

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139632/AO/2024		
Date registered valid:	10 April 2024		
Proposal:	Retention of 1 no. illuminated fascia sign and the installation of 1 no. illuminated projecting sign.		
Address:	Abbey House, Mosley Street, Manchester, M2 3LW		
Ward(s):	Deansgate		Ward
Applicant:	My Protein		
Agent (if any):	Ms Katie Daniels Euan Kellie Property Solutions		
Case officer:	Jack		Naven
	Tel: 0161 219		2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Approved and Refused		
Date of recommendation:	05 June 2024		

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 12 April 2024

Standard consultations:

Printed: 11 April 2024 Expired: 2 May 2024

Neighbour notifications

Printed: 11 April 2024 Expired: 2 May 2024

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/Area

Listed building: Not applicable

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

Tree Preservation Order: Not applicable

The application site related to 72 Mosley Street. It is a commercial unit situated at street level on the Mosley Street elevation of Abbey House. Abbey House has undergone a significant refurbishment programme comprising brand new floor to ceiling height glazing and improvements to the building façade.

Description of Development

The proposal seeks the retention of 1 no. illuminated fascia sign and the installation of 1 no. illuminated projecting sign.

Relevant Planning History

106281/FO/2014/C1 - Alteration to the existing facades including the replacement of all external windows and the enlargement of some window openings, together with works to the external public realm and shop fronts at ground floor.

Approved October 2014

A signage strategy for the commercial units on this building was included as a condition in this application. This condition has never been discharged.

137848/AO/2023 - Retention of 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign.

Refused February 2024.

Consultations & Notification Responses

Highway Services - Recommended a condition be attached to control the luminance levels. Confirmed that the signs comply with headroom and carriageway clearance requirements. Requested that informatives be added concerning a projecting over license and other Highways' concerns.

Environmental Health - Recommended a condition be attached to control the luminance levels.

Publicity - Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received because of this publicity.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

(1) A 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.

The Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the

impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

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 CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Paragraph 8.53 of the supporting text states that the City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

The Unitary Development Plan for the City of Manchester

DC14.1 (Shops and Related Signs) states that 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) states that 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) 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.

National Policy

Decisions should accord with the requirements of the **National Planning Policy Framework (2023)**. It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development".

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.

Paragraph 141 of section 12 states:

"The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient, and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts."

Other Legislation

Sections 16, 66, and 74 of the **Listed Buildings and Conservation Areas Act 1990** require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

The main issues for consideration relate to the principle of the development, as well as the acceptability of the proposal in terms of its impact upon visual amenity and its impact upon public safety.

Principle of Development

The principle of the development is considered to be acceptable in this case. Signage is required in order to advert an establishment such as this.

Visual Amenity

At 40mm in depth, the projecting sign is considered to be of an appropriate size that is not considered to be too bulky of a design. The reduction in depth from the existing unauthorised projecting sign, which has a depth of 100mm, is considered to be a substantial improvement. The design is considered to be of a quality in keeping with other approved signage in the surrounding street scene and conservation area.

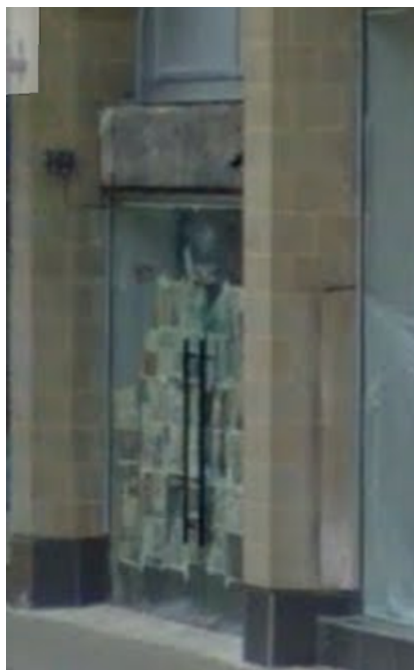
Whilst the siting of the projecting sign is not level with other projecting and fascia signage along the elevation of Abbey House and Moseley Street, and the preference would be to ensure that the projecting sign is situated in line with this signage, in accordance with part A of DC14.5 (Shops and Related Signs), there is currently an alarm for the overall building located below the projecting sign which cannot be relocated, and another projecting sign for Greggs already in place on the pillar on the other side of the entrance to this unit. In light of these restrictions, the City Council considers that the siting of the projecting sign at this height is considered to be acceptable.



Existing Moseley Street Elevation

The fascia signage in place, which consent is being sought to retain, is considered to be blocking an architectural feature of the building. Whilst there is fascia signage in place at this level on neighbouring units, these units feature a wider space in which the fascia can sit. The entrance to this commercial unit, was seemingly designed to be an entrance to a wider unit or building, and so the placing of the fascia here, is covering up and obstructing the stonework that would sit directly above this entrance.

The obstructing of this stonework and architectural feature, is considered to cause harm to the visual amenity of the host building, which underwent significant refurbishment within the past 10 years in order to improve the appearance of the building.



Stonework in site in 2017

Whilst there has been fascia signage in place in this location previously, the fascia signs in place were unauthorised.

The stonework appears to have been originally covered up in 2018 by unauthorised signage. A black blanking panel was initially put over it.



Site in May 2017



Site before Existing My Protein Fascia signage was installed

Then a grey blanking panel, which is currently still in situ, appears to have been installed in 2018.



Site in July 2018

These panels and accompanying fascia signage should be removed and the stonework behind should be visible to be appreciated within the context of the wider view of the building, to be ideally replaced with a solution involving individual letter signage, potentially on a rack.

Public Safety

There are no public safety concerns with the proposed signage. The luminance levels are within an acceptable range to not cause any distraction to passing pedestrians or road users, or to cause a disturbance to any nearby commercial occupiers. A condition has been added to ensure that the proposed luminance levels are controlled and complied with.

All signage complies with headroom and carriageway clearance requirements.

Conclusion

Given the above, the proposal for the installation of the 1no. illuminated projecting sign is considered to be consistent with National Planning Policy Framework, in particular Section 12 (Achieving Well Designed Places) and Section 16 (Conserving and Enhancing the Historic Environment, the Core Strategy for the City of Manchester, in particular DM1 (Development Management) and SP1 (Spatial Principles), and the Saved Policies contained within the Unitary Development Plan for Manchester, in particular DC14 (Shop fronts and Related Signs).

However, the retention of the fascia signage, is considered to have an unduly harmful impact on the visual amenity of the development and character of the local area, which is contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995), the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

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: Approved and Refused

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

0) Approve the installation of the following:

- 1 no. illuminated projecting sign.

Refuse the retention of the following:

- 1no. illuminated fascia signs

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.

1) The fascia signage, by virtue of its design and siting, fails to respond positively to the building and local environment. The signage relates poorly to the style, character, architectural language and quality of the building, as well as to the surrounding street scene and conservation area. Overall, the signage has an unduly harmful impact on the visual amenity of the development and character of the local area which is contrary to the provisions of policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC14 of the Unitary Development Plan for the City of Manchester (1995), the NPPF and the Town and Country Planning (Control of Advertisements) Regulations 2007.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents, received by Manchester City Council as the Local Planning Authority on 20 May 2024:

- Proposed Signage Details X3

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, and saved policies DC14 and DC18.1.

3) The maximum luminance shall not exceed 300cd/m² in brightness at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policies DC14.1, DC18.1, DC19.1 and E3.3 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The proposed signs extend to a maximum projection of 700mm over the adopted highway. As such, a Projection over License will be required. This can be obtained from https://www.manchester.gov.uk/directory_record/451898/projecting_over_the_highway#:~:text=Summary,also%20need%20to%20be%20licensed.

2) Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

3) Please be advised of the details of working safely near Metrolink which can be found on the Metrolink Website at; <https://www.tfgm.com/public-transport/tram/workingsafely>. This document provides contact details for the Metrolink Operator in order that the proposed method of erection can be discussed and relevant permits obtained.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Kissaten, 58 Mosley Street, Manchester, M2 3HZ
Seventh Floor, 75 Mosley Street, Manchester, M2 3HR
Obi Property Limited, 80 Mosley Street, Manchester, M2 3FX
First And Second Floor, 58 Mosley Street, Manchester, M2 3HZ
Advertising Right BT Inlink Outside 74, Mosley Street, Manchester, M2 3LW
3 Nicholas Street, Manchester, M1 4HL
1 Nicholas Street, Manchester, M1 4HL
Suite 3B, 80 Mosley Street, Manchester, M2 3FX
Basement Room C, Abbey House, 74 Mosley Street, Manchester, M2 3WL
Basement Room D, Abbey House, 74 Mosley Street, Manchester, M2 3WL
Unit 9, Abbey House, Mosley Street, Manchester, M2 3LW
Ground Floor Unit 6, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Mezzanine Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
American Pies, 39 Booth Street, Manchester, M2 4AA
Suite 4A, 80 Mosley Street, Manchester, M2 3FX
Basement Room A, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Ground Floor, 75 Mosley Street, Manchester, M2 3HR
Basement And Ground Floor, 75 Mosley Street, Manchester, M2 3HR
Ban Di Bul Restaurant, 77 Princess Street, Manchester, M2 4EG
80 Mosley Street, Manchester, M2 3FX
Manchester Art Gallery, Mosley Street, Manchester, M2 3JL
Suite 1B, 80 Mosley Street, Manchester, M2 3FX
Suite 1A, 80 Mosley Street, Manchester, M2 3FX
Suite 2B, 80 Mosley Street, Manchester, M2 3FX
Suite 3A, 80 Mosley Street, Manchester, M2 3FX
Fifth Floor, Abbey House, 32 Booth Street, Manchester, M2 4AB
Suite 2A, 80 Mosley Street, Manchester, M2 3FX
Fourth Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Third Floor Inscape, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Third Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
First Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
GREGGS, Ground Floor Unit 7, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Basement Room B, Abbey House, 74 Mosley Street, Manchester, M2 3WL
Ground Floor Unit 5, Abbey House, 74 Mosley Street, Manchester, M2 3FX
Cafe Nero, 80 Mosley Street, Manchester, M2 3FX
Suite 9, 80 Mosley Street, Manchester, M2 3FX
Suite 8, 80 Mosley Street, Manchester, M2 3FX
Suite 7B, 80 Mosley Street, Manchester, M2 3FX
Suite 7A, 80 Mosley Street, Manchester, M2 3FX
Suite 6B, 80 Mosley Street, Manchester, M2 3FX
Fifth Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Suite 6A, 80 Mosley Street, Manchester, M2 3FX
Suite 5B, 80 Mosley Street, Manchester, M2 3FX
Suite 5A, 80 Mosley Street, Manchester, M2 3FX
Suite 4B, 80 Mosley Street, Manchester, M2 3FX
Fourth Floor, 75 Mosley Street, Manchester, M2 3HR
Second Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW

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

Conservation Area - Upper King Street (Extension) Conservation Area 1985

Area Team Boundary - Name: CENTRAL