

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138782/LO/2023
Date registered valid: 12 January 2024
Proposal: Proposed digital menu board to be displayed internally.
Address: 1-3 Piccadilly, Manchester, M1 1LZ
Ward(s): Piccadilly Ward

Applicant: Louise Butler Starbucks Coffee Company
Agent (if any): Ela Yeter Cube
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 12/02/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 18 January 2024 Expired: 8 February 2024

Neighbour notifications

Printed: 18 January 2024 Expired: 8 February 2024

Site notice

Posted: 19 January 2024 Expired: 9 February 2024

Press advert

Published: 23 January 2024 Expired: 6 February 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the four storey Grade II listed corner building, with attic, located at no1-3 Piccadilly. The property dates from 1879 and is adorned with decorative upper floors, bay windows and prominent circular turret. The ground floor of the application site features a shopfront painted black, 2no fascia signs comprised of individual internally illuminated letters and 2no hanging signs. The property's side and front elevation each feature 1no of said signs. The ground and first floor of the application site are in active use as café (Class(b)), and its upper floors lie vacant.

Listed building: Grade II

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The application site lies on the junction where Tib Street meets Market Street and is located within the Smithfield Conservation Area. The neighbouring area constitutes that of Piccadilly Gardens and Market Street, a commercial area that lies within the heart of Manchester City Centre. Neighbouring properties comprise of a mix of ages, design and scale. The most notable additions within the neighbouring street scene consist of the Grade II listed Rylands Building at no109-125 Market Street, the Royal Buildings site at no2 Mosley Street and the Market Street tram stop. Neighbouring advertisements consist of fascia signs, hanging signs and projecting signs.

Description of development

The application seeks listed building consent for the installation of an internal digital menu board. The menu board would be, located to the east of the property's front entrance facing out onto Market Street/Piccadilly Gardens, with it being supported by metal support posts that would tie into the buildings floor and ceiling.

The proposed plans depict the proposed menu board with different heights. The submitted proposed shopfront elevation depicts the board having a total height of 2460mm, with the submitted sectional drawings noting it would have a combined height of 4266mm, a width of 783mm and a depth of 101mm.

The luminosity and hours of operation of the menu board have not been confirmed.

Planning History

137580/AO/2023 - Replacement of existing fascia signs and projecting sign with 2no internally illuminated fascia signs and 1no hanging sign – Application approved September 2023.

137530/LO/2023 - Listed Building Consent for the replacement of existing fascia signage, shopfront painting and internal alterations and refurbishments – Application approved September 2023.

110963/LO/2016/C2 - Listed Building Consent application for the display of one externally illuminated projecting sign, a window vinyl sign, repainting of the shop front and creation of an external seating area – Approved June 2016.

110962/AO/2016/C2 - Display of signage including one externally illuminated projecting sign and one new window vinyl – Approved June 2016.

110961/FO/2016/C2 - Creation of external seating area adjacent to Tib Street elevation – Approved June 2016.

113414/FO/2016 - The installation of a roller shutter – Approved October 2016.

113415/LO/2016 - Listed Building Consent to paint existing roller shutter and the installation of a roller shutter – Approved October 2016.

Consultations & Notification Responses

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 – Shop Fronts and Related Signs
- Policy DC19 – Listed Buildings

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Other legislative requirements

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the LBCA Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

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 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

Impact upon Heritage Asset

The proposed development would introduce a modern digital menu board commonly used in temporary cafés and restaurants. The menu board would take up the majority of the full height of the property's shopfront, its precise height however cannot be confirmed due to discrepancies on

the proposed plans. As such, it is considered the menu would be a notable edition to the property and would impact upon views of it from Market Street and Piccadilly Gardens.

As previously noted within this report, the application site already features 4no advertisements, 2no fascia signs and 2no projecting signs. The proposal would see this number increased to 5no and due to it being a digital menu board comprised of a large screen, the potential for moving images and more garish advertisements to be located on site is increased. Unlike the 4no existing advertisements which are considered to be historically sensitive and respect the building's significance, the proposed unit is a standard digital menu board utilised in many similar café units. The board's lack of a bespoke design would cheapen the appearance of the shopfront, thereby detracting from its features of architectural significance. Furthermore, the board would contribute to visual clutter and obscure views of the property's interior, thereby causing a low level of less than substantial harm to be caused to the significance of the heritage asset.

Furthermore, it is noted that the fixing details for the board have not been confirmed, with the proposal only noting that it will be rawl bolted to the property's floor and ceiling. Without further information noting if these bolts will penetrate historical material, the proposal's full impact cannot be fully determined.

It is acknowledged that paragraph 208 of the National Planning Policy Framework states that proposals that would lead to less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. As the proposal is an advertisement for use by a private business there is considered to be no public benefit that would be brought about by its installation.

In light of the above it has been found that the proposal would lead to the installation of a poorly sited and overly large digital menu board that would cause a low degree of less than substantial harm to be caused to the heritage asset. The proposal is therefore contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC14 and DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

In light of the above it has been found that the proposal would have an unacceptable impact on the significance of the listed building contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC14 and DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. The application 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, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward 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 proposed digital menu board due to its siting, scale and appearance, would fail to respond positively to the character and appearance of the building, its setting and local historic environment. The board would be located in a highly prominent position within the property's shopfront that would detract from its historic setting and contribute to the proliferation of advertisements on site. The proposal would cause less than substantial harm to the setting of the listed building, with the proposal also failing to provide the necessary public benefit to outweigh the identified harm. Insufficient information has also been submitted to allow the Local Planning Authority to make a full assessment in relation to the physical damage that would be caused to building via the implementation of the proposal. The proposal is therefore contrary to policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

122A Market Street, Manchester, M1 1WA

130 - 132 Market Street, Manchester, M60 1AY

Ground Floor And First Floor, 8A Tib Street, Manchester, M4 1PQ

124 - 126 Market Street, Manchester, M1 1WA

Debenhams, 109 - 127 Market Street, Manchester, M60 1TA

8A Tib Street, Manchester, M4 1PQ

128 Market Street, Manchester, M1 1WA

Halifax, 5 Piccadilly, Manchester, M1 1LZ

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 - Smithfield Conservation Area 1987

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL