MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138381/AO/2023
Date registered valid:	21 November 2023
Proposal:	Retention of 1 no. illuminated fascia sign and 2 no. illuminated projecting signs.
Address:	Ground Floor, 58 Mosley Street, Manchester, M2 3HZ
Ward(s):	Deansgate Ward
Applicant:	Mr Hao Thuyet Lieu Komorebi Kissaten Ltd
Agent (if any):	Mr Ryo Murata Ryoma Ltd
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**09/01/2024**

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 23 November 2023 Expired: 14 December 2023

Neighbour notifications
Printed: 23 November 2023 Expired: 14 December 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

This application relates to a building at 58 Mosley Street which is a 7 storey building that is currently in use as offices (Use Class E), with some retail units to the ground floor. The building is bounded by Mosley Street, Booth Street, West Mosley Street and Spring Gardens. It is a modern building constructed following the demolition of Eagle Star House in 2005. The building is constructed of stone with large areas of glazing and black Brise Soleil fins and frames. The upper floors overhang the pavement.

The building is not listed, but is situated in the Upper King Street Conservation Area and there are Grade I, II* and Grade II listed buildings surrounding it including the Grade I Listed Manchester Art Gallery and the Grade II* 38 Mosley Street. There are also modern buildings within the setting.

Listed building: Not applicable

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

Tree Preservation Order:

Description of area
Surrounding uses include offices, banks, shops, restaurants, cafes, hotels, the Town Hall Complex, an art gallery and a bus station

Description of development
The development seeks consent for the continued display of 2no. internally illuminated projecting signs and 1no. internally illuminated box fascia sign.

Consultations & Notification Responses
Publicity - letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health - no objections, condition requested to limit illuminance to 300cd/m2 (stated as 450 cd/m2 by applicant)
Transport for Greater Manchester - no objections, requested construction management plan due to proximity of development to tram network
MCC Highways Services - no objections, no conditions requested

Issues

Town and Country Planning (Control of Advertisements) Regulations 2007

The 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 main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity and impact upon 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), EN1 (Design Principles and Strategic Character Areas) and EN3 (Heritage), the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC14 (Shopfront and Related Signs) and DC15 (Advertisements, Hoardings and Posters) and the National Planning Policy Framework, in particular Section 12 (Achieving well-designed places) and Section 16 (Conserving and enhancing the historic environment).

Issues

The Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. An assessment of the proposals under these criteria is outlined below.

Visual amenity

The signage is of low quality in both design and materiality, and it is considered that its presence is detrimental to visual amenity of the building, street scene and wider conservation area.

The fascia signage is of a box/tray type which are not and would detract from the architecture and appearance of the building in the conservation area, pursuant to policy 14.5 (e) of the Unitary Development Plan for Manchester. The box sign has been installed so that it obscures the glaze panels above the doorway, thereby undermining the lightweight design of the shopfront.

The fascia signage has no articulation or visual interest, consisting of a flat, poorly reproduced logo, which is internally illuminated. The design of the projecting signs is similarly low-quality, comprising the same logo to both faces and internally illuminated. The projecting signs are positioned into glazing do not respond positively to the architecture or shop front frames of the building. In addition, they are 100mm thick which has resulted in large bulky projecting signs. Projecting sigs of 30mm are considered to be acceptable.

In particular, the projecting signs have been very poorly finished. The leading edge has exposed fixings and the various layers of material from which the sign is fabricated are exposed.

The illumination level is stated as 450cd/m2, significantly greater than the 300cd/m2 that is permitted in the City Centre. This ensures that the signage is particularly obtrusive within the wider street scene.

Saved policy DC14.5(e) also states that only one projecting sign is permitted per unit and hence the presence of two projecting signs is not supported.

Whilst the principle of one projecting sign could be supported, the depth of the projecting signs is stated as 100mm, three times the 30mm maximum depth supported in the city centre.

Public safety
Whilst no specific concerns were raised regarding public safety, it is noted that the signage was installed without consent and therefore no construction management plan, as requested by Transport for Greater Manchester, was produced

As previously stated, the illuminance is over the 300cd/m2 permitted by Environmental Health. This has the potential to cause disamenity to surrounding occupiers. However, there are no public safety concerns that would warrant a refusal.

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 polices 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
n/a

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

1) The 2no. externally illuminated projecting signs, by virtue of their siting, design, size, materiality, number and level of illumination, create two obtrusive, bulky and visually clumsy features on the building. The signage has resulted in an unduly harmful impact on the visual amenity of the building. The sign is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1, EN3, CC9 and DM1 of the Manchester Core Strategy (2012) and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

2) The 1no. internally illuminated fascia sign by virtue of its siting, design and materiality, creates an unsightly and incongruous feature to the glass shopfront of the unit. The sign relates poorly to the style, character and quality of this shop frontage and undermines the original design intent of the building within the conservation area. This has had an unduly harmful impact on the visual amenity of the building in the street scene. The sign is therefore contrary to the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1, EN3, CC9 and DM1 of the Manchester Core Strategy (2012) and saved policies DC14, DC15 and DC18 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester

First Floor, 58 Mosley Street, Manchester, M2 3HZ
Fifth Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
First Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 61 Mosley Street, Manchester, M2 3HZ
Fifth Floor Suite 5A And 5B, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Third Floor Suite 3C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Basement And Ground Floor, 75 Mosley Street, Manchester, M2 3HR
Seventh Floor, 75 Mosley Street, Manchester, M2 3HR
Sixth Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
37 Booth Street, Manchester, M2 4AA
Fourth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5D, 64 - 72 Spring Gardens, Manchester, M2 2BQ
67 - 69 Mosley Street, Manchester, M2 3JB
Fourth Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Second Floor, 61 Mosley Street, Manchester, M2 3HZ
Third To Seventh Floors, 58 Mosley Street, Manchester, M2 3HZ
Sixth Floor Suite 6B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Second Floor Suite 2D, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Fourth Floor, 81 Fountain Street, Manchester, M2 2EE
First Floor, 81 Fountain Street, Manchester, M2 2EE
Ground Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
3 Nicholas Street, Manchester, M1 4HL
Third Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
Department For Work And Pensions, 58 Mosley Street, Manchester, M2 3HZ
Second Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Permanent House, 71 Mosley Street, Manchester, M2 3JN
1 Nicholas Street, Manchester, M1 4HL
63 - 65 Mosley Street, Manchester, M2 3HZ
Ground Floor, 59 Mosley Street, Manchester, M2 3HZ
Third Floor, 61 Mosley Street, Manchester, M2 3HZ
First Floor, 61 Mosley Street, Manchester, M2 3HZ
First And Second Floor, 58 Mosley Street, Manchester, M2 3HZ
Second Floor Suite 2B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Third Floor, 81 Fountain Street, Manchester, M2 2EE
Seventh Floor And Eighth Floor, 81 Fountain Street, Manchester, M2 2EE
First Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
Third Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Fourth Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
First Floor Rear, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Ground Floor, Permanent House, 71 Mosley Street, Manchester, M2 3HR
59 Mosley Street, Manchester, M2 3HZ
Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Sixth Floor Suite 6D, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Third Floor, 70 Spring Gardens, Manchester, M2 2BQ
64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN

71 Mosley Street, Manchester, M2 3JN
65 Mosley Street, Manchester, M2 3JE
61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, 61 Mosley Street, Manchester, M2 3HZ
Second Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
Second Floor, 70 Spring Gardens, Manchester, M2 2BQ
Sixth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Second Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Third Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Basement And Ground Floor, 67 - 69 Mosley Street, Manchester, M2 3JE
Sixth Floor, 61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
Sixth Floor Suite 5B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Ground Floor, 81 Fountain Street, Manchester, M2 2EE
81 Fountain Street, Manchester, M2 2EE
70 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 70 Spring Gardens, Manchester, M2 2BQ
Sainsbury's, 58 Mosley Street, Manchester, M2 3HZ
First Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
71A Mosley Street, Manchester, M2 3JN
Ground Floor, 75 Mosley Street, Manchester, M2 3HR
Fourth Floor, 75 Mosley Street, Manchester, M2 3HR
First Floor Front, Permanent House, 71 Mosley Street, Manchester, M2 3JN

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