

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136856/LO/2023	
Date registered valid:	2 May 2023	
Proposal:	Listed Building Consent for 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 June 2023	

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 15 May 2023 Expired: 5 June 2023

Neighbour notifications

Printed: 15 May 2023 Expired: 5 June 2023

Site notice

Posted: Expired: Posted: Expired:

Press advert

Published: 23 May 2023 Expired: 6 June 2023

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. A notice was displayed on site to inform passers-by of the development. The application was advertised in the local press as works affecting a listed building and conservation area. No representations have been received as a result of this publicity.

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).

Principle

The proposed signage is related to the retail unit on the ground floor of the building. The signage is necessary to advertise the shop and ensure the continued economic viability of the unit and therefore the building. However, any signage will cause a degree of less than substantial harm to the listed building, due to adding a new element to the elevation as well as potentially requiring new fixing points made in historic fabric. Therefore, the replacement sign should improve aesthetically on that in situ.

The new signage would replace existing neon signage affixed to a large box frame. The proposed design would be an improvement to the existing, in that the frame would be more discrete and colour matched with the stonework, and with the size slightly smaller to existing.

The principle of the signage is considered acceptable pursuant saved policy DC19.1(c) and DC14.1(c) as it would not have as greater detrimental effect on the architectural and historic character of the building but rather improve on the existing situation.

Impact on the listed building

The proposed signage would cause a small degree of less than substantial harm to the listed building. However, by virtue of its design, scale, and siting, it would represent an improvement on the signage currently in situ. The existing signage is somewhat degraded through age. Although the individually illuminated letters would be of an increased projection of 60mm, these would sit recessed in relation to the existing cornice. Hence the proposed signage would not cut across any of the features from which much of the building's significance is derived. This is acceptable pursuant to policy DC14.5(b) that states that 'signs should respect the architectural form of buildings and shop frontages'.

There will be a degree of less than substantial harm caused by fixing a new sign to the fascia. Whilst existing fixing points will be reused where possible, the removal of the existing rack will leave some damage to the fascia. The use of a rail to mount the sign will help to minimise the fixings. Any unused fixing points would need to be made good; an appropriate condition is attached to this approval to ensure this is undertaken.

Impact on the conservation area and nearby listed buildings

The modest scale and massing of the proposed signage on the unit means that the impact on the conservation area would be minimised, particularly in the context of replacing the existing sign.

The illumination will be controlled to a low level of 300cd/m², meaning that even in the hours of darkness it should not make the sign overly obtrusive. There are a number of other signs with halo illumination within the immediate vicinity of the building and hence in this context it is not considered that the signage would harm the character of the conservation area unduly.

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, a pre-application site visit was undertaken by officers with the applicant and contractors to ensure any design issues were resolved pre-submission.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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.

-Correspondence EMAIL FROM AGENT RE: PLASTER received by the City Council, as local planning authority, on 19/06/2023

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) a) Redundant fixing points shall be made good as outside in Drawing - Proposed 95117-04 PROPOSED ELEVATION A DETAIL received by the City Council, as local planning authority, on 02/05/2023 and the works completed prior to the installation of the new signage hereby approved.

b) Redundant fixing points will be made good using the materials and method as stated in the following document:

- Correspondence EMAIL FROM AGENT RE: PLASTER received by the City Council, as local planning authority, on 19/06/2023 and the works completed prior to the installation of the new signage hereby approved.

Reason - To ensure that the development minimises harm to the historic fabric of a listed building. Pursuant to policies, CC9, EN1, EN3, SP1 and DM1 of the Core Strategy, saved policy DC19.1 and Sections 12 and 16 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

First Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
Basement, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
43 Spring Gardens, Manchester, M2 2BG
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
Ground Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Seventh Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Sixth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fourth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
DUFF & PHELPS LTD, Second Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Hotel Gotham, 100 King Street, Manchester, M2 4WU
St James Club, 45 Spring Gardens, Manchester, M2 2BG
Third Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fifth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW

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