

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133655/AOH/2022

Date registered valid: 28 February 2023

Proposal: Installation of an externally illuminated advert shroud to scaffold for a temporary period of 1 year

Address: 36 Charlotte Street, Manchester, M1 4FD

Ward(s): Deansgate Ward

Applicant: Mr Sam Harrison King Media Ltd

Agent (if any): Mr David Armstrong Armstrong Planning

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

Recommendation: Approve

Date of recommendation: 24 April 2023

Application details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 13 March 2023

Standard consultations:

Printed: 13 March 2023 Expired: 3 April 2023

Neighbour notifications

Printed: 13 March 2023 Expired: 3 April 2023

Site notice

Posted: 13 March 2022 Expired: 3 April 2022

Press advert

Published: 21 March 2023 Expired: 11 April 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: George Street Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

This application relates to a Grade II listed building located at 36 Charlotte Street in the City Centre, which has frontages on Charlotte Street, Portland Street and Reyner Street and is within the George Street Conservation Area. The building is known as Fraser House and is a former Textile manufacturer's warehouse that has previously been used as restaurant and offices among other uses.

The building was built between the years of 1855-60 and was designed by Edward Walters in Italianate style. It is constructed of Red brick in Flemish bond with sandstone dressings with a slate roof.

Internally there are closely-spaced rows of iron columns and wooden beams and cornices. The building is currently vacant and suffering from dry rot after being poorly maintained.

The building is adjacent the Grade II Listed 44 to 50 Portland Street and there are a total of 6 listed buildings fronting this section of Reyner Street, many others in close proximity to the site.

The building is within the China Town area of the City Centre. The area surrounding the application site is a mixture of residential and commercial in nature. There have been various other residential conversion schemes approved in the China Town area over recent years, but there are also a lot of commercial units still in existence.

The nearby Piccadilly Gardens area has a number of hotels. Other uses in the immediate area include offices, hotels, surface car parking, a bus and Metrolink station, a coach station, shops, bars and restaurants.

Description of development

Advertisement consent is sought for the display of advertising on a printed PVC-free Kavalan banner measuring 10.3m (h) x 28.9m (w) that would be attached to the part of the scaffold located on the Portland Street and Charlotte Street elevations for a period of 1 year. Ten lighting units would be attached to the scaffold to illuminate the advertisement. Luminance levels would not exceed 400cdm² during non-daylight hours and lights would be set to be switched off between the hours of 23:00 and 07:00.

Consultations & Notification Responses

Publicity - The application was advertised in the local press, a site notice was displayed and letters were sent to local occupiers. No comments were received.

Environmental Health – Advised that the proposals were acceptable, but that a licence was required for the scaffold.

Greater Manchester Police – Confirmed that they have no comments.

Highway Services - The lighting levels should be in accordance with the details given in the application form, no more than 400cd/m².

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

Saved Policy DC14.1 and 14.5 (Shopfronts and Related Signs) provide advice on acceptable shop front and signage works.

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.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character;

National Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 - requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

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.

The NPPF 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 acceptability of the proposals has been considered.

Visual amenity, including the impact on heritage assets -

The advertisement would affect the setting of the above-named listed buildings. The building subject of this application would be mostly covered by a shroud, with or without the installation of the proposed advertisement. The proposed advertisement would cause less than substantial harm to the character and appearance of these heritage assets and the George Street Conservation Area due to its intrusive albeit temporary appearance, which is emphasised by the illumination of the advertisement. The advertisements displayed would also be substantially different to a plain shroud and to the elevation of the listed building.

Hoardings of the nature proposed are only generally acceptable if they are associated with legitimate works to a site or building. The rationale being that the temporary banners will give the building a more attractive appearance within the street scene than the scaffolding alone or a plain wrap would. Display of advertisements on scaffolding can cause unnecessary continued use of scaffolding and this has a negative impact on visual amenity as well as affecting pedestrian access including for disabled people.

This particular advertisement would be related to the works to repair 36 Charlotte Street of which evidence has been provided and so is associated with legitimate works to the building.

In this context it is therefore considered that the proposed hoarding would relate to legitimate works to the building and would relate properly to the site on which it would stand on a temporary basis of 1 year. The location of the proposed advertisement and its impact upon visual amenity would therefore be acceptable.

Given the above, it is considered that subject to conditions, the benefits of the proposal would outweigh the level of harm caused to the affected heritage assets, and the works are consistent with the relevant paragraphs of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

Given the above, the proposals are considered to be in accordance with the above policies and legislation.

Public Safety

Sufficient measures are proposed to prevent the scaffold wrap from increasing the risk of fire damage to the building. These measures will be required to be implemented by condition.

Given the above, it is considered that the proposals are acceptable and are in accordance with saved policies DC18.1 and DC19.1; of the Unitary Development Plan for the City of Manchester and the Core Strategy for the City of Manchester, in particular Policies CC10, SP1, EN3 and DM1 and Section 8 (Promoting Healthy and Safe Communities) of the National Planning Policy Framework and the Regulatory Reform (Fire Safety) Order 2005.

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) a) The express advertisement consent hereby granted is limited to a period of 1 year starting on the date of the commencement of the display of the advertisement hoarding hereby approved or 1st May 2023; if that is earlier.

b) Written notice shall be given to the Council of the date of commencement of the display of the advertisement hoarding(s) within 7 working days of that commencement.

c) On the date of the expiry of the express consent period on 1st May 2024 or earlier (see a), or on the date of completion of the relevant works; if that is earlier; the advertisement hoardings and all associated development shall be removed, any use of the land/building 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, CC10, T1 and SP1 of the Adopted Core Strategy for the City of Manchester, paragraphs 2.10, 2.20, 12.6, 3.1 and 8.8 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan for Manchester

3) The advertisement hereby approved shall be displayed in accordance with the following drawings and documents:

The drawings referenced:

PY4078/005 Rev A

PY4078/006 Rev A

PY4078/007 Rev A

PY4078/010 Rev A

P01

P02
SP01

received by the City Council as local planning authority on 29 April 2022

A/9989-1D Rev D
09 Rev A
WHL 10131 R GNB 19/04/22
PY4078/002 Rev A

received by the City Council as local planning authority on 17 June 2022

The following documents:

The addendum to Mather & Ellis priced schedule of works
The Maximus specification document
The Lumilife floodlight specification document
The project timeline for Fraser House dated 29/02/22
The signed Minor Works Building Contract 2016
The Planning Statement prepared by Armstrong Planning
The Fabric Repairs and Associated Works, Preliminaries, Specification, Heritage, Design and Access statements and schedule of works revision A
The email from Mather Ellis to KPS Architects dated 24 April 2022
The Schedule of Works for Fabric Repairs and Associated works

received by the City Council as local planning authority on 29 April 2022

The following documents:

The Certifire certificate
The Design Calculations prepared by Prime Scaffold and Structural Designs Limited
The press release relating to Kavalan banners and building wraps
The Breaking News document relating to Kavalan banners and building wraps

received by the City Council as local planning authority on 17 June 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9, CC10, T1 and SP1 of the Core Strategy, paragraphs 2.10, 2.20, 12.6, 3.1 and 8.8 of the Guide to Development in Manchester SPD and saved policies E3.3, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan

4) The Fire Integrity of the scaffold wrap shall be maintained at all times for the duration of the display of the approved scaffold wrap.

Reason - To ensure that the risk of fire damage to the Grade I Listed Building is not increased due to the installation of the hereby approved scaffold wrap in accordance with saved policies DC18.1 and DC19.1; of the Unitary Development Plan for the City of Manchester and the Core Strategy for the City of Manchester, in particular Policies CC10, SP1, EN3 and DM1 and Section 8 (Promoting Healthy and Safe Communities) of the National Planning Policy Framework and the Regulatory Reform (Fire Safety) Order 2005.

5) External lighting shall be designed and installed so as to:

a) control glare and overspill onto nearby properties.

- b) be controlled to not exceed 400cd/m² during the hours of darkness
- c) be set to switched off between the hours of 23:00 and 07:00.
- d) lighting levels shall be adjusted should complaints be received regarding light overspill or glare

Reason - In the interests of visual amenity and residential amenity and because the proposed works affect structures that are included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of these heritage assets, and to safeguard the amenities of the occupiers of nearby properties in accordance with saved policy DC19.1; of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

