

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135061/LO/2022	
Date registered valid:	26 October 2022	
Proposal:	Listed Building Consent for the installation of temporary marketing vinyls	
Address:	38 Mosley Street, Manchester, M2 3AZ	
Ward(s):	Deansgate	Ward
Applicant:	Ms Lauren Gavaghan Bruntwood	
Agent (if any):	Mr Ralph Taylor Paul Butler Associates	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	17.02.2023	

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 15 November 2022 Expired: 6 December 2022

Site notice

Posted: 16 November 2022 Expired: 7 December 2022

Press advert

Published: 22 November 2022 Expired: 13 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II Star

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

Tree Preservation Order: n/a

Description of area

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 Moseley 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 Mosley Street at number 57.

The proposed site for development is no. 38 Mosley Street. The building is currently undergoing restoration and redevelopment into office space. It was most recently used as an 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 proposed development relates the advertisement vinyl to the inside of the windows on the Mosley Street elevation of the building. The intention is to advertise the new office space that will be housed in the building once the renovations are complete.

Consultations & Notification Responses

Publicity - The application has been advertised in the local press and on site as one affecting a listed building and a conservation area. No representations have been received as a result of this publicity.

Historic England - no advice offered, no to be interpreted as comment on merits of the application.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. No representations have been received.

Issues

The Adopted Core Strategy for the City of Manchester

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 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.

NPPF

Paragraph 197 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.

- The desirability of new development making a positive contribution to local character and distinctiveness.

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.

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.

Issues

The vinyl will be applied to historic glazing. Therefore, great care must be given to their application.

The purpose of the vinyl is to advertise the new restaurant space in the process of being created inside the building.

Vinyl are only proposed to the Moseley Street elevation. However, the vinyl design, which cut across the form of several of the windows, would cause a degree of harm and lessening the appreciation of the architectural qualities of the building.

A fade effect at the edge of the vinyl will help minimise the impact. The vinyl, in terms on their potion, design and appearance would cause less than substantial harm to the listed building and detract from its character and appearance. However, it is noted that the vinyl would assist the marketing of the building helping to secure a use of the building.

Discussions have taken place with the application about how long the vinyl would be required. It is concluded that given the concerns about the appearance of the vinyl, they should not be displayed any longer than 6 months – this should help with the marketing of the building during this time and would not have any long term implications on the appearance of the listed building.

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

In assessing the merits of a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Officers have worked with the applicant to establish an acceptable advertising strategy sympathetic to the special considerations of a Grade-II listed building.

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 14/02/2023:

Drawings - Visuals Additional plans

Correspondence - Agent response (email dated 14/02/2023 confirming windows 12, 13, 14, 15, 16 and 17 are to remain vinyl free);

and the following document received by the city council, as local planning authority, on 14/02/2023:

Supporting information - Project Plan Document.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Core Strategy policies DM1 and SP1.

3) The vinyl hereby approved shall be removed from the windows of the building within 6 months from the date of installation.

Reasons - In the interest of visual amenity and to ensure that there is no long term impact on the character and appearance of the listed building pursuant to policies EN3, DM1 and SP1 of the Manchester Core Strategy and saved policy DC29 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Historic England (North West)
National Amenity Societies
Historic England (North West)
National Amenity Societies

Unit B5, The Exchange, Piccadilly Plaza, Manchester, M1 4AH
1 New York Street, Manchester, M1 4HD
Fifth Floor, 55 Spring Gardens, Manchester, M2 2BY
Eighth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 57 Spring Gardens, Manchester, M2 2BY
Third Floor, 57 Spring Gardens, Manchester, M2 2BY
Second Floor, 57 Spring Gardens, Manchester, M2 2BY
Ground Floor, 59 Mosley Street, Manchester, M2 3HZ
61 Mosley Street, Manchester, M2 3HZ
Seventh Floor, York House, 20 York Street, Manchester, M2 3BB
Eighth Floor, 1 New York Street, Manchester, M1 4AD
First Floor, 1 New York Street, Manchester, M1 4HD
Colwyn Chambers, 19 York Street, Manchester, M2 3BA
First Floor, 55 Spring Gardens, Manchester, M2 2BY
24 Mosley Street, Manchester, M2 3AG
Fifth And Sixth Floor, 1 New York Street, Manchester, M1 4HD
Sixth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Ninth Floor, 1 New York Street, Manchester, M1 4HD
59 Mosley Street, Manchester, M2 3HZ
Ground Floor, 57 Spring Gardens, Manchester, M2 2BY
57 Spring Gardens, Manchester, M2 2BY
First Floor, 57 Mosley Street, Manchester, M2 3HY
53 - 55 Mosley Street, Manchester, M2 3HQ
51 Mosley Street, Manchester, M2 3HQ
First Floor To Fifth Floor, 51 Mosley Street, Manchester, M2 3HQ
Basement To Third Floor, 17 York Street, Manchester, M2 3BA
Fourth And Fifth Floor, 17 York Street, Manchester, M2 3BA
Sixth Floor, 19 York Street, Manchester, M2 3BA
19 York Street, Manchester, M2 3BA
Ground Floor, 55 Spring Gardens, Manchester, M2 2BY
2 New York Street, Manchester, M1 4HJ
57 Mosley Street, Manchester, M2 3FF
Department For Work And Pensions, 58 Mosley Street, Manchester, M2 3HZ
Sainsbury's, 58 Mosley Street, Manchester, M2 3HZ
Seventh Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Ground Floor, 17 York Street, Manchester, M2 3BA
Sixth Floor, 17 York Street, Manchester, M2 3BA
Seventh Floor, 17 York Street, Manchester, M2 3BA
Fifth Floor, 61 Mosley Street, Manchester, M2 3HZ
Second Floor, 61 Mosley Street, Manchester, M2 3HZ
Sixth Floor, 61 Mosley Street, Manchester, M2 3HZ
Third Floor, 61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, 61 Mosley Street, Manchester, M2 3HZ
Eighth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Fifth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE

First Floor, 2 New York Street, Manchester, M1 4HJ
 Basement, 2 New York Street, Manchester, M1 4HJ
 Second Floor, 1 New York Street, Manchester, M1 4HD
 Third Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 First Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 Seventh Floor, 1 New York Street, Manchester, M1 4HD
 Third Floor, 55 Spring Gardens, Manchester, M2 2BY
 Fourth Floor, York House, 20 York Street, Manchester, M2 3BB
 Second Floor, York House, 20 York Street, Manchester, M2 3BB
 Eighth Floor, York House, 20 York Street, Manchester, M2 3BB
 Transform Manchester, Fifth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 Seventh Floor, 55 Spring Gardens, Manchester, M2 2BY
 REGUS MANAGEMENT UK LTD, Ground Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
 Ground Floor, York House, 20 York Street, Manchester, M2 3BB
 Sixth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 Third Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
 Third Floor, 1 New York Street, Manchester, M1 4HD
 Ground Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 Twelfth Floor, 1 New York Street, Manchester, M1 4HD
 Eleventh Floor, 1 New York Street, Manchester, M1 4HD
 Tenth Floor, 1 New York Street, Manchester, M1 4HD
 Fourth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
 Third And Fourth Floor, 2 New York Street, Manchester, M1 4HJ
 Second Floor, 2 New York Street, Manchester, M1 4HJ
 Second Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 SINGLETON CLAMP & PARTNERS LTD, Fourth Floor, Colwyn Chambers, 19 York Street, Manchester, M2 3BA
 Sixth Floor, 55 Spring Gardens, Manchester, M2 2BY
 First Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
 Second Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
 The Alchemist, Ground Floor, 1 New York Street, Manchester, M1 4HD
 Fourth Floor, 1 New York Street, Manchester, M1 4HD
 Second Floor, 55 Spring Gardens, Manchester, M2 2BY
 Tenth Floor, York House, 20 York Street, Manchester, M2 3BB
 Sixth Floor, York House, 20 York Street, Manchester, M2 3BB
 Third Floor, York House, 20 York Street, Manchester, M2 3BB
 TOKIO MARINE KILN SERVICES LTD, Ninth Floor, York House, 20 York Street, Manchester, M2 3BB
 York House, 20 York Street, Manchester, M2 3BB
 First Floor, York House, 20 York Street, Manchester, M2 3BB
 Fifth Floor, York House, 20 York Street, Manchester, M2 3BB

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 - Upper King Street (Extension) Conservation Area 1985
 Area Team Boundary - Name: CENTRAL

