

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131658/LO/2021

Date registered valid: 14 September 2021

Proposal: Installation of new fire door with external lighting

Address: 37-43 King Street, Manchester, M2 7AT

Ward(s): Deansgate Ward

Applicant: 37 KS GP Limited on behalf of 37 KS LP C/o Agent

Agent (if any): Dan Whitney Sixteen Real Estate Byron House, 10-12 Kennedy Street, Manchester, M2 4DE

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 November 2021

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 27 September 2021 Expired: 18 October 2021

Neighbour notifications

Printed: 27 September 2021 Expired: 18 October 2021

Site notice

Posted: Expired:

Press advert

Published: 5 October 2021 Expired: 26 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order:

The property is located at 37-43 King Street, on the pedestrianised section of the street, in the heart of Manchester City Centre.

The buildings consist of a five-storey mixed-use property which was subject to a partial façade retention redevelopment following planning approval in 1993. A section of the original former bank entrance façade was retained, with the remainder demolished and reconstructed.

The former bank entrance (which is not affected in any way by this application) is referred to in the listing entry of the adjacent 35 King St (listing entry no. 1282985). It is considered that this semi-circulate arch is the only remaining feature of heritage significance at the subject property.

The lower three storeys are of stone construction to the frontage, with stone detailing and pillars which add visual interest, and more simple brickwork to the rear on the elevation subject to alterations within this application. The upper two storeys have a standing seem cladding system.

The property is currently vacant and at an advanced stage of extensive refurbishment following planning approval in July 2020 (ref: 125675/FO/2019) which included its extension and remodelling.

The building consists of office units to the upper floors. The ground floor and basement was previously occupied by Google UK as a 'Digital Garage' (previously Use Class D1 and now Use Class F1) for a temporary period before this permission expired in June 2019. The lawful use of both floors therefore then reverted back to retail (Use Class E). It is the intention for the ground floor to be fitted out as a restaurant.

The main entrances to the property front onto King Street, with a double fire door to the rear onto St. Ann's Alley which will be utilised for the basement unit in future.

The property sits within an area of predominantly commercial, business and service uses, including offices to the upper floors and ground floor retail/restaurants.

The adjoining building to the west (known as 35 King Street) is a Grade II Listed Building, while the Grade I Listed St. Ann's Church is located to the north-west.

It is also located within the St. Ann's Square Conservation Area which was designated in 1970 due to the high number of buildings of architectural and historic interest.

The new fire door is required to ensure compliance with fire regulations in relation to the internal works for a new restaurant at the ground floor of 37-43 King Street.

Due to the change in levels internally and externally, two new steps are proposed. One will be from the internal finished floor level down to the door threshold level, and another from the threshold down to the street level.

As there is currently limited lighting along St. Ann's Alley, new lighting is required.

The door and lighting proposed is as follows:

O Door: Powder coated steel fire (matt black), without a vision panel.

O Lighting: 2 x Manhattan exterior lights located to either side of the existing window. 1 x Opal PC diffuser above the new fire door

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as affecting a Conservation Area. A site notice was also displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity.

Highways have been consulted on the proposals and their response is reproduced below

CONTEXT

The application seeks consent for the Installation of new fire door with external lighting and listed building consent at 37-43 King Street, Manchester, M2 7AT.

HIGHWAYS RESPONSE

The proposed development is for a new rear fire exit, with external lighting, onto St. Ann's Alley, required in order to ensure compliance with fire regulations.

The current pedestrian access arrangements to the frontage of the building are to remain as existing.

For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicenses@manchester.gov.uk

Urban Design & Conservation - No response to the consultation

Historic England (North West) were consulted on the Listed Building application. Their reply is reproduced below:

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

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Issues

The main issues for consideration relate to the acceptability of the proposals in terms of the impact on visual amenity, in particular the impact on the character and appearance of the listed building, highway safety and the availability of disabled access. The main policies that relate to this proposal are Sections 9 (Promoting Sustainable Transport) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, policies EN3 (Heritage), CC9 (Design and Heritage), SP1 (Spatial Principles) and DM1 (Development Management) T1 (Sustainable Transport) of the Core Strategy for the City of Manchester and saved policies DC14.1 and DC14.2 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Impact on the Character and Appearance of the Listed Building

The new door is considered to be acceptable in design terms. The door will be positioned on the rear the Powder coated steel fire (matt black), is considered to be minor adjustments to a non-original architecture of the building and would not be at odds with the building design or detract from the character of the building.

With regards to highway safety. Highways have been consulted on this issue and have stated

For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

The proposals is for an outwards opening fire door. The proposals are considered to be acceptable in terms of highway safety and accord with policy T1 of the Core Strategy.

Access for people who are monility impaired - The applicant has provided reasons why level access cannot be provided in an email received in an email received 15th November

We should point out that the new door being installed is not an access door - it is a new secondary fire escape door for the new restaurant that is proposed. The existing fire door to the rear of the property is also stepped so the new arrangement is not making the situation any worse.

Due to a change in levels internally and externally, two new steps are proposed. One will be from the internal finished floor level down to the door threshold level, and another from the threshold down to the street level.

We considered the options of portable and permanent ramps but these did not prove to be feasible. A temporary ramp would impinge on the public highway to the rear of the building and a permanent ramp within the building is not structurally feasible due to the restrictions of the

existing building structure. A disabled refuge will be provided internally adjacent to the exit door so that customers using a wheelchair can be assisted out of the property in the event of the level access to the front of the building being unavailable. The tenant will also put in place a management plan to be used in the event of a fire evacuation.

In any case, current level access from the frontage of building onto King Street will be retained.

In view of the fact that a disabled refuge will be provided internally adjacent to the exit door so that customers using a wheelchair can be assisted out of the property in the event of the level access to the front of the building being unavailable. The tenant will also put in place a management plan to be used in the event of a fire evacuation the proposal is considered to be acceptable in terms of access for people who are mobility impaired.

Given the above, the works are considered to be in accordance with Section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework, policies EN3 (Heritage) and CC9 (Design and Heritage) of the Core Strategy for the City of Manchester and saved policies C14.1 and DC14.2 (Shop Fronts and Related Signs), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

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 for planning permission 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 case assistance was provided to the applicant in regard to dealing with the issue of highway safety

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawings

Proposed Ground Floor Retail Unit Plan (ref: 02000-S2-P3)
Proposed Ground Floor Retail Unit Elevations (ref: 03000-S2-P1)
Proposed Ground Floor Retail Unit Section (ref: 04000-S2-P1)
Proposed MATERIALS (ref: PA-10613-0)
Location Plan received all received 14 Sep 2021

Location Plan received all received 14 Sep 2021

Documents

DESIGN & ACCESS STATEMENT
Supporting Information
Heritage Statement
COVERING LETTER all received 14 Sep 2021
The Email received from Dan Whitney received Mon 15/11/2021 at 09:33

Reason - To ensure that the development is carried out in accordance with the approved plans.
Pursuant to policy DC19 of the Manchester Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation
Historic England (North West)

Flat 305, 56 Cross Street, Manchester, M2 7AR
Flat 304, 56 Cross Street, Manchester, M2 7AR
Flat 303, 56 Cross Street, Manchester, M2 7AR
Flat 302, 56 Cross Street, Manchester, M2 7AR
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 205, 56 Cross Street, Manchester, M2 7AR
Flat 204, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Flat 201, 56 Cross Street, Manchester, M2 7AR
Unit 1, 35 King Street, Manchester, M2 7AT
52 Cross Street, Manchester, M2 4JR
Fourth Floor, 49 King Street, Manchester, M2 7AY
Third Floor Front, 49 King Street, Manchester, M2 7AY
35 King Street, Manchester, M2 7AT
Unit 2, 35 King Street, Manchester, M2 7AT
Third Floor Rear, 49 King Street, Manchester, M2 7AY
Second Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
First Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
St Anns Church, St Ann Street, Manchester, M2 7LF
James Binney House, 52 Cross Street, Manchester, M2 7AR
Third Floor, James Binney House, 52 Cross Street, Manchester, M2 7AR
3 St Ann's Churchyard, Manchester, M2 7LN
49 King Street, Manchester, M2 7AY
Sixth Floor, 49 King Street, Manchester, M2 7AY
Fifth Floor, 49 King Street, Manchester, M2 7AY
Second Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CITY1