Informatives

- 1) The adopted footway extends to the building line of the property and therefore it should be ensured that all necessary scaffolding licensing is in place. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic or footway management arrangements will need discussion and agreement with MCC's Event and Traffic Management and Licensing teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Second Floor Rooms 8 And 9, 41 Faulkner Street, Manchester, M1 4EE
Caffe Nero, 32 Portland Street, Manchester, M1 4GS
Sub Basement, 36 Charlotte Street, Manchester, M1 4FD
WING FAT SUPERMARKET LTD, 49 Faulkner Street, Manchester, M1 4EE
1 - 37 Faulkner Street, Manchester, M1 4ET
Yates Wine Lodge, 49 Portland Street, Manchester, M1 3LD
Consulate General Of The Republic Of Poland, 51 Portland Street, Manchester, M1 3LD
45 - 47 Faulkner Street, Manchester, M1 4EE
Twelfth Floor, 53 Portland Street, Manchester, M1 3LD
Britannia Hotel, 35 Portland Street, Manchester, M1 3LA
Sub Basement And Basement, 41 Faulkner Street, Manchester, M1 4EE
Ground Floor, 41 Faulkner Street, Manchester, M1 4EE
Third Floor, 41 Faulkner Street, Manchester, M1 4EE
Ground Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE
Third Floor, Bank Chambers, Faulkner Street, Manchester, M1 4EF
Eleventh Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Tenth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Second Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
First Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Second Floor, 53 Portland Street, Manchester, M1 3LD
Fourth Floor, 53 Portland Street, Manchester, M1 3LD
Tenth Floor, 53 Portland Street, Manchester, M1 3LD
Seventh Floor, 53 Portland Street, Manchester, M1 3LD
Fifth Floor, 53 Portland Street, Manchester, M1 3LD
Third Floor, 53 Portland Street, Manchester, M1 3LD
Sixteenth Floor, 53 Portland Street, Manchester, M1 3LD
Sixth Floor, 53 Portland Street, Manchester, M1 3LD
Ninth Floor, 53 Portland Street, Manchester, M1 3LD
Eighteenth Floor, 53 Portland Street, Manchester, M1 3LD
Third Floor Office, 36 Charlotte Street, Manchester, M1 4FD
First Floor And Second Floor Room 7, 41 Faulkner Street, Manchester, M1 4EE
46 Portland Street, Manchester, M1 4QU
First Floor, 44 Portland Street, Manchester, M1 4GS
Third Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Twentieth Floor, 53 Portland Street, Manchester, M1 3LD
First Floor And Second Floor, 36 Charlotte Street, Manchester, M1 4FD
48 Portland Street, Manchester, M1 4QU
44 Portland Street, Manchester, M1 4GS
Second Floor, 36 Charlotte Street, Manchester, M1 4FD
42 Portland Street, Manchester, M1 4GS
39 Faulkner Street, Manchester, M1 4EE
Eighth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Fifth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Fourth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Seventh Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Ninth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Twelfth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET
Sixth Floor, 1 - 37 Faulkner Street, Manchester, M1 4ET

First Floor To Third Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE
41 Faulkner Street, Manchester, M1 4EE
Ground Floor, Bank Chambers, Faulkner Street, Manchester, M1 4EF
Dawsons, 30 Portland Street, Manchester, M1 4GS
44 - 46 Faulkner Street, Manchester, M1 4FH
Basement, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD
Thirteenth Floor, 53 Portland Street, Manchester, M1 3LD
Fourteenth Floor, 53 Portland Street, Manchester, M1 3LD
Second Floor, 41 Faulkner Street, Manchester, M1 4EE
Seventeenth Floor, 53 Portland Street, Manchester, M1 3LD
Nineteenth Floor, 53 Portland Street, Manchester, M1 3LD
First Floor, Bank Chambers, Faulkner Street, Manchester, M1 4EF
Second Floor, Bank Chambers, Faulkner Street, Manchester, M1 4EF
Eighth Floor, 53 Portland Street, Manchester, M1 2BP
Eleventh Floor, 53 Portland Street, Manchester, M1 3LD
Twenty First Floor, 53 Portland Street, Manchester, M1 3LD
Ground Floor, 53 Portland Street, Manchester, M1 3LD
Fifteenth Floor, 53 Portland Street, Manchester, M1 3LD
Basement, Bank Chambers, Faulkner Street, Manchester, M1 4EF
Ground Floor To Fourth Floor, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD
Second Floor, 44 Portland Street, Manchester, M1 4GS
Basement And Ground Floor Restaurant, 36 Charlotte Street, Manchester, M1 4FD
Fourth Floor, 44 Portland Street, Manchester, M1 4GS
First Floor, 53 Portland Street, Manchester, M1 3LD
50 Portland Street, Manchester, M1 4QU
Fourth Floor Office, 36 Charlotte Street, Manchester, M1 4FD
Third Floor, 44 Portland Street, Manchester, M1 4GS
Basement, 45 - 47 Faulkner Street, Manchester, M1 4EE

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 - George Street Conservation Area 1985
Area Team Boundary - Name: CENTRL