

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140175/AO/2024	
Date registered valid:	3 June 2024	
Proposal:	Retention of temporary advertisement hoarding to the front elevation of the building	
Address:	Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB	
Ward(s):	Deansgate	Ward
Applicant:	Mr Sam Dagger Blacklock Restaurants	
Agent (if any):	Mr Don Murphy Paul Butler Associates Ltd	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	10/07/2024	

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 12 June 2024 Expired: 3 July 2024

Neighbour notifications

Printed: 12 June 2024 Expired: 3 July 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 the ground floor of the Grade II listed Freetrade Exchange, formerly known as Harvester House. The application property is a former merchant's warehouse, now offices (Class E), with a drinking establishment use approved at ground floor (Sui Generis), and its basement/lower ground floor being unoccupied. The application property is bound by Peter Street, Southmill Street and Bootle Street. The property itself dates from the mid 19th century and is completed in sandstone, its front elevation features a contemporary powder coated modern metal entrance on the property's south-western corner, with a contemporary glazed entrance present on its south-eastern corner. Where the property's western facing side elevation extends beyond the front elevation of no35 Peter Street it features a rendered mount at ground floor. Internally, a non-original staircase provides access to the basement/lower ground floor, with much of the property's original brickwork within this space having been rendered over. Atop the property lies extract and ventilation equipment, as well as a rooftop access extension.

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: n/a

Description of area

The neighbouring area lies within the heart of the City Centre, with St Peter's Square lying under 175m away from the application site to the east. Peter Street is characterised by a high number of historic listed buildings in various commercial uses, this including the Grade II listed Lancashire House, Royale Club, and Albert Memorial, as well as the Grade II* listed Free Trade Hall that lies opposite the application site. The application site lies within the Deansgate Conservation Area and lies adjacent to the St Peters Conservation Area. More modern development lies to the southwest of the application site in the form of Petersfield House at no35 Peter Street, Great Northern Square and no36 Peter Street.

Description of development

The development relates to the retention of an advertisement of the construction site hoarding outside the Royal Exchange until 01/12/2024. The advertisement relates to the future occupier of the ground floor unit currently under refurbishment. The advert is white text on a black background and is unilluminated.

Consultations & Notification Responses

Publicity - letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Highways Services - It is anticipated that the proposed hoarding will not give rise to driver distraction on the adjacent highway network given that all imaging will be static and will not be illuminated. It is noted that the proposed access opens outwards onto the adopted highway. It is requested that the access opens inwards to reduce conflicts with pedestrians on the adopted highway. [This was confirmed by the agent via email] It is expected that any lighting will be angled so as not to adversely impact on the operation of the adjacent tramline. Informative re: licencing requirements requested, attached to this approval.

Environmental Health - as the advertisement is non-illuminated, Environmental Health have no comments to make.

Issues

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity, impact upon the adjacent Conservation Area and Public Safety. The main policies that relate to the assessment of the proposal are the Town and Country Planning (Control of Advertisements) Regulations 2007 and Core Strategy policies EN1 (Design Principles and Strategic Character Areas, EN3 (Heritage), SP1 (Spatial Principles), CC9 (Design and Heritage) and DM1 (Development Management) of the Manchester Core Strategy (2012), saved policies DC14 (Shopfronts and related signs) DC15 (Advertisements, Hoardings and Posters), DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places).

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

Issues

The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. An assessment of the proposals under these criteria is outlined below.

Visual amenity

The advertisement would consist of white text on a black background, advertising the restaurant business that is due to open on the ground floor unit of the Freetrade Exchange which currently undergoing works. The style and colour palette is restrained and hence the advertisement is relatively unobtrusive. There is no illumination, which helps to further integrate it into the street scene. Given its temporary nature, the long-term visual impact of the advertisement would also be limited.

Advertisement hoardings of the nature proposed for rete are generally acceptable when they are associated with legitimate works to a site or building, the rationale being that the temporary advertisement will give the site a more attractive appearance within the street scene than would a plain hoarding. Officers have observed construction activity on site in relation to the development approved under app. ref. 137820/FO/2023. In this context it is therefore considered that the proposed hoarding would relate to legitimate works and would relate properly to the site on which it would stand. It is considered that the advertisement would provide a modicum of visual interest to what would otherwise be blank hoarding which that would contain works during the construction period.

The site would be covered by a hoarding, with or without the installation of the proposed advertisement. The advertisement would aa degree of harm to the character and appearance of these heritage assets and the Deansgate Conservation Area due to its intrusive, albeit temporary, appearance which would be substantially different to a plain hoarding. However, given the temporary nature of the works, the increased degree of visual interest that the advertisement would bring to an otherwise blank street-level element of the wider street scene.

As such on a temporary basis the location of the proposed advertisement and its impact upon visual amenity and the heritage assets is considered to be acceptable.

Public safety

The hoarding would be unilluminated and, with its restrained design is not overly prominent. Therefore, it is not expected that it would give rise to drive distraction. There is no overhanging element which would cause any potential risk. MCC Highways Services raised no public safety concerns when consulted, provided the doorway to the hoarding opened inwards. This was confirmed by the agent via email and during a site visit. Therefore, it is considered that there are no public safety concerns which would warrant a refusal of this application for advertisement consent.

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

Article 35 Declaration

n/a

Condition(s) to be attached to decision for approval

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:

-Drawing - Proposed X2 HOARDING PLANS AND ELEVATIONS received by the City Council, as Local Planning Authority, on 03/06/2024

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.

3) (a) The express advertisement consent hereby granted is limited to the period from 10-07-2024 and 01-12-2024;

(b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) and all associated development shall be removed, any use of the land authorised by this consent shall be discontinued, and the land/building shall be reinstated in accordance with a scheme previously approved.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoardings at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with policies DM1, EN1, EN3, CC9, and SP1 of the Adopted Core Strategy for the City of Manchester and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan for Manchester.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Club Coliseum, Peter Street, Manchester, M2 3NQ
First Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
C, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fourth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fifth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Radisson Edwardian Hotel, Peter Street, Manchester, M2 5GP
Second Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
First Floor To Third Floor, 47 Peter Street, Manchester, M2 3NG
35 Peter Street, Manchester, M2 5GD
Ground Floor, 35 Peter Street, Manchester, M2 5GD
Fifth Floor, 35 Peter Street, Manchester, M2 5GD
Fourth Floor, 35 Peter Street, Manchester, M2 5GD
Third Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5QD
47 Peter Street, Manchester, M2 3NG

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 - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL