

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131588/JO/2021

Date registered valid: 7 September 2021

Proposal: Variation of condition 2 attached to planning permission 129915/FO/2021 to reflect updated elevational drawing and removal of condition 3 requiring artificial stone to be used for the completion of the goal post entrance feature.

Address: 42 - 44 Fountain Street, Manchester, M2 2AE

Ward(s): Deansgate Ward

Applicant: Mr Adam Fletcher UKRO Property Holdings II Limited 3rd Floor
Liberation House, Castle Street, St Helier, Jersey, JE1 1BL

Agent (if any): Mr 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: 30 November 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Retail

Date of site visit:

Standard consultations:

Printed: 30 September 2021 Expired: 21 October 2021

Neighbour notifications

Printed: 30 September 2021 Expired: 21 October 2021

Site notice

Posted: 30 September 2021 Expired: 21 October 2021

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: Upper King Street Conservation Area 1970

Tree Preservation Order:

The Site - This application relates to a building located at 42-44 Fountain Street in the City Centre. The building is 7 storeys in height and is on the corner of Fountain Street and York Street and is within the Upper King Street Conservation Area. The upper floors of the property are offices which are currently vacant. There is a Grade II* listed building adjacent on Fountain Street and there are a number of listed buildings within the immediate area.

In May this year planning permission was granted for "Elevational alterations to include refurbishment of glazed entrance doors and creation of 'goal post' feature around entrance into building on Fountain Street"

The application sought permission for elevational alterations to include refurbishment of the existing glazed entrance doors and the creation of a 'goal post' feature around the entrance into the building on Fountain Street. The main entrance of the building, which was the subject of the application, fronts onto Fountain Street, incorporating glazed doors with stainless steel head and base framing, and cast stone column encasements to each side. However, the existing stone column was in poor condition with its design presenting a maintenance liability, as rainwater runs down from its angled top. This entrance provides access to office occupiers to the upper floors with a reception area to the ground floor. The applicant stated that the changes to the entrance represented the initial stage of part of a wider strategy to enhance the building which is necessary to attract new occupiers within a competitive office market. The door would be refurbished with new matt black handles. The access arrangements were to be retained, with no change to the existing arrangement including level access from Fountain Street. The door

had locks at the bottom and access control/intercom. All fire doors had internal ironmongery only and the rear shutter was activated by fob control. There was to be no change to these security arrangements.

This application is for the variation of condition 2 to reflect updated elevational drawing and removal of condition 3 attached to planning application mentioned above (129915/FO/2021).

The applicants would like Condition 3 to be removed. The condition required artificial stone to be used for the completion of the entrance goal post feature, which would match the existing stone tile. The applicant has been unable to match the stone required and a ceramic tile product is needed instead. This is very similar in tone and appearance to the existing stone tile and provides the closest match of material that can be achieved.

The existing stone tile is around 30 years old, has weathered significantly and patched up/repaired and is therefore very difficult to replicate.

In addition the applicants would like the wording of Condition 2 attached to app 129915/FO/2021 to be changed to

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

The site location plan

Drawings 002 and 006F Rev 5

to reflect the updated elevational drawing

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 and a Listed Building. A site notice was also displayed and the occupiers of nearby properties have been notified.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. No representation has been received as a result of this consultation

Urban Design & Conservation - No response to the consultation

Greater Manchester Police - having looked at the plans we would have no objection to the variation of condition 2.

Issues

The effect of the works on the appearance of the building, visual amenity and heritage assets - Condition 3 attached to planning application 129915/FO/2021 required artificial stone to be used for the completion of the entrance goal post feature, which would match the existing stone tile. The applicant has been unable to match the stone required and a ceramic tile product is needed instead. Photos of the proposed tiles have been submitted in an email received 19th November 2021. The tile are very similar in tone and appearance to the existing stone tile and provides the closest match of material that can be achieved. The existing stone tile is around 30 years old, has weathered significantly and patched up/repared and is therefore very difficult to replicate. In addition to the removal of Condition 3 the applicants wish to modify the wording of condition 2 attached to planning permission 129915/FO/2021 to the following

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

The site location plan

Drawings 002 and 006F Rev 5

The substitution of the stone required for a ceramic tile product instead is considered to be acceptable as this is very similar in tone and appearance to the existing stone tile and provides the closest match of material that can be achieved.

It is felt that the appearance of the 'goal post' feature around entrance into building on Fountain Street would not have an adverse impact on the appearance of the building itself, the setting of the listed building adjacent, visual amenity within the area or the character and appearance of the Upper King Street conservation area.

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

For the above reasons, the proposal is considered to be acceptable and consistent with policies SP1, CC9, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

Negotiations - Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

1) The development must be begun not later than 27 May 2024.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

The site location plan and Drawing 002 received by the Local Planning Authority on 1 April 2021
006F Rev 5 received by the Local Planning Authority via the email from Dan Whitney of
Thursday 16/12/2021

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.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation
Greater Manchester Police

46 Fountain Street, Manchester, M2 2BE
Seventh Floor, York House, 20 York Street, Manchester, M2 3BB
Sixth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Basement To Third Floor, 17 York Street, Manchester, M2 3BA
Fourth And Fifth Floor, 17 York Street, Manchester, M2 3BA
Fifth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Eighth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
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
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
REGUS MANAGEMENT UK LTD, Ground Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Ground Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Sixth Floor, Fountain House, 83 Fountain Street, Manchester, M2 2EE
Fourth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
First Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Second Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
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
York House, 20 York Street, Manchester, M2 3BB
TOKIO MARINE KILN SERVICES LTD, Ninth Floor, 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 Conservation Area 1970
Area Team Boundary - Name: CITY1