

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130473/AO/2021

Date registered valid: 19 May 2021

Proposal: Installation of 2no. non illuminated, PVC mesh advertising banners fixed to the Lever Street elevation of 40 Lever Street for a temporary period of 5 years

Address: JD Williams And Co Ltd, Ground To Fifth Floors, Griffin House, 40 Lever Street, Manchester, M60 6ES

Ward(s): Piccadilly Ward

Applicant: N Brown Griffin House, 40 Lever Street, Manchester, M60 6ES

Agent (if any): Mr Kareem Kaaba Hartbrights Leltex House, Longley Lane, Sharston, Manchester, M22 4SY

Case officer: Eve Woolstencroft
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Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 July 2021

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 1 June 2021 Expired: 22 June 2021

Neighbour notifications

Printed: 1 June 2021 Expired: 22 June 2021

Site notice

Posted: Expired:

Press advert

Published: 8 June 2021 Expired: 29 June 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

This application relates to the primary elevation of Griffin House, fronting on to Lever Street. The premises are adjacent to the Stevenson Square Conservation Area, and are in close proximity to a number of listed building. The surrounding area is mixed in character and includes residential, offices, shops, bars, restaurants and hotels. Lever Street is also a major route out of the City Centre on to Great Ancoats Street.

Description of Development

Advertisement consent is sought for the installation of 2no. non illuminated, PVC mesh advertising banners fixed to the Lever Street elevation of Griffin House, 40 Lever Street.

The 2no. advertising banners would have the following dimensions;

- Height: 12.7 x Width: 35 x Depth: 0.001 metre(s) and would be installed 5.14 metre(s) above street level.

It is noted that the application form states 'temporary banners' whilst the time applied for is 5 years.

The applicant's agent has suggested that the banners, if approved. would be installed and then periodically remove or replaced with varying content depending on the current advertising requirements of the applicant.

Planning History: An application for the same advertisement banner ref. 125630/AO/2019 was refused on 30 March 2020 however it is noted this application was retrospective and the banner signs appear to have been removed. It is also noted that the current application

Consultations & Notification Responses

Publicity - Letters were sent to surrounding occupiers. No replies have been received.

Highways - The proposed signs are not located on the adopted highway network. The proposed signs extend to a maximum projection of 0.25m over the adopted highway. As such, a Projection over License will not be required.

The advertising banners are not illuminated.

A sufficient headroom clearance of 4.6m and 5.14m, compliant with the 2.30m minimum, is noted and accepted by Highways.

The proposed signs comply with carriageway clearance requirements.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 - States that:

- (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.

The above requirements have been taken into account in the assessment of the advertisement consent application. Whilst it is considered that the application cannot be refused on the basis of public safety, the proposal, in the view of the LPA, fails to accord with the development plan and therefore is considered to be unacceptable in terms of visual impact and excessive prominence within the street scene.

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the government's planning policies for England and how these are expected to be applied. It defines the government's requirements for the planning system 'only to the extent that it is relevant, proportionate and

necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 11 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking with the following specific policies being particularly relevant to the proposed development:

Chapter 12 Achieving well-designed places

Paragraph 124 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that 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. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

In this case, it is not considered that the development would positively contribute to the streetscene and would harmfully affect the visual amenity of the area. It is considered that, given the location, design, overall size and prominence of the proposed 2no. banner signs, effectively screening large areas of the primary elevation of Griffin House, that the proposals would not accord with the NPPF.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.

- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Policy EN1 relates to Design Principles and Strategic Character Areas. It states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy T1 (Sustainable Transport) states that the Council will support proposals that improve pedestrian routes and the pedestrian environment.

Policy CC9 (Design and Heritage) states that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Policy EN3 (Heritage) states that throughout the city, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods including those of the City Centre. New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Unitary Development Plan

The general policy for advertisement hoardings is Saved policy DC15.

DC15.1 The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining such applications,

for free standing hoardings and wall mounted posters the council will take account of the following matters in assessing these interests:

- a) the general location of the proposed development and the effect on visual amenity
- b) the scope for posters and hoardings to make a positive contribution to the locality
- c) the design of the structures, and the relationship with any premises on which they are located
- d) the effect of the proposal on permanent redevelopment of the land
- e) public safety resulting from the positioning of the design of the display
- f) the ease with which the structure is capable of being satisfactorily maintained
- g) the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent
- h) the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development
- i) the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities
- j) the number of advertisements in the locality and their cumulative effect on visual amenity

DC15.2 In assessing the interests of amenity and safety the council will take account of the following criteria:

- a) developments of this kind should not harm the character of architectural features of a building, nor interfere with its proper use
- b) they should be in scale with the locality and relate properly to the site on which they stand
- c) they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value
- d) a proposal which would be injurious to public safety or adversely effect the flow of traffic, by reason of its position, size or design will not be permitted

DC15.3 Where having regard to the preceding policies, the council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

Issues

Visual Amenity

In this case, the proposal would be harmful to the visual amenities of the area and the character of the built environment. The proposed 2no. banner signs would impact upon the immediate street scene and would be highly visible along Lever Street which is a major route out of the City on to Great Ancoats Street. The resulting impact is considered to be harmful and would fail to positively contribute to urban design in the locality and the quality of the street scene.

It is also considered that the 2no. banner signs would be harmful to the visual amenity of local residents, and pedestrians and drivers travelling along Lever Street. Policy SP1 of the Core Strategy also encourages regeneration and confirms that the quality of the built environment and appropriate development can contribute to regeneration. The 2no. banner signs would work against these aims by continuing to be incompatible with the character and appearance of the locality, and would thereby be contrary and contrary to policies SP1, CC9, DM1, EN1, EN3, T1.

For the reasons outlined, the 2no. banner signs would fail to positively relate to the surrounding context. Particular consideration has been given to the prominent position of the signs along a key route, and the cumulative impact of the display of advertisements in the area. On this basis it is considered that the proposal would be contrary to saved policy DC15 of the UDP.

Banner type signs of the nature proposed are only generally acceptable if they are associated with legitimate works to a site or building. The rationale being that temporary banners can give the host building a more attractive appearance within the street scene than scaffolding alone would.

Given that this is not the situation with this particular application, and taking into consideration the potential impact upon the adjacent Stevenson Square Conservation Area, the Grade II Listed Buildings at 69-77 Lever St, and in terms of maintaining the quality standards of signage to ensure an appearance which is appropriate to a high quality street environment within the City.

For the reasons outlined above, it is therefore considered that the proposal is not acceptable, and would be contrary to Core Strategy policies SP1, CC9, DM1, EN1, EN3, T1 and saved UDP policy DC15.

There are no public safety concerns relating to the proposals.

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

Article 35 Declaration

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed 2no. advertising banners by virtue of their size, location, design, and appearance, would harm the external appearance of the host building and have a detrimental impact on visual amenity. The banners would be unduly obtrusive, incongruous and an over dominant feature within the streetscene, contributing to advertisement clutter within a prominent

location close to a major route to and from the city centre detracting from amenity in the area and would undermine local regeneration. The proposal would therefore have an unacceptable and detrimental impact on the amenity of the area contrary to Government Guidance contained in Chapter 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester in particular policies SP1, CC9, DM1, EN1, EN3, T1 and saved policies DC15.1 and DC15.2 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Off The Square, 65 - 67 Lever Street, Manchester, M1 1FL
10 Bradley Street, Manchester, M1 1EH
8 Bradley Street, Manchester, M1 1EH
4 Bradley Street, Manchester, M1 1EH
First Floor, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Unit G7, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Sixth Floor, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Fifth Floor, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
51 Lever Street, Manchester, M1 1FN
49 Lever Street, Manchester, M1 1FN
47 Lever Street, Manchester, M1 1FN
Unit G6, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Griffin House, 40 Lever Street, Manchester, M1 1FJ
First Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
Unit G5, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Unit G4, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Unit G3, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Unit G2, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Unit G1, The Hive, 47 - 51 Lever Street, Manchester, M1 1FN
Studio 6, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 5, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 4, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 3, 14 - 16 Faraday Street, Manchester, M1 1BE
Basement, 14 - 16 Faraday Street, Manchester, M1 1BE
Second Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 2, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 1, 14 - 16 Faraday Street, Manchester, M1 1BE
Third Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
14 - 16 Faraday Street, Manchester, M1 1BE
32 Lever Street, Manchester, M1 1DE
Fourth Floor, Griffin House, 40 Lever Street, Manchester, M1 1FJ
Ground Floor, Griffin House, 40 Lever Street, Manchester, M1 1FJ
Second Floor, 73 - 75 Lever Street, Manchester, M1 1FZ
First Floor, 73 - 75 Lever Street, Manchester, M1 1FL
73 - 75 Lever Street, Manchester, M1 1FZ
73 Lever Street, Manchester, M1 1FL
Basement, 73 Lever Street, Manchester, M1 1FL
Ground Floor, 73 Lever Street, Manchester, M1 1FL
Site 71 Opposite 69, Lever Street, Manchester, M1 1FL
Second Floor, 69 - 71 Lever Street, Manchester, M1 1FL
First Floor, 69 - 71 Lever Street, Manchester, M1 1FL
Ground Floor, 69 - 71 Lever Street, Manchester, M1 1FL
Basement Floor, 69 - 71 Lever Street, Manchester, M1 1FL
69 - 71 Lever Street, Manchester, M1 1FL
65 - 67 Lever Street, Manchester, M1 1FL
Fifth Floor, Griffin House, 40 Lever Street, Manchester, M1 1FJ
First Floor, 79 Lever Street, Manchester, M1 1FL
Second Floor, 79 Lever Street, Manchester, M1 1FL
Ground Floor, 79 Lever Street, Manchester, M1 1FL
79 Lever Street, Manchester, M1 1FL

75 Lever Street, Manchester, M1 1FL
77 Lever Street, Manchester, M1 1FL
6 Bradley Street, Manchester, M1 1EH

Appendix 2 – Planning constraints

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
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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CITY2