wrapping round both its side elevation onto Spring Gardens and onto Barnes Street. The main body of the fascia is finished in aluminium coloured blue.

The 2no hanging signs are of the same design as each other, with one being located on the property's Market Street elevation and the other on its Spring Gardens elevation. Both hanging signs have a height of 700mm, a depth of 700mm and a width of 30mm. The hanging signs are secured by an external bracket that also provides trough lighting to a luminosity of 250cd/m2.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

116462/AO/2017 - Installation of 2no. illuminated fascia signs, 2no. illuminated projecting signs and 2no. illuminated ATM surrounds – Approved November 2017.

116488/FO/2017 - Installation of replacement front entrance doors from swing to sliding, 2no. external ATMs, and installation of a secondary entrance door on the Spring Gardens elevation – Approved November 2017.

Consultations & Notification Responses

Environmental Health – No objection subject to the signage not exceeding 300cd/m2.

Highway Safety – No objection subject to an informative relating to projecting signage.

Publicity – None received.

Policy

The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
(a)the provisions of the development plan, so far as they are material; and
(b)any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—
(a)factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
(b)factors relevant to public safety include—
(i)the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(ii)whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii)whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The 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

National Planning Policy Framework (NPPF)

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

Other Material Considerations

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

Visual Amenity

The application site prior to the works that consent is sought for were undertaken featured a fascia sign with decorative beading and 2no hanging signs, all of which were approved under application 116462/AO/2017.

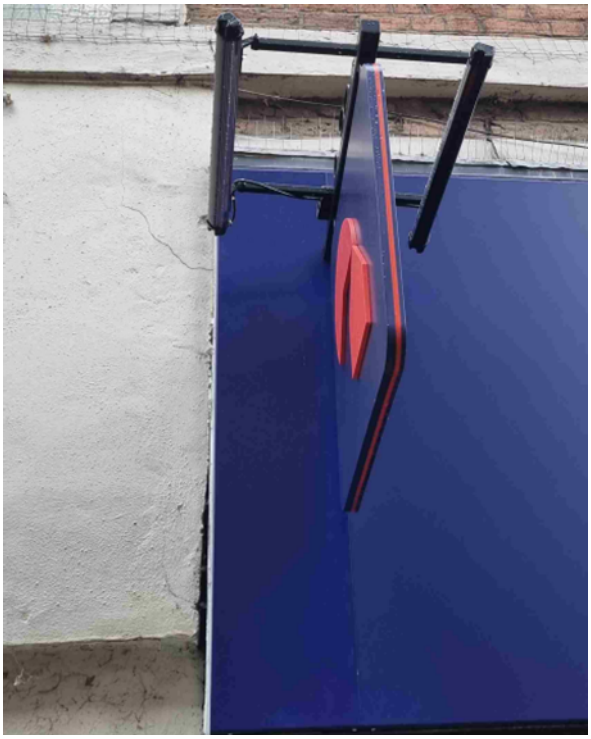


Application site as of June 2022 depicting previous shopfront.



Application site as of June 2022 depicting previous hanging signs.

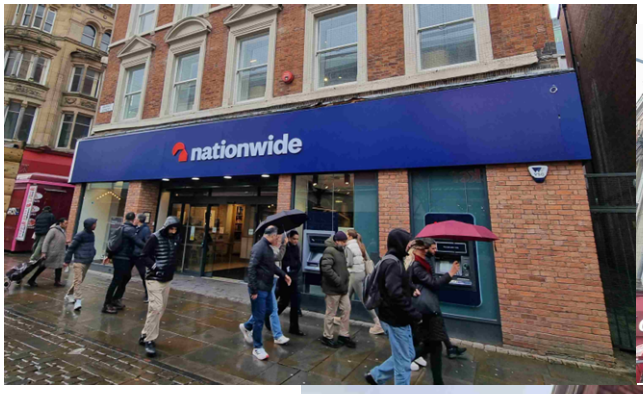
The proposed hanging signs are situated within the same positions as that of the ones previously located on site. The signage has a slim profile with a width of 30mm and thus appear as sensitive additions to the application site in the context of the Upper King Street (Extension) Conservation Area. Environmental Health do not object to the proposal subject to a condition that would ensure that the luminosity of the signage does not exceed 300cd/m2. Subject to a condition, that would ensure the development is conditioned in line with the proposed luminance levels, 250cd/m2, this element of the development is acceptable from a visual perspective.



Unauthorised hanging signs advertisement consent is sought for.

The fascia consent is sought for, as previously mentioned within this report is an aluminium panel coloured blue. In contrast to the previous fascia sign present on site, that of the proposed lacks decorative beading around its edges and presents a wholly flat finish on all elevations of the property. This leads the sign to have a far more monolithic and cumbersome appearance, with it failing to respond to the ornate features of the upper floors of the property, and is a clear visual downgrade in comparison to that previously located on site. Additionally, the visually uninteresting panelled system can be clearly viewed when on site (See second picture below), with each panel being distinctly recognisable, this in turn creates a rough finish for the sign which visually cheapens its appearance. This is contrary to the provisions of Core Strategy Policies SP1 and DM1 which requires development to well designed, be appropriately sited, and be of an appropriate scale, form and mass.

It is also found that the fascia signage is contrary to the provisions of Saved Unitary Development Plan Policy DC14 that requires development for signage to respect the architectural form of the building and shopfront. It is considered the points regarding the sign's visual impact in relation to how they are contrary to Core Strategy Policy DM1 also apply here, thus rendering the development also contrary to Saved Unitary Development Plan Policy DC14.







Unauthorised fascia sign permission is sought for.

The use of solid fascia signs within the Upper King Street (Extended) Conservation Area is considered would detract from its historical significance and setting due to their poor design. This would be contrary to Core Strategy Policies CC9, EN1 and EN3, Saved Unitary Development Plan Policy DC18, and Places for Everyone Plan Policy JP-P2, which states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering, amongst other things, the effect of signs and advertisements.

For the reasons stated above, it is considered that the installation of the proposed fascia sign would fail to preserve or enhance the character of the Upper King Street (Extended) Conservation Area due to its poor design and cheap appearance and is thus contrary to the aforementioned policies. Taking the above into account, it is considered that this element of the proposal would have an unacceptable impact on visual amenity and should be refused.

Highway Safety

The application site is bound by roads that are pedestrianised and are subject to a high amount of footfall. The projecting signs protrude over the public footway. Highways do not object to the proposals but do note that the proposed projecting signs would require a projecting license. Subject to an informative that would notify the applicant for the need of such a license, the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Conclusion

In light of the above it is considered that the development should be part approved and part refused in the interest of visual amenity. The projecting signs permission is sought for are considered to be sensitively designed and are thus in accordance with Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC14 and DC19, Places for Everyone Plan JP-P2, National Planning Practice Guidance, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 and are therefore recommended for approval. Notwithstanding this, the proposed fascia sign has been found to be unacceptable due to its appearance and design which would have a detrimental impact on visual amenity, contrary to the aforementioned policies, and is therefore recommend 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 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 and Refuse

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

0) Approve the installation of the following:
- 2 no. externally illuminated hanging signs

0) Refuse the installation of the following:
- 1 no. internally illuminated fascia sign

1) The proposed internally illuminated fascia signage by virtue of its design and appearance does not respond positively to the architecture of the building or the significance and setting of the Upper King Street (Extension) Conservation Area. The advertisement's featureless nature and cheap material finish reinforces its inappropriateness, rendering it an awkward addition within the street scene, thus being harmful to local visual amenity which is contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and National Planning Practice Guidance.

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2) The 2 no. externally illuminated hanging signs hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plan (Received 10/10/2023)
- PR.00.E1 Rev B: Proposed External Elevation 1 (Received 12/12/2023)
- PR.00.E1 Rev A: Proposed External Elevation 2 (Received 25/10/2023)
- Projecting sign drawing pack Rev A (Prepared by Blaze Signs; Dated 18/12/2017; Received 10/10/2023)

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) The maximum luminance of the approved signage shall not exceed 250 cd/m2 in brightness at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC14.1, and E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The projecting signs will overhang the footway by 700mm. The applicant should apply for a projection over the highway permit by contacting Environment on Call on 0161 234 5004 or via the following link: Licensing - Projecting over the highway | Manchester City Council.

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
68 - 70 Market Street, Manchester, M1 1PW
31 Arndale Centre, Market Street, Manchester, M4 2HU
What A Potato, Kiosk, Market Street, Manchester, M1 1PD
First Floor And Second Floor, 3 Spring Gardens, Manchester, M2 1FB
72 Market Street, Manchester, M1 1PN
Ground Floor, 78 Market Street, Manchester, M1 1PD
3 Spring Gardens, Manchester, M2 1FB
Second And Third Floor, 3 Spring Gardens, Manchester, M2 1FB
78 Market Street, Manchester, M1 1PD
ALDI, 55A Market Street, Manchester, M1 1WR

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 - Upper King Street (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL