

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135753/AO/2022

Date registered valid: 15 December 2022

Proposal: Installation of 3 no. box fascias with internally illuminated built-up lettering and 2 no. projecting signs with internally illuminated built-up lettering.

Address: Manchester New Square , Princess Street / Whitworth Street, Manchester, M1 3PE

Ward(s): Piccadilly Ward

Applicant: Tesco Stores Ltd

Agent (if any): Mr. Daniel Botten Rok Planning

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 09/02/2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 4 January 2023

Standard consultations:

Printed: 4 January 2023 Expired: 25 January 2023

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 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: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

Description of Site/Building

This application relates to Building 2 of Manchester New Square. This building is an 11 storey (plus planet space) building (Use Class C1) with ground floor commercial uses (Class E and F1 - Non Residential Institution Use). Building 2 of Manchester New Street is the residential building located to the west, bound by Rochdale Canal to the north, Princess Street to the west, Whitworth Street to the north, Building 1, 1 comprising 14 storeys plus plant space, to the northeast (Use Class C3), and Building 3, comprising 13 storeys plus plant space, to the east.

This area is a part of Whitworth Street Conservation Area. There are numerous listed buildings situated within close proximity to the development, including Regency House, 74 Princess Street and Lock No. 87 with Cast Iron Footbridge.

Description of Development

The proposal seeks the installation of 3 no. box fascia with internally illuminated built-up lettering and 2 no. projecting signs with internally illuminated built-up lettering. Upon the west elevation fronting Princess Street, 2 no. box fascia with internally illuminated built-up lettering will be located centrally above the two building entrances, The proposed box fascia are to be aligned in height and placed within the existing proportions of the window glazing. Upon the south elevation fronting Whitworth Street, 1 no. box fascia with internally illuminated built-up lettering will be located above the window glazing, approximately midway across frontage. The

2 no. projecting signs will be located on the west corners of the west and south elevations, aligned in height with each other and coloured red, white and blue to read 'TESCO express'.

This section of the ground floor where the proposed works are to take place are a currently unoccupied retail unit that has been empty since the construction of the original development of Manchester New Square.

Consultations & Notification Responses

Highways - had no objections to the proposed signage in terms in regards to them providing sufficient headroom height and luminance levels comply with MCC standards.

Publicity - Neighbouring properties were notified of the proposed works. We received no correspondences either objecting to or commenting on this application.

Policy

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 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.

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

There is no objection to the principle of the signs being displayed at the application site. As required by the Town and Country Planning (Control of Advertisements) Regulations 2007, matters relevant to the consideration of this application are amenity and public safety.

Visual amenity

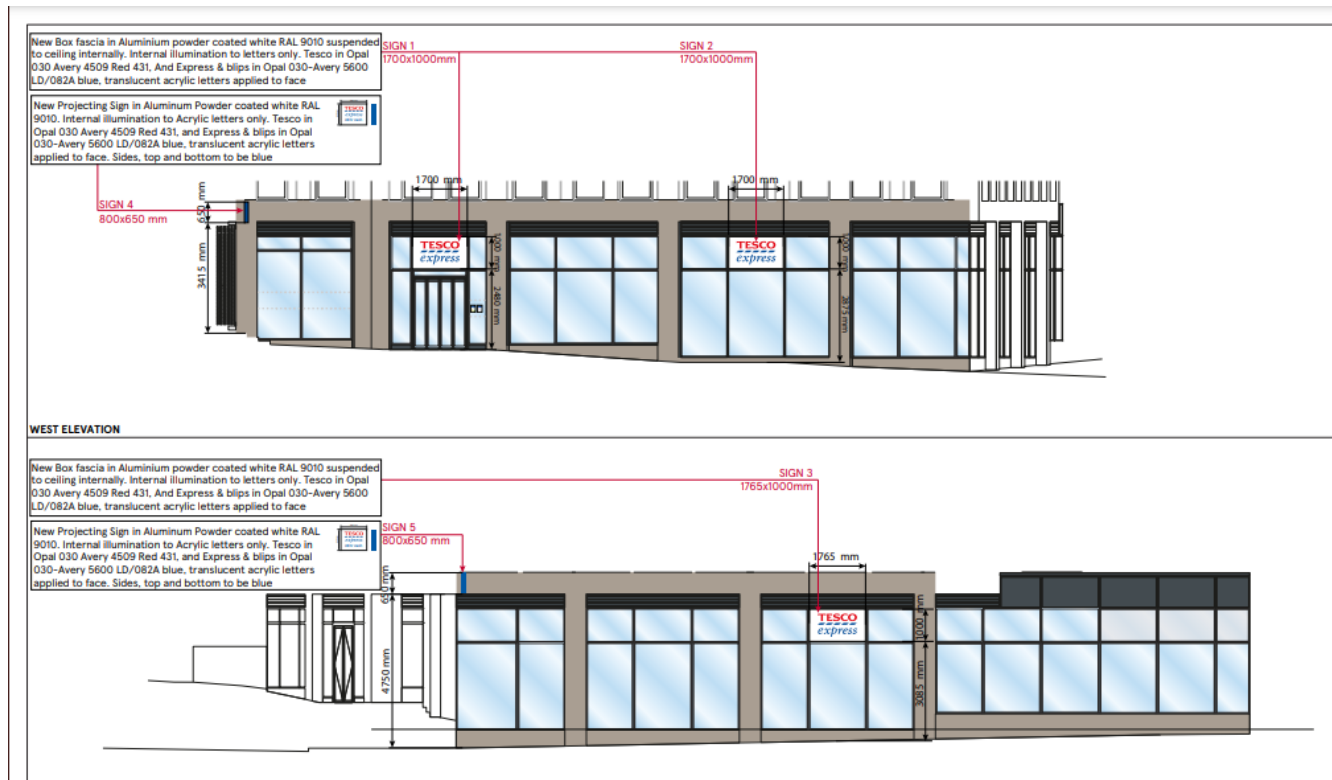
Fascia Signage

The proposal seeks to replace part of the glass frontage with two solid fascia (Signs 1 and 2) on the West elevation and with one solid fascia on the South elevation (Sign 3).

The development is a high quality modern building by a known and respected architect. The quality of the architecture requires and appropriate signage strategy for the building. The signage strategy associated with this development has recently been refused (CDN/22/0909) on the grounds that it does not respond positively to the architecture of the building.

The signage is for a convenience supermarket and is standard in nature – being a solid fascia which blocks the glazing and rhythm to the upper section of the shop front. This would have detrimental impact on the character and appearance of the shop front.

The applicant has been made aware of the concerns in this regard including providing details on how the signage could be changed. For instance, individual letters on a rack or situated behind the glazing. The applicant has not responded to these concerns or off to amend the proposal.



The proposal also two projecting box signs, which appear above the fascia level which is not acceptable and not in keeping with the character and appearance of the property and its architectural language.

Public safety

The proposed signage would not have a detrimental impact on public safety. Highway Services have confirmed that the signage would not be a distraction to road users or pedestrians.

Conclusion

In view of all of the above, it is considered that the proposals are not considered acceptable, due to the impact on the visual amenity of the proposed fascia signage on the surrounding area, and due to the fact that a Signage Strategy has not yet been discharged for the Ground Floor units. This signage strategy was added as a condition in the interests of visual amenity to enable careful attention to signage details and the level of visual clutter associated with any external seating is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.

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 position on the elevations, style, design and appearance and amount, would result in clutter on the elevations of the buildings and fail to respond positively to the high-quality facades, architectural language and character of the development. This would have an unduly harmful impact on the visual amenity of the development and local 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

61 - 63 Whitworth Street, Manchester, M1 3NY
Flat 102, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 107, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 304, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 309, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 403, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 409, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 502, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 503, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 609, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 703, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 704, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 805, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 907, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1003, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1005, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1107, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 401, 115 Princess Street, Manchester, M1 6JB
Flat 102, 115 Princess Street, Manchester, M1 6JB
113A Princess Street, Manchester, M1 3BF
Flat 13, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 11, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 2, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 1, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 201, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 408, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 504, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 604, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 607, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 608, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 701, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 806, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 901, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 904, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 909, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1006, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1007, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 101, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 205, 115 Princess Street, Manchester, M1 6JB
Lower Ground Floor, 48 - 50 Whitworth Street, Manchester, M1 6HR
Flat 9, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Basement And Ground Floor, 61 - 63 Whitworth Street, Manchester, M1 3NY
113B Princess Street, Manchester, M1 3BF
113 Princess Street, Manchester, M1 3BF
Flat 16, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 4, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 10, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 15, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 8, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX

Flat 7, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 5, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 14, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 12, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 3, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 6, Cotton Mill, 7 Samuel Ogden Street, Manchester, M1 7AX
Flat 203, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 302, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 305, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 308, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 508, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 803, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1002, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1101, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1103, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1106, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 303, 115 Princess Street, Manchester, M1 6JB
Flat 301, 115 Princess Street, Manchester, M1 6JB
Flat 103, 115 Princess Street, Manchester, M1 6JB
Flat 206, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 306, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 404, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 407, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 602, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 706, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 708, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 801, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 201, 115 Princess Street, Manchester, M1 6JB
Flat 809, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 305, 115 Princess Street, Manchester, M1 6JB
Flat 203, 115 Princess Street, Manchester, M1 6JB
Flat 104, 115 Princess Street, Manchester, M1 6JB
Flat 101, 115 Princess Street, Manchester, M1 6JB
Flat 401, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 406, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 501, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 807, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 905, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 908, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1001, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 304, 115 Princess Street, Manchester, M1 6JB
Flat 106, 115 Princess Street, Manchester, M1 6JB
Flat 104, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 106, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 202, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 205, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 307, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 509, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 601, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 606, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 906, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1004, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 406, 115 Princess Street, Manchester, M1 6JB
Flat 306, 115 Princess Street, Manchester, M1 6JB

Flat 204, 115 Princess Street, Manchester, M1 6JB
Flat 103, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 105, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 108, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 109, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 207, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 209, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 301, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 303, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 405, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 605, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 506, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 507, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 603, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 702, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 709, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 804, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1104, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 404, 115 Princess Street, Manchester, M1 6JB
Flat 403, 115 Princess Street, Manchester, M1 6JB
Flat 206, 115 Princess Street, Manchester, M1 6JB
Flat 202, 115 Princess Street, Manchester, M1 6JB
Flat 204, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 208, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 402, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 505, Calico Building, 46 Whitworth Street, Manchester, M1 3AX
Flat 705, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 707, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 802, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 808, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 903, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1102, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 1105, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 902, Calico Building, 46 Whitworth Street, Manchester, M1 3BD
Flat 302, 115 Princess Street, Manchester, M1 6JB
Flat 105, 115 Princess Street, Manchester, M1 6JB
Flat 402, 115 Princess Street, Manchester, M1 6JB
Flat 405, 115 Princess Street, Manchester, M1 6JB
48 - 50 Whitworth Street, Manchester, M1 6LS

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
Conservation Area - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL