MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138826/AO/2023
Date registered valid:	20 December 2023
Proposal:	Installation of temporary trough illuminated scaffold mounted advertising banner.
Address:	77 Mosley Street, Manchester, M2 3HR
Ward(s):	Deansgate Ward
Applicant:	Mr Mark Wilkinson Infinity Outdoor Ltd
Agent (if any):	
Case officer:	Angela Leckie Tel: 0161 234 4651 Email: angela.leckie@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	12-02-23

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 22 January 2024

Standard consultations:
Printed: 8 January 2024 Expired: 29 January 2024

Neighbour notifications
Printed: 8 January 2024 Expired: 29 January 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/building

Listed building: Not applicable

Conservation area: George Street Conservation Area 1985

Tree Preservation Order: Not applicable

The application site includes addresses at 77- 79 Mosley Street and 14/16 Princess Street but for the purposes of this Report will be referred to as 79 Mosley Street. The building is five-storeys and has a sub-ground/ basement level at 77-79 Mosley Street and 14-16 Princess Street. It is Grade II Listed, within the George Street Conservation Area and adjacent to the Albert Square Conservation Area. The building has elevations to Mosley Street, Back George Street and Princess Street.

There are a number of listed buildings nearby including, Manchester Town Hall (Grade I) and Town Hall Extension (Grade II*), Manchester Central Library (Grade II*), the City Art Gallery (Grade I) and Athenaeum (Grade II*) and Princess Buildings (18-24 Princess Street) (Grade II).

Listed Building Consent was granted under application ref no 138239/LO/2023 for repairs to existing slate roof including replacement lead and slate, insertion of roof ventilation, breathable membrane and insulation below and replacement of and repairs to existing timber sash windows.

Description of area

The area around the site contains a variety of uses including offices, hotels, residential, bars and restaurants and civic uses. A tram interchange within St Peter's Square is a major arrival point in the City.

Description of development

Consent is sought for the erection of an externally illuminated 10m x 20m x 0.15m UPVC fabric banner on the existing scaffold on the north and west elevations. The commercial advert would only be in situation for the duration of the refurbishment works to the host building, (9-month period).

The proposed lighting equipment is designed to reduces the outward spread of light beyond the banner itself, therefore reducing spill light and glare. The maximum luminance for this banner will not exceed 300cd/m sq. The lights will only operate in hours of darkness between 7am -11pm. The lights are the most energy efficient available and will be controlled by a timer and photocell.

Consultations & Notification Responses

Publicity – The occupiers of adjacent properties were notified about the application and no representations have been received.

Head of Highways – No objections

Head of Environmental Protection – No objections

Metrolink – No objections subject to condition to control the safety of the banner in terms of its attachment to the scaffolding to ensure that there is no potential for adverse impact on the safe operation of Metrolink.

Issues

Relevant National Policy

The following sections of the National Planning Policy Framework are of relevance to this application:

Section 12 (Requiring Good Design) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Section 16 Conserving and enhancing the historic environment – which 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; and
● the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In terms of the NPPF the following should also be noted:
Paragraph 201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

203 In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

208. 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, where appropriate, securing its optimum viable use.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development" (NPPF Paragraph 8). 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.

Sections 16, 66 and 72 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.

The alignment with the above policies is discussed below.

Core Strategy

The following Core Strategy policies are considered relevant to this application:

Policy DM1 (Development Management) - states that all development should have regard to
- appropriate siting, layout, scale, form, massing, materials and detail,
- the affects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) - states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy CC9 (Design and Heritage) States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

The alignment with the above policies is discussed below

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

The following Unitary Development Plan policies are of relevance to this application:

Policies DC15.1 and 15.2 (Advertisements, Hoardings and Posters) state that the City Council will take into account the impact of advertisements on visual amenity and public safety when determining applications for the display of advertisements, including free standing advertisement hoardings.

DC18.1 (Conservation Areas) - which seeks to preserve and enhance the character of its designated conservation areas.

DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

Public Safety

No public safety concerns have been raised in relation to this application.

Given the above, the proposals are considered to be in accordance with section 7 of the National Planning Policy Framework, Core Strategy Policies DM1 and T.1 and saved UDP policies DC15.1 and DC15.2.

Impact on visual amenity and on heritage assets

Hoardings of the nature proposed are generally acceptable only 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 would. The applicant has demonstrated that development is taking place on the site. In this context it is therefore considered that the proposed hoarding would relate to legitimate works and would relate properly to the site on which it would stand. It is considered that the banner would mitigate the visual effect of the unsightly scaffold which would contain works during the construction period.

The advertisement would affect the character of the host listed building although it is noted that this is already impacted by the scaffolding currently erected around the building to enable the approved works as detailed above to be carried out. There would also be impacts on the setting and character of the George Street Conservation Area and the setting of the Grade I listed Art Gallery although again although it is noted that this is already impacted by the scaffolding currently erected around the building.

It is noted that the building would be mostly covered by a shroud, with or without the installation of the proposed advertisement. The proposed scaffold wrap would cause less than significant harm to the character and appearance of the affected listed buildings 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.

This harm is justified by the temporary nature of the works and the funding that this would generate to improve the condition and future structural integrity of a building which lies within a conservation area and affects the setting of the above listed buildings/

.

As such on a temporary basis the location of the proposed advertisement and its impact upon visual amenity and the heritage assets is considered to be acceptable.

In view of the above on a temporary basis the proposed banner is considered to be consistent with Core Strategy policy DM1 and CC9 and saved UDP policies DC15, DC15.2 DC18.1 and DC19.1.

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: Approve

Article 35 Declaration

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

1) (a) The express advertisement consent hereby granted is limited to the period from 14.02.2024 and 14-09-24;
(b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) and all associated development shall be removed, any use of the land 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

2) 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.

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

(a) Site Location Plan IOL.MS.01 stamped as received on 14-12-23;

(b) Dwg IOL.MS.03 stamped as received on 14-12-23;

(c) Typical Banner System dwg stamped as received on 14-12-23;

(d) Work Programme stamped as received on 14-12-23; and

e) Lumlife LED Slimline Floodlight detail stamped as received on 14-12-23; and

(f) Photo Mock Ups stamped as received on 02-02-24

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9 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 and DC19.1 of the Unitary Development Plan

4) The following measures shall be complied with for the duration of the display of the approved scaffold wrap:

a) The material used shall have flame retardant classification of TS62 certification (or equivalent) prior to its installation on site.
b) The Fire Integrity of the scaffold wrap shall be maintained at all times.

Reason - To ensure that the risk of fire damage to the non-designated heritage asset and the surrounding listed buildings 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 Polices 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 and shall only be as shown in the approved dwgs (Condition 2).
b) be controlled to not exceed 300cd/m2 during the hours of darkness.
c) be set to switched off between the hours of 23:00 and 07:00.

Reason - In the interests of visual 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 policies SP1, EN3 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester
Metrolink

77A Mosley Street, Manchester, M2 3HR
Obi Property Limited, 80 Mosley Street, Manchester, M2 3FX
Advertising Right BT Inlink Outside 74, Mosley Street, Manchester, M2 3LW
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
Basement And Ground Floor, 73 - 75 Princess Street, Manchester, M2 4EG

Suite 4A, 80 Mosley Street, Manchester, M2 3FX
Basement Room A, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Second Floor, 12 Princess Street, Manchester, M1 7AG
The Alan Hotel, 18 Princess Street, Manchester, M1 4LG
Ban Di Bul Restaurant, 77 Princess Street, Manchester, M2 4EG
79 Mosley Street, Manchester, M2 3LQ
12 Princess Street, Manchester, M1 7AN
80 Mosley Street, Manchester, M2 3FX
Manchester Art Gallery, Mosley Street, Manchester, M2 3JL
Basement To Third Floor, 79 Mosley Street, Manchester, M2 3LQ
Suite 1B, 80 Mosley Street, Manchester, M2 3FX
Suite 1A, 80 Mosley Street, Manchester, M2 3FX
Fourth Floor, 73 - 75 Princess Street, Manchester, M2 4EG
Third Floor, 73 - 75 Princess Street, Manchester, M2 4EG
Second Floor, 73 - 75 Princess Street, Manchester, M2 4EG
First Floor, 73 - 75 Princess Street, Manchester, M2 4EG
Suite 2B, 80 Mosley Street, Manchester, M2 3FX
Ground Floor, 73 - 75 Princess Street, Manchester, M2 4EG
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
Abbey House, 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
73 - 75 Princess Street, Manchester, M2 4EG
16 Princess Street, Manchester, M1 4NB
14 Princess Street, Manchester, M1 4NB
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
Second Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
83 Mosley Street, Manchester, M2 3LQ

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