

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136326/AO/2023

Date registered valid: 22 February 2023

Proposal: Installation of a projecting hanging digital advertising screen and wall-mounted digital advertising screen

Address: 74 Gartside Street, Manchester, M3 3EL

Ward(s): Deansgate Ward

Applicant: Dr. Nilesh Bhatt Gartside Street Dental Lounge

Agent (if any): Helen Young Pegasus Group

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 18 April 2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 13 March 2023

Standard consultations:

Printed: 3 March 2023 Expired: 24 March 2023

Neighbour notifications

Printed: 3 March 2023 Expired: 24 March 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: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The building is part of a modern terrace of offices buildings that were constructed in a traditional style in brick with stone features with traditional style doors and windows and a stained-glass fanlight above the doors, stone steps, railings and slate rooves. The property is located at 74 Gartside Street.

The building isn't listed, and the site isn't in a Conservation Area, but are within the setting of the Castlefield and St John Street Conservation Areas that end on the opposite side of Quay Street.

The site is on the edge of an area of the City Centre named Spinningfields. Spinningfields is a premium financial and professional services destination set within world class architecture and public realm. It is a mixed-use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment. The local environment surrounding the site contains mostly modern and contemporary buildings.

Surrounding uses include hotels, offices, a theatre, a cinema, shops, bars, restaurants and offices.

Description of development

Advertisement Consent is sought for:

- The installation of a 43-inch wall mounted digital display screen in a weatherproof casing with signage above and below the screen mounted on the brickwork adjacent the main entrance.
- The installation of two back-to-back fixed 22-inch digital display screen in a weatherproof casing mounted on a traditional style bracket fixed to brick work between ground and first floor.

Consultations & Notification Responses

Publicity - Letters were sent to surrounding occupiers. No replies were 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

DC14.1 (Shops and Related Signs) In determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

DC14.5 (Shops and Related Signs) The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies. The policies relevant to this application are:

- A. In the interests of amenity,
 - a. signs should not normally be positioned other than at fascia level.
 - b. signs should respect the architectural form of buildings and shop frontages.
 - c. where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building and in particular should not fill the gap between ground floor shop windows and first floor windows.
 - d. projecting box signs, or any other type of sign which projects significantly beyond the shopfront, should line up with the associated fascia board. Where this is not the case, such proposals will not be permitted.

- e. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs.

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.

National Policy

Sections 16, 66 and 74 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 section 16 (Conserving and Enhancing the Historic Environment).

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.

Paragraph 197 states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 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 200 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 201 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.

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.

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

The above national policy and legislation set requirements cannot be set to one side and it is particularly noted that this means decision-making regarding the historic environment is a case of balancing harm against public benefit as is the approach set out in the National Planning Policy Framework (NPPF).

The proposals constitute three large digital screens attached to the ground floor and first floor elevation of the front elevation of the building. The building is of a design that doesn't include a shopfront or fascia and these additions are alien and incongruous and clearly not in keeping with the design and features of the building.

The existing building as part of the terrace makes a positive contribution to the street scene but would make a negative contribution if these signs were displayed. The signage would worsen the appearance of the terrace. By virtue of the size, appearance and form of illumination, the advertisements would appear incongruous and out of place in its context, detracting from the architectural coherence and aesthetic interest of the terrace under consideration. The dynamic digital format and the height, width and depth of the signage are considered to be unacceptable in their context and exacerbate the perceived adverse impact of the proposal.

Given the design and appearance of the building and that it is within a terrace of buildings of the same appearance the signs would be large in relation to the existing features and not in keeping with the design and location of these features and not in keeping with the rest of the signage on the other buildings within the terrace.

Given they were built as offices with a traditional appearance they don't have many opportunities for signage. The only signage that would be appropriate in this location, on this type of property would be a small non-illuminated plaque. The signage would introduce a new type of sign and excessively more obtrusive signage to the fairly consistent signage of the terrace.

The signage would affect the St John's and Castlefield Conservation Areas as it would be seen in context with them causing less than significant harm to these heritage assets that has not be justified. The Environmental Objective of the National Planning Policy Framework is 'to protect and enhance our natural, built and historic environment.' Increasing the less than substantial harm to the surrounding heritage assets would not protect and enhance them.

The applicant was advised to withdraw this application for these reasons but refused to do this.

The signs are considered to be particularly obtrusive 'box signs' which are signs that have a negative effect on the character of most buildings due to their bulky and low-quality appearance which is not in keeping with the proportions of features of the buildings that they are attached to. There is no fascia level for the signs to be located at due to the design of the building. The signs would not respect the architectural form of building, being large compared to the features of the elevation and not being in keeping with the adjacent features and would not be in keeping with the scale of the frontage of the building.

The area within which the signs would be located includes modern and historic, large scale and small-scale development and the presence of taller buildings is not considered justification to provide incongruous signage.

Pre application advice was not sought from the LPA and our advice during the assessment of the application has been ignored.

In view of the above, it is considered that due to the proposals would cause less than substantial harm that has not been justified by public benefit and are contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning

Policy Framework, the Core Strategy for the City of Manchester, in particular Policies SP1, CC9, EN3 and DM1 and saved policy DC18.1 of the Unitary Development Plan for the City of Manchester.

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: Refuse

Article 35 Declaration

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

1) The proposed advertisements by virtue of their location, design and appearance and proportions would fail to respond positively to the building and local environment. They would form a poorly designed, obtrusive, and incongruous feature on the building which would have an unduly harmful impact on the visual amenity, character and setting of the building and the terrace within which it is located in the street scene together with the St John Street and Castlefield Conservation Areas. The proposal would therefore result in less than substantial harm to the significance to the historic elements within the environment with the level of harm caused not being outweighed sufficiently by the public benefits of the scheme. The proposal is contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC14.5 and DC18.1 of the Unitary Development Plan for the City of Manchester (1995), Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

2) The proposed advertisements by virtue of the proposed luminance levels of the advertisements, which are confirmed as 2000 and 2500cd/m² and are therefore in excess of the

MCC standard of 600cd/m² and therefore detrimentally affect public safety, in particular highway safety. The proposal is therefore contrary to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1 and DC14.5 of the Unitary Development Plan for the City of Manchester (1995), Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Heritage & Urban Design

Second Floor, 68 Quay Street, Manchester, M3 3EJ
First Floor, 68 Quay Street, Manchester, M3 3EJ
Ground Floor, 68 Quay Street, Manchester, M3 3EJ
Basement, 68 Quay Street, Manchester, M3 3EJ
2 Hardman Square, Manchester, M3 3EB
78 Gartside Street, Manchester, M3 3EL
Second Floor, 66 Quay Street, Manchester, M3 3EJ
Suite D Part First Floor, 66 Quay Street, Manchester, M3 3EJ
Suite C Part First Floor, 66 Quay Street, Manchester, M3 3EJ
Suite B Part First Floor, 66 Quay Street, Manchester, M3 3EJ
Ground Floor, 66 Quay Street, Manchester, M3 3EJ
66 Quay Street, Manchester, M3 3EJ
ESure, 25 Quay Street, Manchester, M3 4AL
68 Quay Street, Manchester, M3 3EJ
72 Gartside Street, Manchester, M3 3EL
76 Gartside Street, Manchester, M3 3EL

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL