MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	137747/AO/2023
Date registered valid:	23 August 2023
Proposal:	Installation of 2 no. illuminated high level signs.
Address:	43 Lever Street, Manchester, M1 1FN
Ward(s):	Piccadilly Ward
Applicant:	Mr John Valentine
Agent (if any):	Mr Joe Simcock Aldrock Surveyors Ltd.
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**04/10/2023**

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 8 September 2023 Expired: 29 September 2023

Neighbour notifications
Printed: 8 September 2023 Expired: 29 September 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: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of area

The area relates to Stevenson Square, the focal point of the Stevenson Square conservation area. The character of the area comprises many uses, including retail, dining, drinking and office. There are several listed buildings in the vicinity, including the Grade II-listed Sevendale House opposite the application site.

The site relates to a non-designated heritage asset which stands on the junction of Stevenson Square and Lever Street. The building comprises three bars to the ground floor and a dentist to the upper floors. The building has many signs relating to the various businesses at fascia level on both Stevenson Square and Lever Street.

Description of development
The application relates to the installation of two high level signs on the two elevations at the southwest corner of the building between the first and second floor windows. The signs comprise individual lettering fabricated from opal white acrylic with stainless steel surrounds and backing and internal illumination. The signs will measure 2800mm x 732mm.

Consultations & Notification Responses
Publicity - letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

Highways Services - The proposed signs are considered acceptable by Highways. No requirement for projecting over licence.
Environmental Health - No objection, lighting condition requested.

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 main policies that relate to this application are CC9 (Design and Heritage) and EN3 (Heritage) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and Related Signs), DC15 (Advertisements, Hoardings and Posters), DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for Manchester (1995) and Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Issues

The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. An assessment of the proposals under this criteria is outlined below.

Visual Amenity
The proposal relates to the installation of 2no. illuminated high level signs, one on Lever Street and one on Stevenson Square. The signage would comprise individual letters cut from opal white acrylic affixed to the brick work. The lettering would stand 40mm proud of the brickwork. Internal illumination would be achieved through LEDs mounted behind the lettering. The signage would measure 2800mm by 732.6mm in size.

There are numerous signs currently installed on the building on the two elevations subject to this application.

On the Lever Street elevation, the applicant's business, 'My Dentist', has 1no. box fascia sign above their main entrance, 1no. projecting sign, 2no. wall mounted signs either side of the main entrance along with 7no. internally mounted window vinyls.

There is also 1no. fascia sign associated with the ground floor corner bar, 'Flok', 1no. fascia sign above the entrance to the 'Sins' bar on Lever Street and 1no. banner sign for 'Bakerie'.

On the Stevenson Square elevation the applicant has 4no. window vinyls. There is also 1no. fascia sign for 'Eastern Bloc' bar and 2no. fascia signs for 'Flok'.

The proposed signage would, therefore, be in addition to the 15no. total signs already advertising the applicant's business, My Dentist'.

Saved policy DC15.1 (j) states that the City Council must consider the number of advertisements in the locality and their cumulative effect on visual amenity. In this instance, the proposed signage would contribute to what already amounts to significant advertisement clutter on the host building. In particular, the applicant has advertisement vinyls in every other window on the first floor on each elevation, just below the proposed level of the signage, and so additional signage would create visual clutter in a manner that is considered to be harmful to visual amenity.

Saved policy DC14.5(a) of the UDP states that signs should not normally be positioned other than at fascia level, whilst DC15.2 (b) states that adverts should be in scale with the locality and relate properly to the site on which they stand. Policy DM1 of the MCS requires development to be appropriate in siting, scale and materiality. Paragraph 136 of the NPPF states the quality and character of places can suffer when advertisements are poorly sited and designed.

In this instance, there is no precedent for high level signage at this level, as no signage has been approved on either side of Stevenson Square at this level. There is a clear fascia area for signage on the building, which already has signage, including the applicant's existing signage above their entrance on Lever Street.

The signage would be 2.8m in length, making it significantly wider than the windows above and below and hence it would sit unharmoniously in relation to these features. This is particularly evident on the Lever Street elevation, where the signage is proposed to sit off-centre to the windows, creating a feeling of imbalance.

The main body of the lettering is proposed to be fabricated from acrylic, with stainless steel surrounds and backing. The use of acrylic, a modern material which has a cheap, plastic appearance, is considered to be inappropriate for use in the conservation area. It would appear particularly incongruous on the Stevenson Square elevation, where all the other fascia signage is more traditional in design and materials - namely non-illuminated individual lettering which is either cut from metal or painted directly on to the fascia.

Saved policy DC15.2 (c) states signage should be unobtrusive and not intrude into... areas of high amenity value. The development site would be in a highly prominent location within the Stevenson Square conservation area, a designated heritage asset and area of high amenity value. By virtue of the clutter that would be created by the signage, along with the high-level siting and modern aesthetic, it is considered the signage would be an obtrusive feature within the street scene of the conservation area.

Given the above, the addition of the signage would be harmful to visual amenity and hence fail to preserve and enhance the character and appearance of the conservation area. This is considered unacceptable pursuant to policies CC9 and EN3 of the MCS, that require

developments to preserve and enhance the historic environment and designated heritage assets.

Public safety
The signage is not considered to pose a potential threat to public safety. The signage does not project any significant distance over the adopted highway and the proposed illumination is of an acceptable level.

The application was assessed by Highways Services and Environmental Health and no public safety concerns were raised.

Conclusion
Given the above, the proposed development is considered to be harmful to visual amenity by reason of advertisement clutter and poor design and siting. The development is therefore unacceptable pursuant to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1, EN3, CC9 and DM1 of the Manchester Core Strategy (2012 and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

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

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

1) The proposed development, by virtue of its scale, siting and design, would create a highly prominent and visually intrusive feature in the street scene and would cause advertisement

clutter when seen in context with other existing signage. It would form an incongruous addition to the conservation area which would fail to preserve and enhance its special character and appearance. The proposal would therefore result in an unduly harmful impact on the visual amenity of the building and wider conservation area. The proposal is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1, EN3, CC9 and DM1 of the Manchester Core Strategy (2012 and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Second Floor, 9 Stevenson Square, Manchester, M1 1DB
38 Spear Street, Manchester, M1 1AS
Advertising Right BT Inlink Outside 9, Stevenson Square, Manchester, M1 1DB
45 Lever Street, Manchester, M1 1FN
Basement, 3 Stevenson Square, Manchester, M1 1DN
3A Stevenson Square, Manchester, M1 1DN
Ground Floor, 3A Stevenson Square, Manchester, M1 1DN
Fred Aldous Ltd, 37 Lever Street, Manchester, M1 1LW
Noho Bar, Stevenson Square, Manchester, M1 1FB
32 Lever Street, Manchester, M1 1DE
Third Floor, 9 Stevenson Square, Manchester, M1 1DB
First Floor, 9 Stevenson Square, Manchester, M1 1DB
9 Stevenson Square, Manchester, M1 1DB
Basement, 26A Lever Street, Manchester, M1 1DW
5A Stevenson Square, Manchester, M1 1DN
Ground Floor, 3 Stevenson Square, Manchester, M1 1DN
5 Stevenson Square, Manchester, M1 1DN
Third Floor, 3 Stevenson Square, Manchester, M1 1DN
Second Floor, 3 Stevenson Square, Manchester, M1 1DN
First Floor, 3 Stevenson Square, Manchester, M1 1DN
1B Stevenson Square, Manchester, M1 1DN
First Floor, 1 Stevenson Square, Manchester, M1 1DN
Ground Floor And Basement, 1 Stevenson Square, Manchester, M1 1DN
47 Lever Street, Manchester, M1 1FN

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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 - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL