

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132373/FO/2021

Date registered valid: 15 December 2021

Proposal: Erection of single storey extension and creation of external seating area and external alterations to existing building

Address: 2 Spinningfields Square, Manchester, M3 3AP

Ward(s): Deansgate Ward

Applicant: Caprice Holdings Ltd C/o Agent

Agent (if any): Mrs Kate Roberts Pegasus Group Queens House, Queen Street, Manchester, M2 5HT

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approved

Date of recommendation: 26.05.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 11 January 2022 Expired: 1 February 2022

Neighbour notifications

Printed: 11 January 2022 Expired: 1 February 2022

Site notice

Posted: Expired:

Press advert

Published: 18 January 2022 Expired: 8 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of Site/Area

The application site is located within the Spinningfields area of Manchester City Centre which contains a mixed of uses including financial and professional services as well as leisure uses. It is bounded by Deansgate, the River Irwell, Quay Street and Bridge Street. The site is located within Deansgate Conservation Area and is adjacent to John Rylands Library, which is a Grade I listed building

The existing building is of a high quality and is considered a landmark building that has scissor geometry, angled upper storeys that realign the east-west axis towards Hardman Square at the heart of Spinningfields. The trapezoidal form of the building's plan is echoed in the vibrant glazing which animates the elevations and creates a unique experience inside the building.

Description of Development

Erection of single storey extension and creation of external seating area and external alterations to existing building.

Planning History:

App ref. 080139/CC/2006/C1 – Conservation Area Consent – Demolition of existing four storey office building on land bounded by John Rylands Library, 1 Spinningfields Square, The Magistrates Court/Crown Square and Deansgate – Approved 2nd August 2006.

App ref. 080138/FO/2006/C1 – Demolition of existing office building and erection and a mixed use retail and office building with basement and mezzanine floor (use classes A1, A2, A3, A4 and B1) with related landscaping and associated works – Approved 2nd August 2006.

Consultations

Local residents and businesses have been notified and 2 objections were received. Comments made can be summarised as follows:

- The owners of the building have not received notice of a planning application or indication of a planning application having been made.
- Concerns raised with regards to the acoustics of the proposed use and impacts on the basement use below.
- The application does not contain information on how the building would cope with the demands of a large catering operation.

Response to objections:

- The grant of planning permission does not affect any civil rights which can preclude development from being implemented if the consent of the owner is not obtained.
- The proposal only seeks consent for the proposed extension as the change of use from an office to a restaurant is within Class E and therefore the issue of noise breakout or operational issues from the existing unit to the basement cannot be considered as part of this application.

Highways – no objections

Environmental Health – recommendation of conditions in relation to noise, waste and opening hours

Ward Councillors – no comments received

Greater Manchester Police – no comments received

Polices

The NPPF (2021) Relevant sections are 6, 7, 8, 12 and 16

Saved UDP Polices DC10 (Food and Drink uses), DC18 (Conservation Areas) and DC19 (Listed Buildings)

Core Strategy Polices: DM1 (Development Management), SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage) Policy EN1 (Design Principles and Strategic Character Areas), Policy CC10 (A Place for Everyone)

Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving

the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area

Issues

Principle of Development

The vacant unit previously operated as a retail unit, which is Use Class E. The proposed use is for a restaurant, which is Use Class E, as such, this change of use does not require planning permission. However, the proposal seeks for an extension to the existing building for use as an additional dining. The principle of development is therefore already established however regard needs to be given to the design of the proposed extension, impact on the character of the conservation area and nearby listed building access and impact on amenity.

Design

The structure will comprise of a 20mm of galvanised steel base plate which will be laid onto the existing pavement. Composite decking boards will be fixed onto the base plate which will be finished off with a black granite slating which will form the base of the seating area. The sides of the structure will comprises of fixed timber stall risers, glazing and full height green marble. The stall risers will be fixed and will be embossed with brass detailing. The stall risers will be painted green; however the exact colour is to be confirmed. 15 glass panels will sit on top of the stall risers, 7 of which will be fixed glazing and unopenable and 6 will be capable of being opened.

There will be a fixed roof with a fabric awning that would be coloured turquoise, to tie in with the colouring of the marble and the proposed stall risers.

This external covered area will accommodate 12 tables and 38 seats which have been arranged to facilitate movement around the tables whilst providing an additional dining area.

To permit access to this area from the existing unit, 7 existing glass panels will be removed which will provide 3 separate openings from the main restaurant area into the seating area and the create of a new entrance door.

Whilst the design of the proposed extension is not in character with the design of the host building, the applicant has submitted information to demonstrate that the proposal would be fully removable, and the glass faced could be fully reinstated should the occupier vacate the premises. The proposed extension forms a juxtaposition with the host building to allow for the two to be read as distinct elements. The proposal is therefore considered acceptable in design terms and a condition will be attached to ensure samples of proposed materials are submitted to ensure these are of a high quality.

Heritage

The proposal lies within Deansgate Conservation area and close to Grade I Listed Rylands Library. The proposed extension is sited on the west elevation and set back from the front elevation of the host building and therefore there are limited views in conjunction with John Rylands Library building. The proposed extension is considered to amount to small instances of less than substantial harm to the designated heritage assets which would be outweighed by the benefits which include providing additional floorspace to ensure the building retains a sustainable economic use in accordance with paragraph 202 of the NPPF.

Access

The proposal provides suitable access for all users and is in accordance with the requirements of Policy CC10. The additional floorspace will allow for an improved internal layout to be provided which will provide a greater setting for customers. Level access is proposed from the street and within the restaurant.

A unisex accessible WC will be provided on the ground floor as part of the fit out the unit for the restaurant use to ensure facilities are accessible to all customers and visitors and their needs.

Waste

The proposed refuse storage and management for the proposal is acceptable to Environmental Health

Amenity and Noise

There are no residential receptors within the immediate vicinity of the site. The closest receptors are the adjoining offices which are located on the upper floors of the building. An noise assessment has been submitted along with addendum reports as requested by Environmental Health that cumulative levels from the proposed extension and external seating areas would not impact on amenity of office users.

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: Approved

Article 35 Declaration

In assessing the merits of a planning application officers worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning 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 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:

Received by the City Council as Local Planning Authority on 01 December 2021:

- Site Location Plan and Block Plan (ref: 464)
- Existing Basement Plan (ref: 464-101);
- Existing Ground Floor Plan (ref: 464-102);
- Existing Mezzanine Floor Plan (ref: 464-103);
- Existing External Elevation (ref: 464-104);
- Proposed GA Ground Floor Plan (ref: 464-201-S)
- Proposed External Elevations Plan (ref: 464-205-D);
- Proposed External Signage Plan (ref: 464-206);
- Proposed External Structure Plan (ref: 464-901-B);
- Caprice Manchester External Furniture Schedule;
- Sexy Fish Manchester External Furniture Visual;
- Noise Assessment, prepared by ACA Acoustics;
- Heritage Statement, prepared by Pegasus Group;
- Operating Schedule, prepared by Pegasus Group; and
- Crime Impact Assessment, prepared by GMP

Received by the City Council as Local Planning Authority on 15 December 2021:

- Waste Management Proforma

Received by the City Council as Local Planning Authority on 22 February 2022:

Proposed GA Plan - Basement ref 4322 / 464 / 203 / F

Background Sound Level Survey ref. 211004-R002 date: 16th February 2022
Addendum Report ref 211004-R003 date: 16th February 2022

Received by the City Council as Local Planning Authority on 03 February 2022:

Proposed External Structure 4322 / 464 / 902

Proposed External Structure - Side Section ref. 4322 / 464 / 903

Received by the City Council as Local Planning Authority on 04 March 2022

Addendum Report ref. 211004-R004

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) Prior to any above ground works, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) The restaurant and proposed extension hereby approved shall only be open between the following hours:

Sunday - Wednesday - 08:00 to 02:30

Thursday - Saturday - 08:00 to 03:30.

The external seating area to the front of the unit hereby approved shall only be open between the following hours

-Daily between 08:00 and 23:00

There shall no use of amplified sound or any music within the external seating area at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policies DM1 of the Core Strategy and UDP Policy DC26.

5) a) The premises shall be acoustically insulated and treated in accordance with the submitted information: Acoustic Assessment referenced 211004-R001A prepared by ACA Acoustics dated 29 October 2021 and Acoustic Assessment addendum report reference 211004-R005 dated 20th May 2022. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties in accordance with Core Strategy Policies DM1 and SP1 and Saved UDP Policy DC26.

6) The approved scheme for the storage and disposal of refuse 'Waste Management Proforma' received by the City Council as Local Planning Authority on 15 December 2021 and 'Proposed GA Plan - Basement ref 4322 / 464 / 203 / F' received by the City Council as Local Planning Authority on 22 February 2022 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

7) Should the proposed extension no longer be required, it should be removed and the building facade re-instated to its original appearance.

Reason - In the interest of visual amenity pursuant to Core Strategy Policies SP1, DM1 and EN3.

8) The development hereby approved shall comply with the recommendations contained within sections 4 and 5 of the submitted Crime Impact Statement prepared by Greater Manchester Police and referenced 2007/0857/CIS/03 received by the City Council as local planning authority on 01 December 2021. These measures shall be fully implemented prior to occupation and shall be maintained for the duration of the uses hereby approved. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

9) Outside of the hours of the external seating area, all external furniture including tables, chairs and barriers shall be moved to the inside of the premises.

Reason - In the interests of amenity in order to reduce noise and general disturbance in accordance with policy DM1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that and any requirements for licensing, hoarding / scaffolding including amendments to the current scaffolding design will need discussion with MCC Highways Network Resilience team via highwaynetworkmanagement@manchester.gov.uk.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Eleventh Floor, 3 Hardman Street, Manchester, M3 3AU
Unit 3A, Spinningfields Square, Manchester, M3 2BA
Australasia, 2 Spinningfields Square, Manchester, M3 3AP
Unit G22, 2 Spinningfields Square, Manchester, M3 3AP
Spinningfields Magistrates Court, Crown Square, Manchester, M3 3EN
Unit 2A, Spinningfields Square, Manchester, M3 3AP
John Rylands Library, 148 - 158 Deansgate, Manchester, M3 3EH
Tenth Floor, 3 Hardman Street, Manchester, M3 3HF
1 Spinningfields Square, Manchester, M3 3AP

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: CITY1