

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136855/AO/2023	
Date registered valid:	2 May 2023	
Proposal:	Installation of an individual letter sign.	
Address:	47 Spring Gardens, Manchester, M2 2BG	
Ward(s):	Deansgate	Ward
Applicant:	Mr Graham Russell Pencilkit Ltd	
Agent (if any):	Mr Graham Russell Pencilkit Ltd	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	21/06/2023	

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 15 May 2023 Expired: 5 June 2023

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: Upper King Street Conservation Area 1970

Tree Preservation Order:

Description of area

The area relates to the Upper King Street Conservation Area in Manchester's city centre. The character of the area comprises a number of different uses, including office, retail, hotel, dining and drinking. The area was historically the financial district of Manchester and houses a number of important listed buildings such as the Grade-II* listed former Midland Bank, directly opposite the site and the Grade I-listed former Bank of England building at 82 King Street.

The site relates to 47 Spring Gardens, a Grade II-listed building located in a prominent location within Upper King Street Conservation Area. The ground floor is occupied by a clothing retail unit, Vivienne Westwood, whilst the upper floors are in commercial office use. 47 Spring Gardens was designed as a termination and focal point to the top of the King Street by Heathcote (Charles) and Rawle in 1890. The building was originally designed as a bank headquarters and was occupied by various banking organizations until 1997. The building was listed in October 1974.

Description of development

The development relates to the installation of new 1no. fascia signage on the Spring Gardens elevation of the building. The signage will consist of metal, RAL9005 powder coated individual letters mounted to a rail to minimise fixing points.

Consultations & Notification Responses

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

Highways Services - No objections

Environmental Health - No objections, condition suggested

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 DM1 (Development Management), SP1 (Spatial Principles), CC9 (Design and Heritage) and EN3 (Heritage), the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC14 (Shop fronts and Related Signs), DC15 (Advertisements, Hoardings and Posters) DC18.1 (Conservation Areas) and DC19 (Listed Buildings) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

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.

Impact on visual amenity

The application seeks to replace the existing signage, consisting of a script style sign made from neon light tubing mounted to a large box-shaped rail, with individual metal letters with halo

illumination. The current signage appears somewhat degraded and during the daytime the neon part of the sign is less visible with the result that it is visually dominated by the rack on to which it is mounted.

The proposed style of sign, made of individual letters, would be considered acceptable on a listed building pursuant to Saved UDP Policy DC14.5(e), which states that 'On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs'.

The signage has been designed so that it fits within the building's cornices and therefore does not interfere with or cut across any decorative features. This is considered acceptable pursuant to Saved UDP Policy DC14.5(b) which states that 'signs should respect the architectural form of buildings and shop frontages'.

A rail would be used to mount the letters, minimising the number of fixing points and thereby limiting interventions into historic fabric. Existing fixing points that are not reused will be made good, which should help limit the visual impact of changing the sign.

Public safety

It is not considered that the signage would have a negative impact on public safety. The proposed illuminance is 300cd/m², which is within the 600cd/m² recommended by the Institute of Light Engineers.

This level of illuminance should minimise the impact on local occupiers and the potential distraction to drivers during the hours of darkness. Highways Services were consulted and had no objections or concerns. Therefore, the signage is not expected to give rise to any driver distraction.

The Environmental Health officer has requested a condition to control illuminance levels to 300cd/m² and so an appropriate condition is attached to this approval.

The sign does not project over the adopted highway and so should not pose a obstruction to pedestrian movement.

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

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:

- Drawing - Proposed 95117-03 ELEVATION A (SPRING GARDENS)
 - Drawing - Proposed 95117-04 ELEVATION A DETAIL (SPRING GARDENS)
- received by the City Council, as local planning authority, on 02/05/2023.

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, saved policy DC19.1 and Sections 12 of the National Planning Policy Framework.

3) Lighting from illuminated signage shall be designed and installed so as to control glare and overspill onto nearby properties.

The signage will be selected and installed to ensure the illuminance does not exceed 300cd/m².

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and extant policy 15.2 of the UDP (1995) for Manchester

Appendix 1 – List of consultees & neighbours notified

Fourth Floor, 50 Fountain Street, Manchester, M2 2AS

50 Fountain Street, Manchester, M2 2AS

JAMIE'S ITALIAN LIMITED, Ground Floor, 100 King Street, Manchester, M2 4WU

Hotel Gotham, 100 King Street, Manchester, M2 4WU

St James Club, 45 Spring Gardens, Manchester, M2 2BG

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Upper King Street Conservation Area 1970

Area Team Boundary - Name: CENTRAL