

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141188/AO/2024

Date registered valid: 8 October 2024

Proposal: External advertising to banners to the external seating area.

Address: Ground Floor, 81 King Street, Manchester, M2 4AH

Ward(s): Deansgate Ward

Applicant: Mrs Laura Jones The Gunner Cooke Foundation / House of Books & Friends CIC

Agent (if any): Mr David Jones Stamp Architects Limited

Case officer: James Bridgman
Tel: 0161 219 6202
Email: james.bridgman@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 02.12.2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 23 October 2024

Standard consultations:

Printed: 16 October 2024 Expired: 6 November 2024

Neighbour notifications

Printed: 16 October 2024 Expired: 6 November 2024

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 site/building

The application relates to pavement to the front of No.81 King Street, a Grade II* listed building occupied by Book Shop called House of Books & Friends.

Listed building: Grade II*

Conservation area: Upper King Street Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The building is located within Manchester City Centre on the north side of King Street, between Spring Gardens and Brown Street. The building is within Upper King Street Conservation Area.

Description of development

The application seeks advertisement consent for banners to an existing external seating area. There are seven banners measuring 0.84m (height) by 1.3m (width). The proposed elevations of the advertisement are shown below in Figure 1.

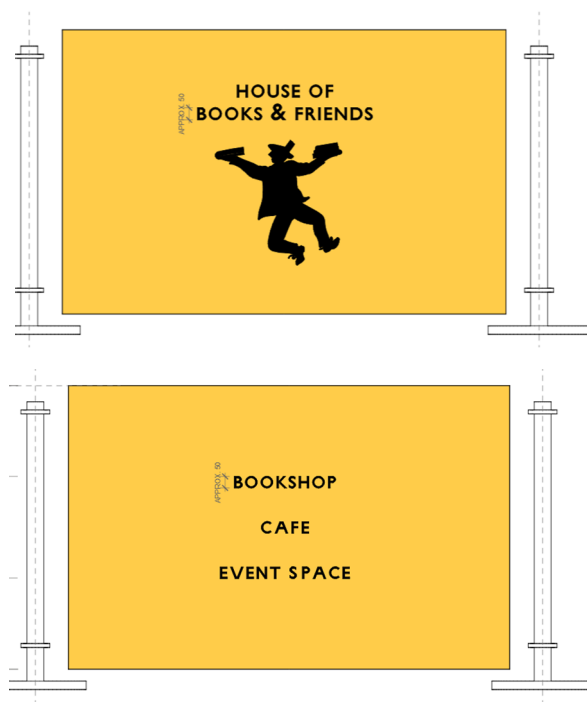


Figure 1 – Image of existing seating area and proposed elevations

Planning History

133803/LO/2022 – 81 Ground Floor King Street - LISTED BUILDING CONSENT Alteration to the current WC area - turning in to small kitchenette. Alteration to current kitchen / storage area - turning in to disabled WC and toilet and storage to enable accessible toilets for customers. Approved 02.09.24

Consultations & Notification Responses

Highway Services – No objection

Publicity – None received

Policy

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 Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy DM1 – Development Management
- Policy CC9 – Design and Heritage

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC14 – Shops and Related Signs
- Policy DC15 – Advertisements, Hoardings and Posters
- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:

- | | | | | | |
|---|-----------------------------------|-----------|---|------|--------|
| - | Policy | JP-Strat2 | – | City | Centre |
| - | Policy JP-P1 - Sustainable Places | | | | |
| - | Policy JP-P2 – Heritage | | | | |

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Issues

Visual amenity

The adverts will be displayed on the existing banners and are relatively small in size, consisting of simple black lettering and the House of Book & Friends logo. The advertisements are not considered to detract nor harm the character and appearance of the Grade II listed building and Upper King Street Conservation Area.

The scale and appearance of the existing barriers are considered to be typical of those used to secure outdoor seating areas, and it is noted that the barriers are stored within the premises outside of business hours. Therefore, they are not considered to be a permanent addition to the street scene.

In light of the above assessment, the proposal would have an acceptable impact on visual amenity in accordance with Core Strategy Policies, SP1, EN1, DM1 and CC9, Saved Unitary Development Plan Policies DC14, DC15, DC18 and DC19.

Highway Safety

The proposed advertisements are located on the adopted footway along King Street. The City Council's Highways team have advised the external advertising banners are acceptable and they have no objections to the proposal.

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: Approve

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

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Proposed Floor Plan and Elevations: (07) 021 Rev 01

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services

Ground Floor, 41 Spring Gardens, Manchester, M2 2GB
50 Spring Gardens, Manchester, M2 1EN
Third Floor, 73 King Street, Manchester, M2 4NG
Second Floor, 73 King Street, Manchester, M2 4NG
Third Floor, 81 King Street, Manchester, M2 4AH
Second Floor, 81 King Street, Manchester, M2 4AH
39 Spring Gardens, Manchester, M2 2BG
43A Brown Street, Manchester, M2 2JJ
43 Spring Gardens, Manchester, M2 2BG
Fourth Floor, 73 King Street, Manchester, M2 4NG
Basement, 41 Spring Gardens, Manchester, M2 2GB
First Floor To Fifth Floor, 41 Spring Gardens, Manchester, M2 2BG
73 King Street, Manchester, M2 4NG
All Bar One Cafe Bar, 75 - 79 King Street, Manchester, M2 4NG
Seventh Floor, 73 King Street, Manchester, M2 4NG
Eighth Floor, 73 King Street, Manchester, M2 4NG
Ninth Floor, 73 King Street, Manchester, M2 4NG
Hotel Gotham, 100 King Street, Manchester, M2 4WU
Tenth Floor, 73 King Street, Manchester, M2 4NG
ENTERPRISES VENTURES LIMITED, Sixth Floor, 73 King Street, Manchester, M2 4NG
Fifth Floor, 73 King Street, Manchester, M2 4NG
Sixth Floor, 40 Spring Gardens, Manchester, M2 1EN
First To Fourth Floor, 40 Spring Gardens, Manchester, M2 1EN
Fourth Floor, 81 King Street, Manchester, M2 4AH
Eighth Floor, 40 Spring Gardens, Manchester, M2 1EN
Seventh Floor, 40 Spring Gardens, Manchester, M2 1EN
Unit B, 40 Spring Gardens, Manchester, M2 1EN
House Of Evelyn, Unit A, 40 Spring Gardens, Manchester, M2 1EN
Fifth Floor, 40 Spring Gardens, Manchester, M2 1EN
JAMIE'S ITALIAN LIMITED, Ground Floor, 100 King Street, Manchester, M2 4WU

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street Conservation Area 1970
Area Team Boundary - Name: CENTRAL