

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135691/AO/2022
Date registered valid: 7 December 2022
Proposal: Erection of 2 internally illuminated fascia box signs with backing panel.
Address: Unit MSU12, Arndale Centre, Manchester, M4 3AJ
Ward(s): Piccadilly Ward

Applicant: Sportsdirect.com Retail Limited
Agent (if any): Mrs Katherine Sneedden Jigsaw Planning
Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 31 January 2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 6 January 2023

Standard consultations:

Printed: 20 December 2022

Expired: 10 January 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 22 December 2022

Expired: 12 January 2023

Press advert

Published: 27 December 2022

Expired: 17 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site comprises part of the site formerly occupied by the former British Home Store which faces onto Market Street and High Street. The proposals relate to the ground floor shopfront. The unit forms part of the Manchester Arndale, a multi-storey shopping centre located within the Retail Core of Manchester City Centre. There is an adjoining fire escape serving the wider shopping centre.

The building isn't listed, and the site isn't in a Conservation Area, but it is in a prominent location on High Street and is adjacent to the Smithfield and Upper King Street Conservation Areas. It is also within the setting of the Grade II Listed former Debenhams department store.

The unit subject of this application is not in an area of the shopping area that was included in the redevelopment works carried out following the 1996 bomb damage. It retains the 1970's beige tiled upper levels and has poor quality grey cladding on the ground floor shopfront that has been recently implemented and does not benefit from planning permission. There are other poor quality and inconsistent shop fronts on this part of the building. There is a flat roof at second floor level.

The premises as existing makes a negative contribution to:

- a. The Smithfield Conservation Area within which is directly adjacent.
- b. The settings of the above Grade II listed building.

- c. The settings of nearby buildings on High Street and at the corner of High Street and Market Street which, although not listed, could be considered to be 'non-designated heritage assets.'

Recent Relevant Planning History -

Application referenced 133399/FO/2022 for the alterations to the High Street elevation of the building was withdrawn in October 2022.

Application referenced 133400/AO/2022 for the display of 1no. high level illuminated box sign and 2no. illuminated box type shop front signs was withdrawn in October 2022.

Application referenced 133401/FO/2022 was approved in October 2022 and allowed the installation of externally mounted equipment on the second-floor flat roof along with a screen.

Description of development

Advertisement Consent is sought for:

- The display of a black powder coated aluminium box with internally illuminated letters pushed through the face of the box.
- The display of 2no. internally illuminated opal acrylic box signs with cut out letters

Consultations & Notification Responses

Highway Services - Confirmed that the proposals were compliant with MCC recommendations.

Publicity - The application was advertised as affecting a conservation area and affecting a listed building and a site notice was displayed on site. No responses were received.

Issues

The Adopted Core Strategy for the City of Manchester

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.

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.

National Policy

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. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

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.

Paragraph 197 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.

- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 200 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 201 states that 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 securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

The above national policy and legislation set requirements cannot be set to one side and it is particularly noted that this means decision-making regarding the historic environment is a case of balancing harm against public benefit as is the approach set out in the National Planning Policy Framework (NPPF).

The proposals constitute 2 no. box signs, one of which contains two separate boxes. These signs are not in keeping with the features of the Arndale Shopping Centre on which they would be located. 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.

This part of the High Street elevation of the building does not have the consistency of appearance and high-quality character that the remainder of the Arndale Centre has with a mix of signage types, a proliferation of inappropriate signage and shopfront designs and the retention of unsightly 1970's fabric. The signage would introduce a new type of sign to an already ad hoc mix. There is already an example of the signage that could be achieved at the High Street/Market Street corner of the shopping centre, but this example which could have been followed to start to improve the appearance of the elevation and work towards consistency.

The applicant was advised to withdraw and amend application referenced 133400/AO/2022 with a view to resubmitting an application that complied with our advice to propose individual letters only and the use of halo illumination or coloured glass/Perspex to include the red and blue brand colours (if needed) in place of the proposed box sign. Prior to the resubmission the applicant requested pre application advice but ignored our advice to submit an application for the display of individual letters resulting in the resubmission of amended signage that still didn't comply with advice given to them on three occasions. They also changed an individual letter sign shown in application referenced 133400/AO/2022 to a box sign in this application further going against our advice.

The signage would have an increased incongruous appearance as it constitutes box signs attached to a fascia panel that individual letters are attached to on the same elevation. That would worsen the appearance of the shopping centre and exacerbate the negative contribution to the setting of the above described designated and non-designated heritage assets. The Environmental Objective of the National Planning Policy Framework is 'to protect and enhance our natural, built and historic environment.' Increasing the less than substantial harm to the surrounding heritage assets would not protect and enhance them.

Box signs have a negative effect on the character of most buildings due to their bulky and low-quality appearance which is not in keeping with the proportions of features of the buildings that they are attached to. The proposals include a fascia panel backing to which individual letters could be attached creating signage that would be consistent with other signage on the building, but instead have proposed box signs.

The proposal would result in less than substantial harm to the significance of the Smithfield Conservation Area, the Grade II listed department store and the non-designated heritage assets due to the proposals to install box type signage. It is also clear that no effort has been made to minimise the impact of the signage.

The premises would also be likely to have internal signage that could adequately display their branding and would exacerbate the less than substantial harm actually experienced on site.

Pre application advice was sought from the LPA but was ignored.

In view of the above, it is considered that due to the proposals would cause less than substantial harm that has not been justified by public benefit and are contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policies SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

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

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

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: CENTRAL