

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135416/AO/2022
Date registered valid: 21 December 2022
Proposal: Installation of 1 no. sign above door and 1 no. projecting sign
Address: Moxy Hotel , 8 Atkinson Street, Manchester, M3 3HH
Ward(s): Deansgate Ward

Applicant: Khanna Enterprise Manchester (Property) Ltd
Agent (if any): Mr Joseph Smith Avison Young
Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refused
Date of recommendation: 15/02/2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 26 January 2023

Standard consultations:

Printed: 6 January 2023 Expired: 27 January 2023

Neighbour notifications

Printed: 6 January 2023 Expired: 27 January 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 Area

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of Site/Building

This application relates to Moxy Hotel, 8 Atkinson Street, M3 3HH, a hotel (Use Class C1) that comprises a refurbished main facade of Invicta House, which was a three-storey office building with a private car park, as well as a more modern ten-storey building to the rear of the development. The application site is 0.47 hectares in size and is bounded by Atkinson Street, Scott Place and Tivoli Street.

Surrounding listed buildings include the four storey Grade II listed County Courthouse (184-186 Deansgate) to the east and the 13 storey Sunlight House, a Grade II listed building to the south and the Grade I Listed John Rylands Library, the Grade II Listed Albert Hall and Grade II Listed Opera House. The site is within the Deansgate Conservation Area. There are no listed buildings on the site.

The site is part of Spinningfields, which is a premium financial and professional services destination set within world class architecture and public realm. It is a mixed-use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment.

The retained façade to Atkinson Street, dates from the early 1900's. It is composed of red brick with banded painted stone. The architectural style has some Gothic details to the door surround but is best described as eclectic, pointed and with a Dutch / North European architectural

character. The fenestration has been completely altered throughout the building, with a number of former openings reduced in size or blocked up.

Planning Permission (ref: 126945/FO/2020) was granted in September 2020 for the redevelopment for a hotel use (Use Class C1), with ground floor ancillary facilities, comprising retention and refurbishment of main facade of Invicta House, erection of a ten-storey building to the rear, and other associated works.

Advertisement consent (ref: 129702/AO/2021) was granted in March 2021 for the installation of two high level signs, one main entrance sign and one projecting sign.

Advertisement consent (ref: 132318/AO/2021) was applied for in November 2021 and withdrawn in January 2023 for the installation of 1 no. sign above door and 1 no. projecting sign.

Description of Development

Advertisement consent is sought to display the following signage at the site:

- 1 no. sign above door at the front of the building facing Atkinson Street, close to the corner with Scott Place
- 1 no. projecting sign to be displayed on Scott Place, close to the corner with Tivoli Street

Consultations & Notification Responses

Highway Services - The proposed signs comply with carriageway clearance requirements as well as luminance recommendations and are therefore compliant with MCC Highways recommendations.

Publicity - Letters were sent to surrounding occupiers. No replies have been received.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

(1) 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 Adopted Core Strategy for the City of Manchester

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 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

DC14.1 (Shops and Related Signs) 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) 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. In the interests of amenity,
 - 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.

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.

Other Legislation

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

National Policy

Decisions should accord with the requirements of the NPPF in particular and to section 16 (Conserving and Enhancing the Historic Environment) and Paragraph 136 which 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.

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.

Issues

Principle

There is no objection to the principle of the signs being displayed at the application site. As required by the Town and Country Planning (Control of Advertisements) Regulations 2007, matters relevant to the consideration of this application are amenity and public safety. Advertisement consent has been granted at the site already for separate signage under application 129702/AO/2021.

Visual Amenity

Fascia Signage

The proposed sign above door fascia sign consists of an illuminated signage box at a size of 1200mm x 800mm x 30mm within the Corten steel framed window at the front of the building facing Atkinson Street. The sign is white powered coated in a silver aluminium frame. The sign complies with luminance requirements.



The signage is for a bar at the hotel and is standard in nature - being a solid fascia which blocks the glazing and rhythm to the upper section of the shop front. This would have detrimental impact on the character and appearance of the bar.

The applicant has been made aware of the concerns in this regard including providing details on how the signage could be changed. For instance, individual letters on a rack or situated behind the glazing. The applicant was also advised this when pre-application advice was sought. The applicant has not responded to these concerns or offered to amend the proposal.

The proposed projecting sign consists of an illuminated signage box at a size of 900mm x 500mm x 30mm, fixed by brackets to the side of the building at a height of 4 metres from ground level. The sign is Jet Black Powder coated in a Black Aluminium frame. The sign complies with luminance requirements.



This signage is also for the bar at the hotel. It sits at 4 metres from ground level, which is not in line with the height of the proposed fascia sign. The applicant was advised both at the pre-

application advise stage and during the determination period of the application, that this should be located to line up with the height of the proposed fascia provided that allows 2.44m between the sign and ground level as it should relate to the ground floor use and the features of the building.

Additionally, the sign is not in keeping with the character and appearance of the property and its architectural language.

It is also considered that both signs would not be in keeping with the visual amenity of the Deansgate Conservation Area and would be considered to have a detrimental effect on the surrounding area.

Public Safety

The proposed signage would not have a detrimental impact on public safety. Highway Services have confirmed that the signage would not be a distraction to road users or pedestrians.

Conclusion

In view of all of the above, it is considered that the proposals are not considered acceptable, due to the impact on the visual amenity of the proposed signage on both the building itself and the surrounding area, in accordance with Sections 7 (Requiring Good Design) and 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework, policies EN3 (Heritage) and CC9 (Design and Heritage), SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester and saved policies DC14.1 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

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: Refuse

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

1) The proposed advertisements, by virtue of their position on the elevations, style, design and appearance, would fail to respond positively to the high-quality facades, architectural language and character of both the building itself and the surrounded area, and would have an unduly harmful impact on the visual amenity of both the development and 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

MEDIACOM NORTH LIMITED, 1 Hardman Street, Manchester, M3 3HF
DWF, 1 Scott Place, Manchester, M3 3AA

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 - Deansgate Conservation Area 1985

Area Team Boundary - Name: CENTRAL