

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135758/AO/2022	
Date registered valid:	15 December 2022	
Proposal:	Erection of 2 x halo-illuminated signs.	
Address:	40 Spring Garden, Manchester, M2 1EN	
Ward(s):	Deansgate	Ward
Applicant:	Aviva Investors 40 Spring Gardens (General Partner) Ltd	
Agent (if any):	Mr Paul Chandler-King Icen Projects	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	31.01.2023	

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 4 January 2023 Expired: 25 January 2023

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 2023

Site notice

Posted: Expired:

Press advert

Published: 10 January 2023 Expired: 31 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985 Upper King Street Conservation Area 1970

Tree Preservation Order: n/a

Description of area

The application relates to 40 Spring Gardens, a modern office building located in the City Centre of Manchester. The building is bound by Marriots Court to the north, Spring Gardens to the east (location of main entrance), the Grade II* listed Former Reform Club, 81 King Street to the south and Brown Street to the west. The building is located within the Upper King Street Conservation Area.

Description of development

The application seeks the installation of new signage on the principal elevation of the building and the replacement of existing signage inside the entranceway vestibule. The new signage will be halo-illuminated.

Consultations & Notification Responses

Highways - No adverse comments or objections. Signage compliant with requirements.

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, the National Planning Policy Framework, in particular Section 12. (Achieving well-designed places) and Core

Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shop fronts and Related Signs), DC15 (advertisements, hoardings and posters) and DC18 (Conservation Areas).

Heritage and design

The development site is located in the Upper King Street Conservation Area. Policy EN3 of the Core Strategy states the new development must be designed to enhance conservation areas, whilst saved Policy DC18.1 of the UDP states that new development in conservation areas must be given especially careful consideration by the city council, as LPA.

The principle of the signage is considered appropriate, replacing damaged signage that was previously around the vestibule. The scale is considered to be modest, and the proposed illumination minimal.

There are no concerns regarding the harm to the setting of a listed building or the design heritage of the conservation area owing to the modest design of the signage.

Visual amenity

Saved policy 15.1 of the UDP states that the effect of advertisements on visual amenity, including their cumulative effect, must be taken into consideration, whilst 15.2 states they should be unobtrusive and of an appropriate scale.

The proposed new signage is not considered to be harmful to visual amenity, with only one of the new signs facing on to the adopted highway. The new designs shall also be simpler in nature than those originally proposed with application 132560/AO/2021 thereby reducing advertisement clutter.

The proposed illumination of 0.01cd/m² is considerably lower than the 600cd/m² recommended by the Institute of Lighting Engineers, so should not create an overly intrusive feature in the streetscape after nightfall.

Public safety

The Town and Country Planning (Control of Advertisements) Regulations 2007 state that potential threats to public safety posed by advertisements must be taken considered, whilst policy DC15.2 states that adverts will be refused if they pose a threat to the safety of pedestrians and motorists.

No concerns regarding public safety for this development. Highways have confirmed there are no public safety concerns. The signage does not project over the adopted highway in manner that would require a projecting over licence. The illumination is well below that recommended, so should not cause a distraction to drivers.

Given the above, the proposed development is considered acceptable pursuant to UDP Policy DC15 and DC18, Manchester Core Strategy Policies DM1, SP1, CC9, EN1 and EN3 and the NPPF.

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

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:

- Drawings - Existing & Proposed Plans and elevations (90)200 prepared by Space Invader, received by the city council as local planning authority on 15/12/2022

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

Appendix 1 – List of consultees & neighbours notified

Highway Services

Eighth Floor, 40 Spring Gardens, Manchester, M2 1EN
Sixth Floor, 40 Spring Gardens, Manchester, M2 1EN
Third Floor, 40 Spring Gardens, Manchester, M2 1EN
ALDERMORE BANK PLC, Fourth Floor, 40 Spring Gardens, Manchester, M2 1EN
Second Floor, 40 Spring Gardens, Manchester, M2 1EN
First Floor, 40 Spring Gardens, Manchester, M2 1EN
Seventh Floor, 40 Spring Gardens, Manchester, M2 1EN
Unit B, 40 Spring Gardens, Manchester, M2 1EN
House Of Evelyn, Unit A, 40 Spring Gardens, Manchester, M2 1EN
Fifth Floor, 40 Spring Gardens, Manchester, M2 1EN
Third Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Ninth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Seventh Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
SPACEZERO (NORTH) LTD, Mezzanine Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Second Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
First Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Eighth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Tenth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Eleventh Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Sixth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Fifth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Fourth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Ground Floor, 26 Spring Gardens, Manchester, M2 1BB
HMO Flat Above, 1 York Street, Manchester, M2 2AW
50 Spring Gardens, Manchester, M2 1EN
Browns Bar And Brasserie, 1 York Street, Manchester, M2 2AW

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 (Extension) Conservation Area 1985
Conservation Area - Upper King Street Conservation Area 1970
Area Team Boundary - Name: CENTRAL