

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135928/AO/2023		
Date registered valid:	10 January 2023		
Proposal:	Retention of fascia sign to shop front.		
Address:	5 Police Street, Manchester, M2 7LQ		
Ward(s):	Deansgate		Ward
Applicant:	Rockefellers Jeweller Limited		
Agent (if any):	Gisele Viselka AC Design Solutions		
Case officer:	Jack		Naven
	Tel: 0161	219	2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Refused		
Date of recommendation:	22/02/2023		

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 18.01.2023

Standard consultations:

Printed: 19 January 2023 Expired: 9 February 2023

Neighbour notifications

Printed: 19 January 2023 Expired: 9 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: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of Site/Building

The application property is located at 5 Police Street, which is within an historic building that has an attractive appearance within the street scene and is considered to be a Non-Designated Heritage Asset. The building is within the St Ann's Square Conservation Area and makes an important and positive contribution to the character and appearance of the conservation area.

The ground floor of the building currently accommodates commercial premises. This planning application relates to a shop frontage that is currently occupied by a jewellery store. Surrounding uses of buildings include shops, offices, drinking establishments, restaurants, cafés, residential accommodation, and hotels.

There are listed buildings within close vicinity to the site, including the Grade II listed building at 13 - 17 King Street, Manchester, M2 6AW. There are numerous other listed buildings within St Ann's Square Conservation Area.

Description of Development

Advertisement consent is sought for the retention of shop front illuminated signage. The signage previously consisted of individual lettering placed on a frameless glazed shop front that matched the appearance of the fronts of other neighbouring and nearby shop units within St Ann's Square Conservation Area.

A planning application was submitted for the retention of shop front and shutters 135517/FO/2022, which was refused in February 2023.

Consultations & Notification Responses

Publicity - Neighbouring properties were notified by letter. No responses were received.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

(1) 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.

Manchester Core Strategy (2012)

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed, and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

Unitary Development Plan for the City of Manchester (1995)

Relevant saved policies are as follows:

Saved policy 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.

Saved policy 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

The signage which has been installed at the premises is not acceptable and relates poorly to the shop frontage and architecture of the building as a whole in the street scene. This will be considered in detail within the report below.

Visual Amenity

The unit previously contained a highly glazed shop front that was in line with the other shop frontages in the immediate street scene. There was also a coherent signage strategy at the property which consisted of individual dark bronze letters inserted onto the glazing. This was considered to be sympathetic to the street scene and the character of the conservation area.



Previous shop front and signage prior to the works taking place

The works to the shop front have resulted in the removal of the frameless glazing and individual letter signage and the replacement with a solid fascia sign. The fascia is solid and black with light bronze/rose gold frames and occupies the entire upper section of the shop frontage.



Works to the shop front as part of this application

The fascia sign is considered to be obtrusive and poor quality in nature. It does not relate appropriately to the shop front and has a detrimental impact on the character and appearance of the area which is a conservation area. The area is characterised by majority glazed shop fronts and individual lettering which reflects the high quality shop frontages which is expected within an area of this character. This has a detrimental impact on the visual amenity of the property in the local area and harmful to the historic environment.

Public Safety

The proposed signage would not have a detrimental impact on public safety.

Conclusion

In view of all of the above, it is considered that the signage is not considered acceptable, due to the impact on the visual amenity on both the building itself and the surrounding area which is contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995), the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

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: Refused

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

- 1) The fascia sign, by virtue of its style, design and appearance, has formed a highly visible and obtrusive form of signage on the building which relates poorly to the style, character and quality of this shop frontage. This has had an unduly harmful impact on the visual amenity of the premises within the street scene and the conservation area. The sign is contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995), the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

Unit 2B, St Anns House, St Ann's Place, Manchester, M2 7LP
Unit 2A, St Anns House, St Ann's Place, Manchester, M2 7LP
22 St Ann Street, Manchester, M2 7LF
THMG Manchester Clinic, Part Second Floor, 13 Police Street, Manchester, M2 7LQ
18 St Ann Street, Manchester, M2 7LP
Flat 8, Octo, 1 Police Street, Manchester, M2 7LU
Flat 7, Octo, 1 Police Street, Manchester, M2 7LU
Flat 6, Octo, 1 Police Street, Manchester, M2 7LU
Flat 5, Octo, 1 Police Street, Manchester, M2 7LU
Flat 4, Octo, 1 Police Street, Manchester, M2 7LU
Flat 3, Octo, 1 Police Street, Manchester, M2 7LU
Flat 2, Octo, 1 Police Street, Manchester, M2 7LU
Flat 1, Octo, 1 Police Street, Manchester, M2 7LU
Third Floor, 13 Police Street, Manchester, M2 7LQ
Third And Fourth Floor, St Anns House, St Ann's Place, Manchester, M2 7LP
14 - 16 St Ann Street, Manchester, M2 7LF
WATT UTILITIES LIMITED, Fifth Floor, St Anns House, St Ann's Place, Manchester, M2 7LP
Ground Floor Unit 1, St Anns House, St Ann's Place, Manchester, M2 7LP
Sub Basement, St Anns House, St Ann's Place, Manchester, M2 7LP
Fifth Floor, 1 King Street, Manchester, M2 6AW
Fourth Floor, 13 Police Street, Manchester, M2 7LQ
CAPGEN SERVICES LTD, Suite 5 Part Third Floor, 13 Police Street, Manchester, M2 7LQ
Second Floor, 13 Police Street, Manchester, M2 7LQ
First Floor, 13 Police Street, Manchester, M2 7LQ
Ground Floor Unit 5, St Anns House, St Ann's Place, Manchester, M2 7LP
BOODLE AND DUNTHORNE LTD, Ground Floor And Basement Floor, 1 King Street, Manchester, M2 6AW
Basement, 1 King Street, Manchester, M2 6AW
Fourth Floor, 1 King Street, Manchester, M2 6AW
Third Floor, 1 King Street, Manchester, M2 6AW
87 Deansgate, Manchester, M3 2BW
4 St Anns House, St Ann's Place, Manchester, M2 7LP
3 St Anns House, St Ann's Place, Manchester, M2 7LP
93 Deansgate, Manchester, M3 2BW
9 Police Street, Manchester, M2 7LQ
7 Police Street, Manchester, M2 7LQ

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL