

Planning

Growth & Development

Delegated officer report for planning application

Application no.	142655/JO/2025	
Date registered valid:	9 April 2025	
Proposal:	Variation of condition application to vary condition 3 (Materials) attached to listed building consent 131860/LO/2021	
Address:	50 Fountain Street, Manchester, M2 2AS	
Ward(s):	Deansgate	Ward
Applicant:	Prudential Nominee UK Limited	
Agent (if any):	Mr Michael Percival Deloitte LLP	
Case officer:	Michael Tel: 0161 219 Email: michael.pearson@manchester.gov.uk	Pearson 2735
Recommendation:	Approve	
Date of recommendation:	29/05/2025	

Application details

Type of application: Variation or Removal of Condition

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 22 April 2025 Expired: 14 May 2025

Neighbour notifications

Printed: 22 April 2025 Expired: 14 May 2025

Site notice

Posted: 1 May 2025 Expired: 23 May 2025

Press advert

Published: 30 April 2025 Expired: 21 May 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to 50 Fountain Street which is comprised of the Grade II listed façade that fronts out onto Spring Gardens, Concert Lane and Fountain Street, as well as the more contemporary four storey modernist office block situated to its rear. The application is subject to a live planning permission and listed building consent for the demolition of the contemporary 1970s office building to the rear of the site, the erection of a replacement seven storey building, and retention of listed façade (All approved under permissions 131859/FO/2021 and 131860/LO/2021).

Listed building: Not applicable

Conservation area: Upper King Street Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre and the Upper King Street Conservation Area. Neighbouring development consists of a high number of listed buildings including the Grade II* listed Former Reform Club and former Midland Bank, as well as the Grade II listed no47, and no60 and no62 Spring Gardens. Neighbouring uses comprise of a high number of commercial properties in restaurant (Class E(b)), and office uses (Class E(g)(i)).

Description of development

The application seeks to vary listed building consent 131860/LO/2021 that would alter the wording of condition 3 (Materials) so that works to the entrance door of the listed façade on Spring Gardens may commence prior to the discharging of the condition.

Consultations & Notification Responses

Publicity – The proposal was advertised by way of site and press notice. Notification letters were also sent out to neighbouring properties. No response was received to this publicity.

Arborist – No objection.

Environment Agency – No objection received.

Environmental Health – No objection.

Flood Risk - No objection.

Greater Manchester Archaeological Advisory Service – No objection.

Greater Manchester Ecology Unit – No objection subject to bird box provision.

Greater Manchester Police – No objection received.

Highways – No objection.

Historic England – No objection.

Transport for Greater Manchester – No objection.

United Utilities – No objection received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy EC2 – Existing Employment Space
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:

- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority 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 of the LBCA 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.

Issues

Impact upon the Heritage Asset

50 Fountain Street is a Grade II listed façade dating from the late 19th century, with a post-war modernist extension to its rear. The application site is subject to a live listed building consent, number 131860/LO/2021, that would see the demolition of the modernist rear extension, the subsequent erection of a new building/extension, as well as some minor works to the listed façade.

The proposal would not materially alter the works already consented for on the listed façade but merely the trigger point for the submission of material samples, controlled by condition 3. Such an alteration is considered would have a neutral impact on the listed building. It is considered necessary to introduce two planning conditions that would require the submission of a let contract for the remaining works outside of the step removal works. Any such conditions will be worded so that if no contract is provided by July 2026 then no further works authorised by the permission may proceed. Such conditions will ensure that the permission is implemented in a timely manner.

In light of the above, the proposal is considered would accord with the Planning (Listed Building and Conservation Areas) Act 1990 and as such is in accordance with policies SP1, EC2, CC1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2 and the National Planning Policy Framework.

Other Matters

Issues raised by the Greater Manchester Ecology Unit relate to matters that cannot be considered under an application for listed building consent and thus will bear no weight in the determination of this application.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to be acceptable and would not impact the heritage asset in a different way to that already granted consent for under listed building consent 131860/LO/2021. Further to this the proposal is therefore in accordance with policies SP1, EC2, CC1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2, the National Planning Policy

Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis permission is recommended for approval.

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: 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 application. Appropriate conditions have been attached to the approval.

Condition(s) to be attached to decision for approval

- 1) The development hereby approved shall commence no later than 06/06/2025.

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:

Location Plan - Existing Site (142-JMA-MP-XX-P-A-000000 Revision A); Existing Block Plan (142-JMA-MP-XX-P-A-001000 Revision A); Proposed Block Plan (142-JMA-MP-RF-P-A-001200 Revision B); Existing Ground Floor - GA Plan (142-JMA-B1-00-P-A-022000 Revision A); Existing 1st Floor - GA Plan (142-JMA-B1-01-P-A-022001 Revision A); Existing 2nd Floor - GA Plan (142-

JMA-B1-02-P-A-022002 Revision A); Existing 3rd Floor - GA Plan (142-JMA-B1-03-P-A-022003 Revision A); Existing 4th Floor - GA Plan (142-JMA-B1-04-P-A-022004 Revision A); Existing Roof - GA Plan (142-JMA-B1-RF-P-A-022005 Revision A); Existing Basement - GA Plan (142-JMA-B1-B1-P-A-022099 Revision A); Existing Ground Floor - Demolition GA Plan (142-JMA-B1-00-P-A-022100 Revision A); Existing 1st Floor - Demolition GA Plan (142-JMA-B1-01-P-A-022101 Revision A); Existing 2nd Floor - Demolition GA Plan (142-JMA-B1-02-P-A-022102 Revision A); Existing 3rd Floor - Demolition GA Plan (142-JMA-B1-03-P-A-022103 Revision A); Existing 4th Floor - Demolition GA Plan (142-JMA-B1-04-P-A-022104 Revision A); Existing Roof - Demolition GA (142-JMA-B1-RF-P-A-022105 Revision A); Existing Basement - Demolition GA Plan (142-JMA-B1-B1-P-A-022199 Revision A); Ground Floor - GA Plan (142-JMA-B1-00-P-A-022200 Revision B); Mezzanine - GA Plan (142-JMA-B1-M-P-A-022200M Revision B); 1st Floor - 2nd Floor - GA Plan (142-JMA-B1-01-P-A-022201 Revision B); 3rd Floor - GA Plan (142-JMA-B1-03-P-A-022203 Revision B); 4th Floor - GA Plan (142-JMA-B1-04-P-A-022204 Revision B); 5th Floor - GA Plan (142-JMA-B1-05-P-A-022205 Revision B); 6th Floor - GA Plan (142-JMA-B1-06-P-A-022206 Revision B); 7th Floor - GA Plan (142-JMA-B1-07-P-A-022207 Revision B); Roof - GA Plan (142-JMA-B1-RF-P-A-022208 Revision B); Basement - GA Plan (142-JMA-B1-B1-P-A-022299 Revision B); Elevation AA, Fountain Street - Existing GA Elevation (142-JMA-B1-SE-E-A-042000 Revision A); Elevation BB, Spring Gardens - Existing GA Elevation (142-JMA-B1-SW-E-A-042001 Revision A); Elevation CC - Existing GA Elevation (142-JMA-B1-NE-E-A-042002 Revision A); Elevation DD, Concert Lane - Existing GA Elevation (142-JMA-B1-NW-E-A-042003 Revision A); Elevation AA, Fountain Street - Demolition GA Elevation (142-JMA-B1-SE-E-A-042100 Revision A); Elevation BB, Spring Gardens - Demolition GA Elevation (142-JMA-B1-SW-E-A-042101 Revision A); Elevation CC - Demolition GA Elevation (142-JMA-B1-NE-E-A-042102 Revision A); Elevation DD, Concert Lane - Demolition GA Elevation (142-JMA-B1-NW-E-A-042103 Revision A); Elevation AA, Fountain Street - GA Elevation (142-JMA-B1-SE-E-A-042200 Revision C); Elevation BB, Spring Gardens - GA Elevation (142-JMA-B1-SW-E-A-042201 Revision C); Elevation CC - GA Elevation (142-JMA-B1-NE-E-A-042202 Revision C); Elevation DD, Concert Lane - GA Elevation (142-JMA-B1-NW-E-A-042203 Revision C); Heritage Asset Strategy (142-JMA-B1-XX-X-A-042299 Revision A); Section AA' - Existing GA Section (142-JMA-B1-AA-S-A-052000 Revision A); Section AA' - Demolition GA Section (142-JMA-B1-AA-S-A-052100 Revision A); Section AA' - GA Section (142-JMA-B1-AA-S-A-052200 Revision C); Study Bay 01 - Fountain Street: Stepped terraces (142-JMA-B1-SE-D-A-104200) Study Bay 02 - Fountain Street: Ground Floor (142-JMA-B1-SE-D-A-104201); Study Bay 03 - Fountain Street: Step back (142-JMA-B1-SE-D-A-104202). Design and Access Statement - Jon Matthews Architects; Statement of Consultation - Deloitte; Planning and Public Benefits Statement - Deloitte; Heritage Appraisal - Stephen Levrant Heritage Architecture; Desk based Archaeology Report - Pre-Construct Archaeology Limited; Crime Impact Statement - Design for Security; Transport Statement - Vectos; Travel Plan Framework - Vectos; Waste Management and Servicing Strategy - Vectos; Ecology Survey including Bat Survey - Penny Anderson Associates; Arboricultural Impact Assessment - Urban Green; Environmental Standards Statement - Ridge; BREEAM Pre-assessment - Ridge; Energy Statement - Ridge; Flood Risk Assessment - Renaissance; Drainage Strategy - Renaissance; M&E Statement, including Ventilation and Extraction - Ridge; Local Labour Agreement - M&G; Noise and Vibration Assessment - Cundall; Air Quality Assessment - Cundall; TV Reception Survey - G-tech Surveys; Wind Microclimate Assessment - ArcAero; Phase 1 Geo-environmental Desktop Survey - Renaissance; Construction Management Plan - BAM Construction; Viability Appraisal - CBRE; Daylight and Sunlight Assessment - GreyScanlanHill;

Schedule of Works (Prepared by Bullen Conservation; Dated 03/04/2025; Received 01/05/2025)

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) (a) Notwithstanding the details submitted with the application, prior to the commencement of development, excluding works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299 which shall be carried out in accordance with the submitted Schedule of Works (Prepared by Bullen Conservation; Dated 03/04/2025; Received 01/05/2025), the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all materials to be used on all external elevations of the development, including the roof terraces, and drawings to illustrate details of the full-sized sample panels that will be produced. The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining, details of the glazing and a strategy for quality control management.

(b) All samples and specifications shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed for part a) of this condition.

(c) Prior to installation of any new materials on the entrance to 49 Spring Gardens, details set out on Plan Reference 142-JMA-B1-XX-X-A-042299 shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved materials.

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) No development, other than the step removal works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, shall commence until a contract for the construction and completion of the remaining development has been let and appropriate evidence has been submitted for approval in writing by the City Council, as Local Planning Authority. The contract for construction and completion of the remaining development outside of the aforementioned step removal works must be let no later than the 05 July 2026.

Reason - To allow sufficient time to let the contract for the remainder of the development pursuant to policy SP1 of the Manchester Core Strategy (2012).

5) Should the contract for construction and completion of the development not be let by 05 July 2026, then all development activities on the site, outside of the step removal works to the entrance door located at 49 Spring Gardens identified on 142-JMA-B1-SW-E-A-042101 Revision A, 142-JMA-B1-SW-E-A-042201 Revision C and 142-JMA-B1-XX-X-A-042299, shall cease and no further development shall be permitted by this planning permission.

Reason - To require the development activities to cease should the contract for the remainder of the development not be let pursuant to policy SP1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Neighbourhood Team Leader (Arboriculture)
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Historic England (North West)
Environment Agency
Transport For Greater Manchester
Greater Manchester Archaeological Advisory Service
Greater Manchester Ecology Unit

Basement, 41 Spring Gardens, Manchester, M2 2GB
Basement, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
Ground Floor, 60 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 60 Fountain Street, Manchester, M2 2FE
Ground Floor, York House, 20 York Street, Manchester, M2 3BB
50 Spring Gardens, Manchester, M2 1EN
St James Club, 45 Spring Gardens, Manchester, M2 2BG
Seventh Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
60 Fountain Street, Manchester, M2 2FE
First Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
Eighth Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fourth Floor, 50 Fountain Street, Manchester, M2 2AS
Tenth Floor, York House, 20 York Street, Manchester, M2 3BB
Sixth Floor, York House, 20 York Street, Manchester, M2 3BB
43 Spring Gardens, Manchester, M2 2BG
Ground Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fourth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fifth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Third Floor, 60 Spring Gardens, Manchester, M2 2BQ
Third Floor, 60 Fountain Street, Manchester, M2 2FE
Fourth Floor, York House, 20 York Street, Manchester, M2 3BB
Ground Floor, 41 Spring Gardens, Manchester, M2 2GB
Hotel Gotham, 100 King Street, Manchester, M2 4WU
The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fourth Floor, 60 Fountain Street, Manchester, M2 2FE
First Floor, 60 Fountain Street, Manchester, M2 2FE
DUFF & PHELPS LTD, Second Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Second Floor, York House, 20 York Street, Manchester, M2 3BB
Third Floor, York House, 20 York Street, Manchester, M2 3BB
Fifth Floor, York House, 20 York Street, Manchester, M2 3BB
First Floor, York House, 20 York Street, Manchester, M2 3BB
39 Spring Gardens, Manchester, M2 2BG
Second Floor, 60 Spring Gardens, Manchester, M2 2BQ
Second Floor, 60 Fountain Street, Manchester, M2 2FE
46 Fountain Street, Manchester, M2 2BE
First Floor To Fifth Floor, 41 Spring Gardens, Manchester, M2 2BG
Sixth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
First Floor, 60 Spring Gardens, Manchester, M2 2BQ
60 Spring Gardens, Manchester, M2 2BQ

Fifth Floor, 60 Fountain Street, Manchester, M2 2FE
42 - 44 Fountain Street, Manchester, M2 2AE
Seventh Floor, York House, 20 York Street, Manchester, M2 3BB
47 Spring Gardens, Manchester, M2 2BG
JAMIE'S ITALIAN LIMITED, Ground Floor, 100 King Street, Manchester, M2 4WU
Fourth Floor, 60 Spring Gardens, Manchester, M2 2BQ
York House, 20 York Street, Manchester, M2 3BB
TOKIO MARINE KILN SERVICES LTD, Ninth Floor, York House, 20 York Street, Manchester,
M2 3BB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street Conservation Area 1970
Area Team Boundary - Name: CENTRAL