MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138464/AO/2023
Date registered valid:	2 November 2023
Proposal:	External illuminated menu sign
Address:	57 Portland Street, Manchester, M1 3HP
Ward(s):	Piccadilly Ward
Applicant:	Mr Mark Allan A&S Leisure Group Ltd
Agent (if any):	Mr Peter Hirsch ChapmanTaylor
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	21 December 2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 10 November 2023 Expired: 1 December 2023

Neighbour notifications
Printed: 10 November 2023 Expired: 1 December 2023

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

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

The application site is a hotel which received planning permission in 2018. The property is a new building in a prominent location within the City Centre. Portland Street is an important arterial route linking Cheptsow Street in the south with Newton Street in the North.

Description of area

The site is opposite the George Street Conservation Area and several listed buildings can be viewed in context with 57 Portland Street.

Description of development

Advertisement consent is sought for an externally illuminated menu sign. The new menu sign will consist of a new brass framed LED illuminated menu display board to be fitted centrally within the cladding panel to the right of the main entrance to the casino.

There is an existing LED advertising screen located behind the glass window to the right of the entrance doors to the casino.

The illuminated menu sign will be 508mm metres wide, 716mm wide and will be mounted at a height of 850mm above the ground.

Consultations & Notification Responses

Neighbours - 66 nearby addresses were informed of the proposal by post. No responses have been received.

Highway Services - The proposed menu sign is not located on the adopted highway network. The proposed menu sign will not extend over the adopted highway and therefore does not require a projection over license.

The proposed luminance of the sign is noted as 600cd/m2, which is in line with the MCC recommended maximum of 600cd/m2 and is acceptable to Highways.

Environmental Health - have no adverse comment or objection to this application.

The illuminated menu should be installed in accordance with the detailed in the application form including the illuminance level.

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007

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 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.

The following policies within the Core Strategy are considered relevant:

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.

The Unitary Development Plan for the City of Manchester

DC14.1 (Shops and Related Signs) 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) 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. In the interests of amenity,
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.

Saved Policy 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.

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.

Other Legislation

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.

National Policy

Decisions should accord with the requirements of the **NPPF** in particular and to **section 16 (Conserving and Enhancing the Historic Environment)** and **Paragraph 141** which 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."

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.

Visual Amenity

The illuminated menu sign will be 508mm metres wide, 716mm high and will be mounted at a height of 850mm above the ground. The sign under consideration will be mounted centrally within a cladding panel just to the right of the entrance to the Casino.

This is a modern, contemporary building that has only recently been completed. Due care and attention is required to ensure that signage does not begin to clutter the elevations of the building. There is already a projecting sign and individual letter sign marking the entrance to the building.

It is considered that the menu sign would add additional clutter to this simple and streamlined elevation. The sign would be mounted into one of three cladding panels in this part of the building façade which would relate poorly to the buildings architectural features and is considered unnecessary with the signage being able to be situated elsewhere to realise the requirements of the operator.

Discussions have taken place with the applicant with regards to positioning the sign behind the glass of the adjacent panel. The indicative signage strategy for the building suggested this as the most appropriate location or secondary building advertisements. This signage would be contrary to that approach and introduce signage to the cladding panels where it was not expected to be positioned.

Public Safety

The proposed menu sign will not extend over the adopted highway and therefore does not require a projection over license.

The proposed luminance of the sign is noted as 600cd/m2, which is in line with the MCC recommended maximum of 600cd/m2 and is acceptable to Highways.

Environmental Health have stated they have no adverse comment or objection to this application.

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: Refuse

Article 35 Declaration

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

1) The proposed externaly illuminated menu sign by virtue of its position mounted on one of 3 cladding panels facing Portland Street would relate poorly to the façade and its architectural features associated with this contemporary, modern building. The sign would have an adverse impact on the architectural quality and design of the building and its character resulting in an unduly harmful impact on visual amenity. The sign is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1, and DM1 of the Manchester Core Strategy (2012) and saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Sixteenth Floor, 53 Portland Street, Manchester, M1 3LD
Fourth Floor, 101 Princess Street, Manchester, M1 6DD
Consulate General Of The Republic Of Poland, 51 Portland Street, Manchester, M1 3LD
Twentieth Floor, 53 Portland Street, Manchester, M1 3LD
76B Portland Street, Manchester, M1 4GU
Second Floor, 53 Portland Street, Manchester, M1 3LD
78 Portland Street, Manchester, M1 4QX
Tenth Floor, 53 Portland Street, Manchester, M1 3LD
Seventh Floor, 53 Portland Street, Manchester, M1 3LD
Flat At, 80 Portland Street, Manchester, M1 4QX
Eighth Floor, 53 Portland Street, Manchester, M1 2BP
Flat 6, 70 - 72 Portland Street, Manchester, M1 4GU
82 Portland Street, Manchester, M1 4QX
84A Portland Street, Manchester, M1 4GX
Ninth Floor, 53 Portland Street, Manchester, M1 3LD
23 Nicholas Street, Manchester, M1 4EN
Second Floor, 101 Princess Street, Manchester, M1 6DD
Fifteenth Floor, 53 Portland Street, Manchester, M1 3LD
80 Portland Street, Manchester, M1 4QX
60 Portland Street, Manchester, M1 4QU
Thirteenth Floor, 53 Portland Street, Manchester, M1 3LD
Ground Floor, 76A Portland Street, Manchester, M1 4GU
Sixth Floor, 53 Portland Street, Manchester, M1 3LD
Third Floor, 82A Portland Street, Manchester, M1 4QX
20 Nicholas Street, Manchester, M1 4GU
Basement, 101 Princess Street, Manchester, M1 6DD
Eleventh Floor, 53 Portland Street, Manchester, M1 3LD
Seventeenth Floor, 53 Portland Street, Manchester, M1 3LD
Fourth Floor Front, 101 Princess Street, Manchester, M1 6DD
70 - 72 Portland Street, Manchester, M1 4GU
101 Princess Street, Manchester, M1 6DD
72 Portland Street, Manchester, M1 4GU
Fifth Floor, 53 Portland Street, Manchester, M1 3LD
Fourth Floor, 53 Portland Street, Manchester, M1 3LD
Flat 7, 70 - 72 Portland Street, Manchester, M1 4GU
76A Portland Street, Manchester, M1 4GU
Eighteenth Floor, 53 Portland Street, Manchester, M1 3LD
Flat 5, 70 - 72 Portland Street, Manchester, M1 4GU
82A Portland Street, Manchester, M1 4QX
70 Portland Street, Manchester, M1 4GU
Basement And Ground Floor, 76A Portland Street, Manchester, M1 4GU
Third Floor, 53 Portland Street, Manchester, M1 3LD
Ground Floor, 82A Portland Street, Manchester, M1 4QX
First Floor, 101 Princess Street, Manchester, M1 6DD
Upper Ground Floor, 101 Princess Street, Manchester, M1 6DD
Third Floor, 101 Princess Street, Manchester, M1 6DD
101 Portland Street, Manchester, M1 6DF
59 Portland Street, Manchester, M1 3HP
Second Floor Front, 101 Princess Street, Manchester, M1 6DD

Fifth Floor, 101 Princess Street, Manchester, M1 6DD
Twenty First Floor, 53 Portland Street, Manchester, M1 3LD
Ground Floor, 53 Portland Street, Manchester, M1 3LD
Nineteenth Floor, 53 Portland Street, Manchester, M1 3LD
Flat 3, 70 - 72 Portland Street, Manchester, M1 4GU
Flat 2, 70 - 72 Portland Street, Manchester, M1 4GU
Flat 4, 70 - 72 Portland Street, Manchester, M1 4GU
First Floor, 53 Portland Street, Manchester, M1 3LD
Flat Above, 78 Portland Street, Manchester, M1 4QX
Twelfth Floor, 53 Portland Street, Manchester, M1 3LD
Flat 1, 70 - 72 Portland Street, Manchester, M1 4GU
First Floor And Second Floor, 60 Portland Street, Manchester, M1 4QU
Fourteenth Floor, 53 Portland Street, Manchester, M1 3LD
74 Portland Street, Manchester, M1 4GU
Clayton Hotel, 55 Portland Street, Manchester, M1 3HP
84 Portland Street, Manchester, M1 4GX
First Floor And Second Floor, 74 Portland Street, Manchester, M1 4GU

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
Area Team Boundary - Name: CENTRAL