

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135693/AO/2022

Date registered valid: 17 January 2023

Proposal: 2 no. internally illuminated fascia signs and 2 x no. externally illuminated projecting signs.

Address: 66-68 Cross Street, Manchester, M2 4JQ

Ward(s): Deansgate Ward

Applicant: Dunbar Knoops Holdings Ltd

Agent (if any): Miss Sue Jones CJS (NW) Ltd

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approved and Refused

Date of recommendation: **08 December 2023**

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 2 February 2023

Standard consultations:

Printed: 1 February 2023 Expired: 22 February 2023

Neighbour notifications

Printed: 1 February 2023 Expired: 22 February 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 Area

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of Site

The application relates to one of the two lower commercial units that form the ground floor of the Grade II listed Eagle House at no. 66-68 Cross Street. These commercial units are both currently in Class E Use. The property is detached, four storey, dates from 1911 and was constructed for the Eagle Insurance Company, a detail that can be observed in the decorative stonework on the upper floors of each four corners of the building. The upper floors of the property consist of vacant office space (Class E).

The commercial unit in question borders Cross Street, South King Street, and Four Yards. The commercial unit operated as Chop'd from 2016. Prior to the, the unit housed a Carphone Warehouse store, which originally took occupation of the unit in 1995.

Description of Development

The proposal seeks retention of 2 no. internally illuminated fascia signs and 1 x no. externally illuminated projecting signs.

Related Applications

135570/LO/2022 - Retention of external and internal alterations to facilitate use of premises as a cafe (Class E) and installation of new signage. **Refused October 2023.**

Consultations & Notification Responses

Highway Services - Have no objections to the signs. They recommended that an informative be added about Projection Over License requirements and confirmed that the luminance levels are compliant.

Environmental Health - Recommended that a condition be added regarding luminance restricting luminance to 400cd/m2.

Publicity - Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received due to this publicity.

Policy

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 136 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.

Issues

Principle of Development

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon Visual Amenity as well as its impact upon Public Safety. The main legislative framework that relates to the assessment of the proposal is the Town and Country Planning (Control of Advertisements) Regulations 2007. Other relevant policies include the Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shop fronts and Related Signs). The National Planning Policy Framework, in particular Section 7 (Requiring Good Design), must also be taken into consideration.

Visual Amenity

The design of the 2 no. externally illuminated projecting signs is considered to be a sophisticated and appropriate design that complements the Grade II Listed Building in which the commercial unit sits. The signs are not too bulky or large in design, and the fact that the signs are hanging signs as opposed to being more standard projecting signs, help make this signage be considered appropriate when considered within the setting of the surrounding street scene and within St Anns Square Conservation Area.



Installed Projecting Sign

The fascia signage has formed a highly visible and obtrusive form of signage on the building which relates poorly to the style, character and quality of this Grade II Listed Building. The manner in which the fascia signage disrupts the visual consistency across the lower ground floor of the building by the nature of its bulky signage, in comparison to the slimmer, less obtrusive bulkhead on the neighbouring commercial unit in the building, has had an unduly harmful impact on the visual amenity of the Listed Building, especially when considered within the surrounding street scene and the conservation area.

The host building, Eagle House, is a Grade II listed building. It's originally design intention was to have narrow bulkheads across the entirety of the ground floor of the building. The building of the shopfront has to be read as a whole and this visual consistency has been lost with the installation of these bulky fascia signs.



Historical Plans of Eagle House

The black colour of fascia signs is also considered to have undermined the visual consistency of the lower ground floor of this Grade II listed building, compared to the neighbouring unit which has grey bulkheads and window surrounds that are more consistent with the heritage of the host Listed Building.





Installed Fascia Signage



Bulkhead on Neighbouring Unit

Whilst this bulky fascia signage was in placed on the unit when it was occupied by Chop'd, it should be noted that this signage was never applied for or approved for either Advertisement Consent or Listed Building Consent.



Unauthorised Signage in place at the Unit 2016-2021

Public Safety

The signage does not have any impact on public safety. All signage meets headroom requirements, and the luminance would not be bright enough to cause any distraction to any neighbouring properties or to any highway users.

Conclusion

In view of all of the above, it is considered that the fascia signage works are not considered acceptable, due to the impact on the visual amenity the fascia signage has on both the host building itself as well as the surrounding street scene and conservation area, which is contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, as well as policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995), and the NPPF.

The projecting sign is considered acceptable with National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and the Core Strategy for the City of Manchester, in particular policies DM1 (Development Management), and the Saved Policy contained within the Unitary Development Plan for Manchester in particular policies DC14 (Shop fronts and Related Signs).

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: Approved and Refused

Clarification of Signage to be Approved and Refused

Approve the retention of the following:

- 1 x no. externally illuminated projecting signs

Refuse the retention of the following:

- 2 no. internally illuminated fascia signs

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

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.

1) The 2 no. internally illuminated fascia signage, by virtue of their size, style, design, position on the shopfront and appearance, have formed a highly visible and obtrusive form of signage on the building which relates poorly to the style, character and quality of this Grade II Listed Building. The manner in which the fascia signage disrupts the visual consistency across the

lower ground floor of the building by the nature of its bulky signage, especially when considered within the surrounding street scene and the conservation area. The sign is contrary to the provisions of policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995), the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

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

Received by the City Council as Local Planning Authority on 04 March 2023:

Sign Drawing G4

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) Lighting from illuminated signage shall be designed and installed so as to control glare and overspill onto nearby properties.

The signage will need to be selected and installed to ensure they do not exceed 400cd/m²

Reason - In the interests of visual and residential amenity pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policies DC14.1, DC18.1, DC19.1 and E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

- 1) The proposed sign extends to a maximum projection of 0.745m over the adopted highway. As such, a Projection over License will be required. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

74 King Street, Manchester, M2 4NJ
64 - 66 King Street, Manchester, M2 4ND
Third Floor Suite 1 and Fourth Floor Suite 4, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Basement To First Floor, 37 Cross Street, Manchester, M2 4JE
Phoenix House, 45 Cross Street, Manchester, M2 4JF
Second Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Sixth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Second Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
GLAISYERS SOLICITORS LLP, First Floor, 1 St James's Square, Manchester, M2 6DN
Second Floor, 1 St James's Square, Manchester, M2 6DN
First Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY
Ground Floor, 1 St James's Square, Manchester, M2 6DN
Fourth Floor, 1 St James's Square, Manchester, M2 6DN
Fifth Floor, 1 St James's Square, Manchester, M2 6DN
62 King Street, Manchester, M2 4ND
47 Cross Street, Manchester, M2 4JF
62 Cross Street, Manchester, M2 4JQ
49 King Street, Manchester, M2 7AY
Third Floor, 64 Cross Street, Manchester, M2 4JQ
First Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor Rear, 64 Cross Street, Manchester, M2 4JQ
Flat 201, 37 Cross Street, Manchester, M2 4JE
Flat 202, 37 Cross Street, Manchester, M2 4JE
Flat 302, 37 Cross Street, Manchester, M2 4JE
Sixth Floor, 49 King Street, Manchester, M2 7AY
Flat 205, 56 Cross Street, Manchester, M2 7AR
Third Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
39 Cross Street, Manchester, M2 4JE
41 Cross Street, Manchester, M2 4JE
70 - 72 Cross Street, Manchester, M2 4JG
Fourth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Third Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Seventh Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
First Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
74 Cross Street, Manchester, M2 4JG
Third Floor Rear, 49 King Street, Manchester, M2 7AY
Third Floor, 1 St James's Square, Manchester, M2 6DN
Flat 403, 37 Cross Street, Manchester, M2 4JE
Flat 404, 37 Cross Street, Manchester, M2 4JE
Flat 203, 37 Cross Street, Manchester, M2 4JE
Flat 204, 37 Cross Street, Manchester, M2 4JE
Flat 304, 37 Cross Street, Manchester, M2 4JE
Flat 401, 37 Cross Street, Manchester, M2 4JE
Flat 301, 37 Cross Street, Manchester, M2 4JE
Flat 303, 37 Cross Street, Manchester, M2 4JE

Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Flat 402, 37 Cross Street, Manchester, M2 4JE
Second Floor, 49 King Street, Manchester, M2 7AY
Third Floor Left, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fifth Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
ALEC FINCH GROUP LIMITED, Fourth Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Flat 204, 56 Cross Street, Manchester, M2 7AR
Second Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fourth Floor, 49 King Street, Manchester, M2 7AY
Flat 302, 56 Cross Street, Manchester, M2 7AR
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Third Floor Rear, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fourth Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fourth Floor Suite 5, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
43 Cross Street, Manchester, M2 4JF
Fifth Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Sixth Floor Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Third Floor Front, 64 Cross Street, Manchester, M2 4JQ
Flat 305, 56 Cross Street, Manchester, M2 7AR
Flat 304, 56 Cross Street, Manchester, M2 7AR
Flat 303, 56 Cross Street, Manchester, M2 7AR
Flat 201, 56 Cross Street, Manchester, M2 7AR
Basement And Ground Floor, 64 - 66 King Street, Manchester, M2 4ND
Third Floor Front, 49 King Street, Manchester, M2 7AY
64 Cross Street, Manchester, M2 4JQ

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL