

Grounds of Appeal

In relation to the decision of Manchester City Council to refuse advertisement consent

Application ref: 135691/AO/2022

Site at Unit MSU12, Arndale Centre, Manchester, M4 3AJ

Jigsaw Planning have been instructed on behalf of Sportsdirect.com Retail Limited to appeal against a recent decision taken by Manchester City Council (“the Council”) through the delegated powers of the Planning Officer to refuse a now retrospective application for the installation of 2 internally illuminated fascia box signs with backing panel (“the signs”) at the Unit MSU12, Arndale Centre, Manchester M4 3AJ (“the Appeal Site”).

Decision

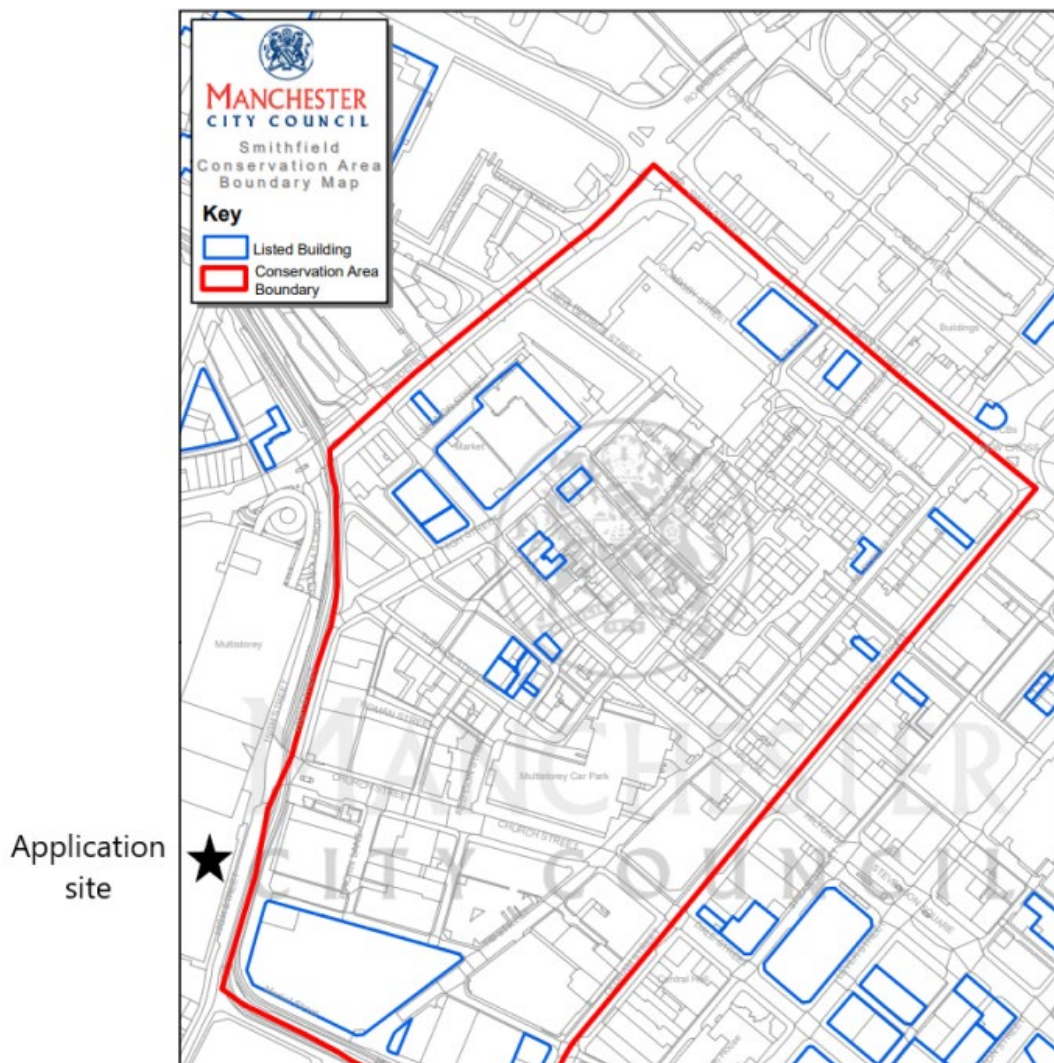
Advertisement Consent was refused on 1st February 2023 and the reason for refusal was given as:

“1. The proposed advertisements by virtue of their location, design and appearance and proportions would fail to respond positively to the building and local historic environment. They would form a poorly designed, obtrusive and incongruous feature on the building which would have an unduly harmful impact on the visual amenity, character and setting of the building in the streetscene together with the Smithfield Conservation Area, the Grade II Listed department store and the non-designated heritage assets on High Street and Market Street. The proposal would therefore result in less than substantial harm to the significance to the historic environment and the named heritage assets with the level of harm caused not being outweighed sufficiently by the public benefits of the scheme. The proposal is contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC14.5, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.”

Background to the Appeal

The site comprises part of the site formerly occupied by the British Homes Stores which faces onto Market Street and High Street. The site of the advertisements is only on part of the High Street elevation and relates to the ground floor shopfront only. The unit forms part of the Manchester Arndale which is a multi-storey shopping centre within the Core of Manchester City Centre.

The property is not listed and is not within a Conservation Area. The Smithfield Conservation Area lies adjacent to the application site on the other side of Market Street and includes the Grade II Listed former Debenhams store which is opposite the site. The site has been marked on the extract below of the Council’s Conservation Area Boundary Map:



The Planning Officer's Delegated Report (document SD8) describes the existing premises (assuming they mean the whole of this part of the Arndale Centre) as making "a negative contribution" to the Conservation Area and the setting of the Listed Building. It should be reiterated that this appeal relates solely to advertisements required by an occupier of a unit of the Arndale Centre and is not for wholesale works to the Arndale Centre, which is outside our client's control.

Grounds of Appeal

Regulation 3(1) of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety. The determining issues in this appeal are therefore whether the flags would be contrary to the interest of amenity or public safety.

Public Safety

In terms of public safety, the Delegated Report (document SD8) confirms that the Highways Services Department of Manchester City Council are content that the proposals are compliant with MCC recommendations.

Impact on amenity

The decision taken by Manchester City Council can be broken down into two elements.

Firstly they consider that the signs “would form a poorly designed, obtrusive and incongruous feature on the building” and then secondly that, as a result, the signs “would have an unduly harmful impact on the visual amenity, character and setting of the building in the streetscene together with the Smithfield Conservation Area, the Grade II Listed department store and the non-designated heritage assets on High Street and Market Street.” We address each of these points in turn:

“would form a poorly designed, obtrusive and incongruous feature on the building”

As set out in the covering letter supporting the application, the signage chosen for this store addresses policy DC14.5 (Shops and Related Signs) which sets out the Council’s policies in relation to the design of signage. We respond to each of the criteria below:

- a. *signs should not normally be positioned other than at fascia level*; the proposal accords with this criteria as the signs are within the ground floor fascia level.
- b. *signs should respect the architectural form of buildings and shop frontages*; the signs do respect the architectural form of the shopfront in that they fit well within the existing fascia band running along this elevation. The scheme is modest and appropriate to the setting of the building in scale and massing.
- 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*; not applicable to this proposal.
- 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*; the proposed signage will not protrude further forward than the upper floor tiling, as can be seen on the attached drawings.
- e. *the Council will normally permit only one projecting box sign for each shop unit. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs*; The proposal contains two signs however this is considered appropriate due to the length of the shopfront of the unit and two brands which will be present within the unit. The second part of this criterion is not relevant as the store is not part of a listed building nor is it within a Conservation Area.

Given the signs accord with the policy DC14.5 is unclear how the signs can be seen to be poorly designed, obtrusive or incongruous. This type of signage is commonly expected within a city centre location. The signs are not obtrusive within the street scene and do not obstruct any views of the area. The signs do not dominate the shopfront and are an expected element of a modern retail shop frontage. Their flanking location above the two large windows will minimise their overall presence, with the traditional window displays being dominant below.

“would have an unduly harmful impact on the visual amenity, character and setting of the building in the streetscene together with the Smithfield Conservation Area, the Grade II Listed department store and the non-designated heritage assets on High Street and Market Street.”

The Planning Officer’s Report sets out their position on the existing host building. They state that *“due to its dated appearance this part of the shopping centre makes a negative contribution to the setting of the adjacent Smithfield and Upper King Street Conservation Areas, the setting of the Grade II Listed Department store across High Street and the non-designated heritage assets on High Street and Market Street.”* The question for the Inspector to consider is whether the addition of the two signs changes the balance of the building to become more harmful to the area to an extent where the signage should be refused.

As set out above, this type of signage is commonly expected within a city centre location. The signs are not obtrusive within the street scene and do not obstruct any views of the area. The signs do not dominate the shopfront and are an expected element of a modern retail shop frontage. The signs themselves do not have an unduly harmful impact on the visual amenity, character and setting of the building in the streetscene. Furthermore they do not have a harmful impact on the Listed Building or the Conservation Area.

To conclude it is our clients’ position that the reason for refusal is unfounded and unjustified. The two signs are completely appropriate for the setting and context of the property and accord with the Council’s own signage guidelines in policy DC14.5. The result is a retail frontage which is entirely expected within a City Centre location. We therefore respectfully request that this appeal is allowed.

Documents submitted with the appeal

- SD1 CPS 20 077 001 EXISTING SITE LOCATION PLAN
- SD2 CPS 20 077 020 C EXISTING HIGH STREET ELEVATION
- SD3 CPS 20 077 021 A EXISTING HIGH STREET ELEVATION OVERVIEW
- SD4 CPS 20 077 111 H PROPOSED HIGH ST ELEVATION FINISHES and SIGNAGE
- SD5 Application Form
- SD6 Application Covering Letter
- SD7 Decision Notice
- SD8 Delegated Report