

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 136570/AO/2023
Date registered valid: 4 April 2023
Proposal: Retention of internally illuminated double sided projecting sign
Address: Premier Suites , 64 Shudehill, Manchester, M4 4AA
Ward(s): Piccadilly Ward

Applicant: Mrs Truc Karmen Studio 64
Agent (if any): Mr Antony Grainger Sign Focus
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 30 May 2023

Application details

Type of application: Advertisement Consent
Development type: Advertisements
Date of site visit: 26 May 2023

Standard consultations:
Printed: 20 April 2023 Expired: 11 May 2023

Neighbour notifications
Printed: 20 April 2023 Expired: 11 May 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: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

The application relates to a ground floor unit of a 5 storey grey/ buff brick building at the junction of Shudehill and New George Street. The ground floor features full height glazed shopfronts where the majority of signage is situated behind the glazing.

Given the City Centre nature of the area advertisements are common place in the street scene. The unit is located within the Shudehill conservation areas the wider context there are a number of nearby listed buildings within the Noma Estate and on Shudehill however given the scale and design of the proposal, any nearby listed buildings are not considered to be materially affected.

Description of area

The site is on the edge of an area known as the Northern Quarter which has seen incremental regeneration and overall improvements of the quality its street scenes over the past 25 years resulting from a mix of building refurbishments and high quality mainly infill development. The building within which the unit is located is typical of the high quality of regeneration that has taken place.

The Northern Quarter contains a variety of uses including bars, restaurants, commercial, residential, hotel uses and places of worship

Description of development

The submitted application seeks advertisement consent to retain a 1 x illuminated projecting sign which measures 900mm x 650mm x 100mm.

Consultations & Notification Responses

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

Head of Highways – No Objections but notes that a projection over agreement is required due to the projection over the highway of max 0.75m. They have no public safety concerns in relation to lighting levels.

Head of Environmental Health – Have made recommendations about lighting levels.

Relevant National Policy

The following sections of the National Planning Policy Framework are of relevance to this application:

Section 12 (Requiring Good Design) (paragraph 136) 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.

Section 16 Conserving and enhancing the historic environment – which states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In terms of the NPPF the following should also be noted:

Paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

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202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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.

On 27th March 2012 the Department for Communities published the National Planning Policy Framework, which replaced planning policy statements and planning policy guidance notes, including PPS5 and PPG19.

Core Strategy (2012)

- The following policies are considered to be most relevant to the proposed development:

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

Issues

Principle

The signage which has been installed at the premises is not acceptable due to its visually bulky appearance. It relates poorly to the high quality shop frontages and the architecture of the building more generally as well as the overall appearance of the building within the street scene.

Visual Amenity

Box signs have a negative effect on the character of most buildings due to their bulky and low-quality appearance which is often not in keeping with the proportions of features of the buildings that they are attached to. As part of the ongoing drive to drive up the quality standards of signage within the City it is considered that more slimline projecting signs would have a more sophisticated appearance appropriate to a high quality street environment.

The sign is considered to be visually prominent and noticeable and has resulted in a negative impact on its surroundings within an area of improving environmental quality.

New development should seek to preserve or and enhance the character of the conservation area, including consideration of new structures on buildings within the conservation area.

The sign fails to enhance the character and environmental quality of the area, due to its lack of appreciation for the local context and the design quality of the building to which the sign is affixed. This undermines the significance and visual amenity of the conservation area.

It is considered that there are alternative design solutions which could still achieve the same, desired aim of advertising the premises to the which the sign relates.

Public Safety

The sign does not have a detrimental impact on public safety. The sign complies with carriageway clearance requirements.

Conclusion

In light of the above, it is concluded that the sign harms visual amenity and the character of the conservation area and is therefore contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policies E3.3 and DC14 of the Unitary Development Plan for the City of Manchester (1995), Sections 12 (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework 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: Refuse

Reasons for recommendation to refuse

1.The projecting box sign, due to its depth, forms a bulky feature on the building which is detrimental to the visual amenity of the building and the street scene. It has an unduly harmful impact on the visual amenity of the premises within the street scene and the character of the conservation area. The sign is therefore contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policies E3.3 and DC14 of the Unitary Development Plan for the City of Manchester (1995), and Sections 12 (Achieving well-designed places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework and the Town and Country Planning (Control of Advertisements) Regulations 2007.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

89 Shudehill, Manchester, M4 4AN
Flat 308, 64 Shudehill, Manchester, M4 4AA
Basement To Fourth Floor, 97 Shudehill, Manchester, M4 4AN
Flat 120, Premier Suites, 64 Shudehill, Manchester, M4 4AA
Flat 111, 64 Shudehill, Manchester, M4 4AA
Ground Floor, 97 Shudehill, Manchester, M4 4AN
Serviced Apartment Fifth Floor, 89 Shudehill, Manchester, M4 4AN
56 - 60 Shudehill, Manchester, M4 4AA
Flat 121, Premier Suites, 64 Shudehill, Manchester, M4 4AA
Flat 317, 64 Shudehill, Manchester, M4 4AA
Flat 319, 64 Shudehill, Manchester, M4 4AA
Flat 311, 64 Shudehill, Manchester, M4 4AA
Flat 118, 64 Shudehill, Manchester, M4 4AA
Flat 409, 64 Shudehill, Manchester, M4 4AA
Flat 310, 64 Shudehill, Manchester, M4 4AA

Flat 211, 64 Shudehill, Manchester, M4 4AA
Flat 110, 64 Shudehill, Manchester, M4 4AA
60 Shudehill, Manchester, M4 4AA
Flat 6, 93 - 95 Shudehill, Manchester, M4 4AN
Flat 1, 93 - 95 Shudehill, Manchester, M4 4AN
Serviced Apartment Sixth Floor, 89 Shudehill, Manchester, M4 4AN
Flat 407, 64 Shudehill, Manchester, M4 4AA
Flat 309, 64 Shudehill, Manchester, M4 4AA
Flat 416, 64 Shudehill, Manchester, M4 4AA
Flat 316, 64 Shudehill, Manchester, M4 4AA
Flat 212, 64 Shudehill, Manchester, M4 4AA
Flat 209, 64 Shudehill, Manchester, M4 4AA
Flat 2, 93 - 95 Shudehill, Manchester, M4 4AN
Flat 5, 2 Hanover Street, Manchester, M4 4BB
Flat 4, 2 Hanover Street, Manchester, M4 4BB
Flat 2, 2 Hanover Street, Manchester, M4 4BB
Smithfields, 77 Shudehill, Manchester, M4 4AN
Second Floor Unit 7, 56 - 60 Shudehill, Manchester, M4 4AA
First Floor Unit 3 And 4, 56 - 60 Shudehill, Manchester, M4 4AA
First Floor Unit 2, 56 - 60 Shudehill, Manchester, M4 4AA
Flat 414, 64 Shudehill, Manchester, M4 4AA
Flat 412, 64 Shudehill, Manchester, M4 4AA
Flat 208, 64 Shudehill, Manchester, M4 4AA
Flat 115, 64 Shudehill, Manchester, M4 4AA
Flat 108, 64 Shudehill, Manchester, M4 4AA
Flat 421, 64 Shudehill, Manchester, M4 4AA
Flat 207, 64 Shudehill, Manchester, M4 4AA
Flat 8, 2 Hanover Street, Manchester, M4 4BB
Flat 1, 2 Hanover Street, Manchester, M4 4BB
First Floor Unit 1, 56 - 60 Shudehill, Manchester, M4 4AA
Flat 410, 64 Shudehill, Manchester, M4 4AA
Flat 417, 64 Shudehill, Manchester, M4 4AA
Flat 217, 64 Shudehill, Manchester, M4 4AA
Flat 219, 64 Shudehill, Manchester, M4 4AA
62A Shudehill, Manchester, M4 4AA
4 New George Street, Manchester, M4 4AE
2 New George Street, Manchester, M4 4AE
Flat 119, 64 Shudehill, Manchester, M4 4AA
Flat 213, 64 Shudehill, Manchester, M4 4AA
Flat 7, 2 Hanover Street, Manchester, M4 4BB
Flat 6, 2 Hanover Street, Manchester, M4 4BB
Flat 3, 2 Hanover Street, Manchester, M4 4BB
Second Floor Unit 6, 56 - 60 Shudehill, Manchester, M4 4AA
Serviced Apartment Third Floor, 89 Shudehill, Manchester, M4 4AN
Flat 117, 64 Shudehill, Manchester, M4 4AA
Flat 413, 64 Shudehill, Manchester, M4 4AA
Flat 116, 64 Shudehill, Manchester, M4 4AA
Flat 220, 64 Shudehill, Manchester, M4 4AA
Flat 109, 64 Shudehill, Manchester, M4 4AA
Flat 420, 64 Shudehill, Manchester, M4 4AA
Flat 318, 64 Shudehill, Manchester, M4 4AA
Flat 408, 64 Shudehill, Manchester, M4 4AA
Flat 112, 64 Shudehill, Manchester, M4 4AA
Flat 221, 64 Shudehill, Manchester, M4 4AA

Flat 215, 64 Shudehill, Manchester, M4 4AA
Flat 107, 64 Shudehill, Manchester, M4 4AA
Flat 114, 64 Shudehill, Manchester, M4 4AA
Flat 415, 64 Shudehill, Manchester, M4 4AA
Flat 216, 64 Shudehill, Manchester, M4 4AA
Flat 320, 64 Shudehill, Manchester, M4 4AA
Flat 7, 93 - 95 Shudehill, Manchester, M4 4AN
Flat 4, 93 - 95 Shudehill, Manchester, M4 4AN
Flat 5, 93 - 95 Shudehill, Manchester, M4 4AN
Flat 3, 93 - 95 Shudehill, Manchester, M4 4AN
Ground Floor To Second Floor Vektor Ltd, 6 - 10 Hanover Street, Manchester, M4 4BB
Second Floor Unit 5, 56 - 60 Shudehill, Manchester, M4 4AA
Basement And Ground Floor, 56 - 60 Shudehill, Manchester, M4 4AA
91 Shudehill, Manchester, M4 4AN
Second Floor, 89 Shudehill, Manchester, M4 4AN
Flat 9, 93 - 95 Shudehill, Manchester, M4 4AN
Serviced Apartment First Floor, 89 Shudehill, Manchester, M4 4AN
Shudehill Convenience Store, 62 Shudehill, Manchester, M4 4AA
93 - 95 Shudehill, Manchester, M4 4AN
66 Shudehill, Manchester, M4 4AA
Serviced Apartment 8, 93 - 95 Shudehill, Manchester, M4 4AN
6 - 10 Hanover Street, Manchester, M4 4BB
Second Floor Unit 8, 56 - 60 Shudehill, Manchester, M4 4AA

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(c) 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 - Smithfield Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL