

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137800/LO/2023

Date registered valid: 24 August 2023

Proposal: Listed building consent for the installation of 1 x non-illuminated fascia sign and 3 x building plaque signs.

Address: 38 Mosley Street, Manchester, M2 3AZ

Ward(s): Deansgate Ward

Applicant: Ms Nonto Mnisi, Bruntwood

Agent (if any): Mr Don Murphy, Paul Butler Associates

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 November 2023

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 8 September 2023

Standard consultations:

Printed: 8 September 2023

Expired: 29 September 2023

Neighbour notifications

Printed: 8 September 2023

Expired: 29 September 2023

Site notice

Posted: 8 September 2023

Expired: 29 September 2023

Press advert

Published: 12 September 2023

Expired: 26 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Grade II*

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

Tree Preservation Order: Not applicable

Description of Site

The area relates to a part of the city centre that lies between the major Manchester landmarks Piccadilly Gardens and St Peter's Square, with Mosley Street itself connecting these two locations. There are a number of uses in the area, including retail, dining, residential, office and municipal. The area is part of the Upper King Street Conservation area and there are a number of listed buildings in the vicinity including the Grade II* listed Portico Library across the road at 57 Mosley Street.

The proposed site for development is no. 38 Mosley Street. The building has been restored and redeveloped into office space. Prior to this, it was most recently occupied by RBS bank. The building is a Grade II* building and is situated in the Upper King Street Conservation Area. The original block fronting onto Mosley Street is 3 storeys tall with 7 window bays. At the ground floor is a significant vermiculated plinth, with a double height ground floor. The building is predominantly sandstone with a granite band at the top of the ground floor plinth.

Description of Development

The proposal seeks Listed Building Consent for the installation 1 x non-illuminated fascia sign and 3 x building plaque signs.

Related Applications

137840/AO/2023 - Advertisement Consent for the installation 1 x non-illuminated fascia sign and 3 x building plaque signs.

- **Approved November 2023.**

CDN/23/0572 - Discharge of Condition 8 (External lighting, signage and CCTV strategy) attached to application ref no 132737/FO/2022

- **Not yet determined.**

Consultations & Notification Responses

Heritage & Urban Design - Requested that a sample of making good where signs have been removed will be required.

Historic England (North West) - Had no comment to make.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received due to this publicity.

Policy

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main policies that relate to the proposal are Section 16 (Conserving and enhancing the Historic Environment) of the revised National Planning Policy Framework (NPPF) (2023), and Policies DM1 (Development Management), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), CC9 (Design and Heritage) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester (2012), and saved policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for Manchester (1995).

The Adopted Core Strategy for the City of Manchester

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment

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 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

DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and

enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

DC19.1 (Listed Buildings) states that 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 settings by; not permitting any external or internal alterations or addition to a listed building where, in its opinion, there would be an adverse effect on its architectural or historic character; and seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

National Policy

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.

Paragraph 189 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 194 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 195 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 197 advises that in determining applications, LPA's 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.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 advises 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.

Paragraph 200 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 201 states that 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 securing its optimum viable use.

Paragraph 202 advises that Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

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 effect of the proposal on the affected heritage assets has been considered.

Issues

Principle

It is accepted that the principle of undertaking the installation of 1 x non-illuminated fascia sign and 3 x building plaque signs is considered for this Grade II* Listed Building considering its current use as office space.

All of the works proposed must be assessed for their impact of the heritage asset and weighed against any impact they might cause.

Impact on Heritage Asset

In terms of design, all proposed signage is not considered to have a detrimental impact on the historic fabric or significance of the Grade II* Listed Building.

The proposed sign type EX-01 will be fixed in the mortar joints to avoid adding any further holes into the stonework.

The three plaque signs will be fixed into existing filling points into the stone and will avoid any further damage to the stonework.

Existing holes, marks, and penetrations shall be made good in cases where existing signage is being removed. The specification for making good is deemed acceptable. A condition has been added so that a sample of the making good works can be reviewed by the City Council before the making good works take place.

Conclusion

The works are appropriate, proportionate, and well considered. The proposed works are considered to have limited impact on the heritage asset.

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

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 08 August 2023:

- Design and Access Statement
- Location Plan

Received by the City Council as Local Planning Authority on 13 November 2023:

- Existing and Proposed Plans and Elevations Drawing Pack V4

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.

3) Notwithstanding the details as set out in condition 2 above, prior to works being carried out to make good where signs have been removed, samples for making good where signs have been removed shall be submitted to and approved by the City Council as Local Planning Authority to ensure the colour, texture, and finish are an exact match to the surrounding fabric. The development shall be implemented in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building which is 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 this building and to ensure consistency in accordance with policy and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Historic England (North West)

Fifth Floor, 55 Spring Gardens, Manchester, M2 2BY
Fourth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 57 Spring Gardens, Manchester, M2 2BY
Fifth Floor Suite 5D, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
53 - 55 Mosley Street, Manchester, M2 3HQ
Second Floor, 61 Mosley Street, Manchester, M2 3HZ
Transform Manchester, Fifth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Second Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Eighth Floor, York House, 20 York Street, Manchester, M2 3BB
Basement To Third Floor, 17 York Street, Manchester, M2 3BA
Third And Fourth Floor, 2 New York Street, Manchester, M1 4HJ
Seventh Floor, 1 New York Street, Manchester, M1 4HD
Second Floor, 55 Spring Gardens, Manchester, M2 2BY
Sixth Floor, 55 Spring Gardens, Manchester, M2 2BY
57 Spring Gardens, Manchester, M2 2BY
Ground Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Tenth Floor, York House, 20 York Street, Manchester, M2 3BB
SINGLETON CLAMP & PARTNERS LTD, Fourth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Sixth Floor, York House, 20 York Street, Manchester, M2 3BB
1 New York Street, Manchester, M1 4HD
2 New York Street, Manchester, M1 4HJ
Second Floor, 1 New York Street, Manchester, M1 4HD
Fifth Floor, 1 New York Street, Manchester, M1 4HD
Sixth Floor, 1 New York Street, Manchester, M1 4HD
Department For Work And Pensions, 58 Mosley Street, Manchester, M2 3HZ
Fourth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
57 Mosley Street, Manchester, M2 3FF
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 Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Fourth Floor, York House, 20 York Street, Manchester, M2 3BB
Ground Floor, 17 York Street, Manchester, M2 3BA
Fourth Floor, 1 New York Street, Manchester, M1 4HD
Eleventh Floor, 1 New York Street, Manchester, M1 4HD
Seventh Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 55 Spring Gardens, Manchester, M2 2BY
Fourth Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Fourth Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Second Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Fifth Floor, 51 Mosley Street, Manchester, M2 3HQ
51 Mosley Street, Manchester, M2 3HQ
First Floor To Fourth Floor, 51 Mosley Street, Manchester, M2 3HQ
59 Mosley Street, Manchester, M2 3HZ
19 York Street, Manchester, M2 3BA

Third Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Third Floor, York House, 20 York Street, Manchester, M2 3BB
Fifth Floor, York House, 20 York Street, Manchester, M2 3BB
First Floor, York House, 20 York Street, Manchester, M2 3BB
Fourth And Fifth Floor, 17 York Street, Manchester, M2 3BA
Third Floor, 1 New York Street, Manchester, M1 4HD
First Floor, 1 New York Street, Manchester, M1 4HD
Third Floor, 57 Spring Gardens, Manchester, M2 2BY
Third Floor, 70 Spring Gardens, Manchester, M2 2BQ
64 - 72 Spring Gardens, Manchester, M2 2BQ
Second Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Seventh Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, 61 Mosley Street, Manchester, M2 3HZ
Ground Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Sixth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
Eighth Floor, 1 New York Street, Manchester, M1 4AD
Eighth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 55 Spring Gardens, Manchester, M2 2BY
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
Seventh Floor, York House, 20 York Street, Manchester, M2 3BB
Eighth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Sixth Floor, 61 Mosley Street, Manchester, M2 3HZ
Sixth Floor, 19 York Street, Manchester, M2 3BA
Colwyn Chambers, 19 York Street, Manchester, M2 3BA
First Floor, 2 New York Street, Manchester, M1 4HJ
Tenth Floor, 1 New York Street, Manchester, M1 4HD
Fifth And Sixth Floor, 1 New York Street, Manchester, M1 4HD
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
York House, 20 York Street, Manchester, M2 3BB
REGUS MANAGEMENT UK LTD, Ground Floor, Barnett House, 53 Fountain Street,
Manchester, M2 2AN
First Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
First Floor, 57 Mosley Street, Manchester, M2 3HY
TOKIO MARINE KILN SERVICES LTD, Ninth Floor, York House, 20 York Street, Manchester,
M2 3BB
Sixth Floor, 17 York Street, Manchester, M2 3BA
Second Floor, 2 New York Street, Manchester, M1 4HJ
Twelfth Floor, 1 New York Street, Manchester, M1 4HD
Second Floor, 57 Spring Gardens, Manchester, M2 2BY
First Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 61 Mosley Street, Manchester, M2 3HZ
First Floor, 57 Spring Gardens, Manchester, M2 2BY
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
Ground Floor, York House, 20 York Street, Manchester, M2 3BB
24 Mosley Street, Manchester, M2 3AG

Seventh Floor, 17 York Street, Manchester, M2 3BA
Basement, 2 New York Street, Manchester, M1 4HJ
The Alchemist, Ground Floor, 1 New York Street, Manchester, M1 4HD
Ninth Floor, 1 New York Street, Manchester, M1 4HD
Sixth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Ground Floor, 55 Spring Gardens, Manchester, M2 2BY

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