Planning

Growth & Development

Delegated officer report for planning application

Application no.	140506/AO/2024
Date registered valid:	12 July 2024
Proposal:	Installation of hoarding for construction and fit out stage.
Address:	35 King Street, Manchester, M2 7AT
Ward(s):	Deansgate Ward
Applicant:	Watches of Switzerland Company Ltd
Agent (if any):	Miss Katie Parfett Savills
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	6 September 2024

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 31 July 2024

Standard consultations:
Printed: 26 July 2024 Expired: 16 August 2024

Neighbour notifications
Printed: 26 July 2024 Expired: 16 August 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

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

This application relates to a Grade II Listed Building that was constructed as a Georgian town in the mid-18th century for Dr Peter Waring and converted into a bank c.1788 and most recently used as commercial premises and offices. It is located within the St Anns Square Conservation Area and is within the immediate setting of a number of listed buildings, including the Grade I listed St Ann's Church, the Grade II listed 33 King Street, 48 King Street, 54-65 King Street, 62 King Street, the Old Exchange and the Eagle House.

Despite considerable internal alterations and rear and side extensions, the asset is considered to be of high historic, architectural, aesthetic and townscape interest, continuing to make a major positive contribution to the character and streetscene of the conservation area and the setting of the neighbouring listed buildings.

The building is within the central shopping and business area of the City Centre and surrounding uses include shops, offices, residential accommodation, bars, restaurants and entertainment venues.

The following applications have been recently approved for this site:

Applications referenced 138607/FO/2023 and 138608/LO/2023 were approved on 7 February 2024 and allowed the subdivision of the internal space into 3 separate units.

Application referenced 139242/FO/2024 was approved on 1st July 2024 and allowed external alterations to the property including the rooftop terrace and use of existing ancillary terrace including for occasional events (Class E).

Applications referenced 139243/LO/2024 was approved on 1st July 2024 and allowed internal and external alterations to the listed building

Description of development

Advertisement consent is sought to install construction hoardings in front of the building on King Street and to the rear of the building on St Anns Alley that would display advertisements.

Consultations & Notification Responses

Highway Services - Commented as follows:

Doors within the hoarding must open inwards.

Upon review, it appears that the proposed hoarding fronting the site projects over the adopted King Street. However, confirmation is required from the applicant whether the hoarding projects over King Street with information on the projection extent provided as well.

Hoardings that project over the adopted footway greater than 0.35m (350mm) will require a projection over license. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email -highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk.

Environmental Health - Confirmed that they have no comments.

Publicity - Letters were sent to surrounding occupiers. No responses 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

Saved Policy DC15 (Adverts, Hoardings and Posters) confirms the considerations when determining such developments.

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.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is
clearly justified and outweighed by the public benefits of the proposal.

National Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 - requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

Sections 16, 66 and 72 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 sections 12 (Achieving Well Designed Places) and 16 (Conserving and Enhancing the Historic Environment).

The NPPF 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.

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.

The NPPF Section 16 (Conserving and Enhancing the Historic Environment) advises as follows:

Paragraph 196 states that in determining planning applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

(c) the desirability of new development making a positive contribution to local character and distinctiveness; and

(d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 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 203 states that in determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 207 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 208 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.

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

The main issues to consider are the impact on visual amenity and the character and appearance of affected heritage assets.

The advert hoarding would affect the setting of the listed building subject of this application, the nearby listed buildings, non-designated heritage assets and the conservation areas. The proposed advertisement would cause less than significant harm to the character and appearance of these heritage assets due to its intrusive albeit temporary appearance.

Hoardings of the nature proposed are only generally acceptable if they are associated with legitimate works to a site or building.

This particular advertisement would be related to the works to prepare the building for development and so is associated with legitimate works to the building.

The harm is justified by the temporary nature of the hoarding and the income that would be generated for the refurbishment of the building.

In view of the above, it is considered that the proposals would cause less than substantial harm to the Grade II listed building affected by the works. The signage would comply with Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 12 and 16 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Polices SP1, CC9, EN3 and DM1 and saved policies DC15, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester as the public benefit of the proposals is that they would allow the reuse of the whole building.

Highway Safety - The doors would not be outward opening.

Public safety - No issues.

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 polices 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

Article 35 Declaration

Not appliable

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 have been carried out in accordance with the following drawings and documents:

The location plan referenced 1368.P.00.050 Rev A received by the City Council as local planning authority on 12 July 2024

The drawings referenced:

1368.P.03.000 Rev B

Received by the City Council as local planning authority on 3 September 2024

1368.P.03.001 Rev A

Received by the City Council as local planning authority on 12 July 2024

The email from Savills dated 3 September 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9 and SP1 and saved policies E3.3, DC15, DC18.1 and DC19.1 of the Unitary Development Plan.

Informatives

1) Hoardings that project over the adopted footway greater than 0.35m (350mm) will require a projection over license. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Third Floor, 37 King Street, Manchester, M2 7AT
54 King Street, Manchester, M2 4LY
56 King Street, Manchester, M2 4LY
3 St Ann's Alley, Manchester, M2 6AJ
Advertising Right Out Side 56, King Street, Manchester, M2 3NQ
Advertiing Right BTinlink Outside 48, King Street, Manchester, M2 4LG
Third Floor, 39 South King Street, Manchester, M2 6DE
Second Floor, 39 South King Street, Manchester, M2 6DE
First Floor, 39 South King Street, Manchester, M2 6DE
Ground Floor, 39 - 43 King Street, Manchester, M2 7AT
Rear Part Ground First Second And Third Floors, 33 King Street, Manchester, M2 6AA
Neals Yard Remedies, 27 King Street, Manchester, M2 6AF
39 - 43 King Street, Manchester, M2 7AT
1 - 3 St Ann's Passage, Manchester, M2 6AB
Second Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
First Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
Basement, 37 King Street, Manchester, M2 7AT
Second Floor, 6 St Ann's Passage, Manchester, M2 6AB
31 King Street, Manchester, M2 6AA
5 - 7 St Ann's Passage, Manchester, M2 6AB
52 King Street, Manchester, M2 4LY
St Anns Church, St Ann Street, Manchester, M2 7LF
37 King Street, Manchester, M2 7AT
James Binney House, 52 Cross Street, Manchester, M2 7AR
Basement To First Floor, 33 King Street, Manchester, M2 6AA
3 St Ann's Churchyard, Manchester, M2 7LN
39 South King Street, Manchester, M2 6DE
33 King Street, Manchester, M2 6AA
OLD EXCHANGE BUILDINGS, 6 St Ann's Passage, Manchester, M2 6BE
Third Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
Ground Floor And First Floor, 1 - 3 St Ann's Passage, Manchester, M2 6AB
Basement, 1 - 3 St Ann's Passage, Manchester, M2 6AB
HANCOCKS, 29 King Street, Manchester, M2 6AF
Third Floor And Fourth Floor, 6 St Ann's Passage, Manchester, M2 6BE
Fourth Floor Office, 6 St Ann's Passage, Manchester, M2 6BE
First Floor, 6 St Ann's Passage, Manchester, M2 6AD
58 King Street, Manchester, M2 4LY
50 King Street, Manchester, M2 4LY
48 King Street, Manchester, M2 4LG
46 King Street, Manchester, M2 4LG
COS, 30 St Ann Street, Manchester, M2 7LF

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL