



## Appeal Decision

Site visit made on 19 July 2023

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10<sup>th</sup> August 2023**

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**Appeal Ref: APP/B4215/Z/23/3319047**

**Unit MSU12, Arndale Centre, Manchester, M4 3AJ**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Sportsdirect.com Retail Limited against the decision of Manchester City Council.
  - The application Ref 135691/AO/2022, dated 7 December 2022, was refused by notice dated 1 February 2023.
  - The advertisements proposed are two internally illuminated fascia signs.
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### Decision

1. The appeal is allowed and express consent for two internally illuminated fascia signs as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
  - 1) The advertisements hereby permitted shall be retained in accordance with the following approved plans: CPS 20 077 001 and CPS 20 077 111 H.
  - 2) The intensity of the luminance of the advertisements shall be no greater than 600 cd/sqm.

### Main Issue

2. The main issue is the effect on amenity.

### Reasons

3. The appeal relates to two sets of signs that are already in place. Each is located centrally above the middle windows in each of the two large glazed areas that form the street frontage of this retail unit. They are set within the element of the building above the shop windows which in other cases has been utilised as a full height fascia. It is made up of two separate bands, the upper section being set further back and under the overhanging tiles of the upper floors. To the south, there is a shop front which utilises a separate fascia below these two wide bands. Further south, on the corner with Market Street, the large shop frontage incorporates both of these bands to provide a unified fascia and includes a large area of signage, albeit set out in individual letters. To the north is the entrance to the Arndale Centre which includes a large projecting sign

baring its name. Beyond that the building design changes significantly as does the signage associated with the various commercial units.

4. Although having an overtly modern appearance, these signs are relatively modest in size. The signs sit comfortably within the overall height of the two structural bands which appear as a fascia. They are well spaced and set far enough from the main Arndale entrance not to be experienced intimately with the main shopping centre signage. They are also some distance from the other adverts to the south. Overall, given their position below the overhanging tiling, which is a dominant feature of this elevation, they represent an unintrusive addition to this elevation. Given their distance from Market Street, which has a more intensive commercial character, signs of this size and in this position would appear to be an entirely acceptable adjunct to this frontage. Given the commercial nature of the surroundings and the design of this building overall, the addition of these signs has not resulted in harm to the visual amenity of the area.
5. The council is concerned that the signs do not reflect the detail of more positive signage within the area. They make reference to the corner property which utilises the full height of the two structural bands above the shop front as its fascia for advertising purposes. In this respect, this proposal follows that approach. The individual letters of that advertisement are in keeping with many others on Market Street and the council suggest that an arrangement similar to that unit, would offer potential for other units between and beyond the appeal frontage to have a more unified appearance with regard to signage. However, I am not persuaded that this different approach, with relatively constrained signage, set within the wide fascia, detracts from the appearance of the building. This overall frontage nor that opposite is unified in terms of fascia, design or advertising. These relatively small and contained adverts represent an acceptable addition in these circumstances. They do not prejudice a more unified approach particularly with regard to the use of the full height of the fascia which would appear to represent the greatest potential for achieving some form of unity along this frontage. Whilst I have had regard to the council's aspirations in relation to new signs, I conclude that the proposal does not result in harm to amenity.
6. There are a number of other matters that must be taken into account. Reference is made to the council's saved policy DC14 (Shops and Related Signs) of the Unitary Development Plan which is of most relevance. The appellant has provided an assessment of each individual requirement for a property that is not listed and not in a conservation area. I agree with this assessment and that the proposal satisfies this policy. The Regulations require that decisions are made only in the interests of amenity and public safety and therefore the development plan policies cannot be decisive. However, I have taken them into account as material considerations in my determination of the appeal. With regard to this policy, it supports the proposal and I also find no conflict with the more general design policies.
7. The Arndale Centre lies adjacent to both the Smithfield and Upper King Street Conservation Area's and it is also within the setting of the Grade II Listed former Debenhams department store. The Upper King Street Conservation Area is located to the south of Market Street and these signs would have no impact on its setting. The Smithfield Conservation Area includes all the buildings on

the opposite side of the road from this shop. This is a wide road which includes the tramlines and associated infrastructure. Both sides of the road are commercial in nature. These two relatively small advertisements would have only a very limited wider impact generally and would not harm the setting of this adjacent conservation area. The listed Littlewoods store is diagonally opposite but is designed to turn the corner into Market Street. These adverts would similarly not have any significant impact on its setting given the relationship between the two and the limited scale of what is proposed within this already commercial setting. Whilst reference has been made to the heritage policies of the development plan and the *National Planning Policy Framework*, as the proposal would not harm the setting of these heritage assets, there would be no conflict with these policies.

8. Overall, these advertisements, which are already in place, have a very limited wider influence given their limited scale. They are situated in a commercial area and have been designed to respect the design of the shop front and the details of the wider building and area. As they do not result in harm to amenity or public safety, I allow the appeal.
9. The Regulations impose five standard conditions. I have included a condition with regard to the approved plans in the interests of certainty. The council has suggested a condition to limit illuminance to 300cd/sqm whilst the proposal is for 600cd/sqm. No reason has been provided to justify this lower level and given the size of these signs and the nature of this street, I consider the level proposed to be acceptable in this context.

*Peter Eggleton*

**INSPECTOR**