MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140839/FO/2024
Date registered valid:	22 September 2024
Proposal:	Installation of gates and railings to ground floor openings facing Tib Street
Address:	Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
Ward(s):	Piccadilly Ward
Applicant:	Mr Henry Claridge Threadneedle Portfolio Services Ltd
Agent (if any):	Mr Matthew O Brien Studio2FLA trading as O Brien & Noel Architects
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 21/11/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 4 October 2024/ 1 November 2024

Standard consultations:
Printed: 26 September 2024 Expired: 17 October 2024

Neighbour notifications
Printed: 26 September 2024 Expired: 17 October 2024

Site notice
Posted: 4 October 2024 Expired: 25 October 2024

Press advert
Published: 1 October 2024 Expired: 22 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site contains several ground/first floor commercial units, with offices on upper floors. The site has a raised platform to serve the first-floor units. It is located within the designated Smithfield Conservation Area and is in the vicinity of several other listed buildings located to the east, northeast and southeast.

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The proposal site is located within Manchester City Centre in an area known as the Northern Quarter. This area consists of a variety of uses, as would be expected in a City Centre location, including cafes, restaurants, bars, multi-storey car park and barber shop. The site is also a very short walk to the city's vibrant nightlife and retail offering.

Description of development

The developer seeks planning permission for the installation of gates and railings to ground floor openings, together with decorative screens to the lower ground floor window openings.

The steel railings would be installed to the external openings in order to improve the security of the enhance visual interest by creating new design features, and to increase security by preventing the scaling of the existing fencing from unauthorised individuals. The proposal also seeks to replace the existing gate. The new gate will be of similar design to be in keeping with the railings and the remainder of the building.

The open nature of the external façade has, unfortunately, resulted in the covered space being unlawfully accessed and increasingly used for anti-social behaviour during the evening / late-night / early morning hours. This is to the detriment of the visual appearance of the existing building and to the security of occupiers of the units behind the façade.

Consultations & Notification Responses

Publicity - a notice was displayed on site informing passersby of the development. A press notice was placed in the local press advertising the works as those affecting the setting of a listed building and conservation area. Letters were sent to surrounding occupiers notifying them of the development. One representation has been received as a result of this publicity:

Unnecessary installation, as does not feel has stemmed from a request or need of tenants. Would make the arcade less welcoming to customers and have detrimental impact on the overall appeal of the street and give the building a more closed of appearance. Would lower natural light levels into the arcade. May create fire/ emergency egress issues. Feels should have been consulted by building owner.

MCC Highways - development falls within redline, so would not impact adopted highway. Any signage would need projecting over licence and to comply with headroom requirements. Doors/ gates would need to open inwards unless fire escape. Informative regarding scaffold licence required.

Issues

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles), EN3 (Heritage) and CC9 (Design and Heritage) of the Manchester Core Strategy (2012) and saved policy DC18 (Conservation Areas) of the Unitary Development Plan for Manchester (1995).

Principle

The applicant has stated that the new fencing and gates would be needed to prevent access of the arcade after hours. The proposal therefore seeks to stop unlawful entry to the property and thereby assist in the reduction of crime and disorder in the area. Given the above the proposals are considered to be in accordance with policies DM1 and SP1 of the Core Strategy for the City of Manchester in relation to the impact on crime and disorder and thus the principle of the development is accepted. However, the impact of the works on visual amenity, the surrounding conservation area and the adopted highway require consideration. An analysis of these matter is undertaken below.

Visual amenity

At present, the openings to the arcade archways on Tib Street have metal fencing in situ. This is half height, with the top of the arches exposed, serving as a balustrade to bar style seats and tables in front of the units that looks out onto Tib Street. The existing fencing is of simple, mesh style, utilitarian design, fabricated from untreated galvanised metal.

The proposal would see the removal of this fencing/ balustrade. It would be replaced with a set of decorative metal railings up to the level of the internal tables, with openable gates bearing the same motif above. This would allow the openings to be secured at night and open during the day when the businesses in the arcade are open, allowing natural light into the arcade as at present. It would also help soften the impact of the new treatment to the archways.

The gaping opening at the terminal of a large flue from a restaurant unit within the arcade is present at the second opening to the north of the central archway. This longstanding feature is unsightly an detracts from the visual amenity of the building. To screen this element, decorative screens are proposed to the top of the four archways to either side of the central arch. This would not only hide an otherwise unsightly elevational feature but create symmetry across the elevation and future proof the building should any future plant installations be placed on the ceiling of the arcade.

Decorative screens, following the same motifs, would also be placed over the windows and louvres at lower ground floor level on the elevation. These would serve to obscure these low-quality and poorly maintained elements and provide a sense of visual coherence to the elevation. The screens would be anodized to ensure a high-quality and durable finish.

There is a gate into the arcade on the corner of Tib Street and Church Street. This gate is of little aesthetic value, comprising a mixture of grill and sheeting made of untreated galvanised metal. These would be removed and replaced with a highly decorative gate which would have a similar motif to the railings on Tib Street. The replacement of the existing gates with the proposed would significantly improve the appearance of the building.

Given the above, it is considered that the proposed development would be beneficial to visual amenity, through the removal of existing low-quality fencing and the installation of sympathetic decorative railings, screens and gates. The development is thus considered acceptable in terms of visual amenity pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

Impact on conservation area

The gates and railings are designed to have a visual continuity with those in the arches to the former Smithfields Fish Market on High Street on High Street, which also sits within the Smithfields Conservation Area. This provides the development with a traditional aesthetic which is appropriate for use with a conservation area, thereby helping the development to integrate within the street scene. Given the above, the impact on the conservation area is considered acceptable pursuant to policies EN3 and CC9 of the Manchester Core Strategy (2012) and saved policy DC18 of the Unitary Development Plan for Manchester (1995).

Signage strategy

The proposal includes some projecting signage to the piers in between the openings. These are indicative as any new signage would require express advertisement consent to be applied for separately. To ensure that any new projecting signs are sympathetic to the appearance of the building and conservation area, a condition is to be attached to any approval requiring a signage strategy be agreed with the City Council. This would help guide any future signage applications by establishing a principle of what style of signage would be acceptable to the Local Planning Authority.

Highways

The proposed new gates shall open inwards, thereby ensuring they do not create a footways obstruction. The proposed grilles to the bottom of the elevation shall be recessed with the opening reveals, thereby ensuring they are within the site boundary and would not affect the adopted highway. The signage indicated on the drawings would require advertisement consent and thus a separate application, and hence are not pertinent to the current application. There are no highways concerns that would warrant a refusal.

Objector comments

One objection has been received, covering these points:

Poor appearance - the proposed scheme would significantly improve on the low-quality fencing currently in situ, which does not appear to have the benefit of planning permission and is unsympathetic to the architecture of the building and detracts for the appearance of the street scape.

Light levels - the top half of the gateways would be openable, meaning that when opened the proportions of the arches would be roughly like at present. To ensure they are kept open during business hours, a condition would be attached to any approval requiring them to remain open during business hours. Where fixed decorative screens are to be installed at the top of some arches, this is to screen an existing, very unsightly extraction flue.

Fire safety - the gates on the corner would open inwards as before, allowing continued use as a fire exit. The concertina gate on Tib Street is to remain in place. Therefore, the intended ingress and egress routes would remain as before.

Lack of consultation of tenants by building owner - this is not material to the consideration of the application.

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 polices 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

The local planning authority, in making its decision, has had due regard to the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and recommends approval the application for the reasons outlined in this report. Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to visual amenity and security. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy.

Condition(s) to be attached to decision for approval

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 have been carried out in accordance with the following drawings and documents:

-Drawing - Proposed 137-L04_REVD TIB STREET ELEVATION & PLAN
-Drawing - Proposed 137-L05_REVD ELEVATION & SECTION BB
-Drawing - Proposed 137-L06_REVD ELEVATION & SECTION BB
-Drawing - Proposed 137-L07_REVD ELEVATION & SECTION CC
-Drawing - Proposed 137-L08_REVD ELEVATION & SECTION DD
All received by the City Council, as Local Planning Authority, on 21/11/2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the adopted Core Strategy for the City of Manchester and saved policy DC18 of the Unitary Development Plan for Manchester (1995).

3) Prior to the commencement of the development hereby approved, full and final details and samples of new external finishes and features, including railings, gates and decorative screens shall be submitted for approval in writing by the City Council as Local Planning Authority. This shall include the provision of product specifications and physical samples. The approved details shall be implemented in full as part of the development.

Reason - in the interest of visual amenity and as the development affects the setting of a conservation area pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC18 of the Unitary Development Plan for Manchester (1995).

4) Prior to the commencement of works to the existing exterior ironmongery specified, a detailed method statement and specification for the cleaning and repainting (including product specification) shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason - To ensure that a satisfactory restoration and repair of the exterior of the building and in the interest of visual amenity pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC18 of the Unitary Development Plan for Manchester (1995).

5) Prior to the installation of the gates and railings, a signage strategy for the arcade on Tib Street shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, the signage shall comprise:

-1no. non-illuminated projecting sign, of a hanging, bracketed design and a depth of not more than 30mm only per unit

For the avoidance of doubt this shall not include any fascia sign.

The approved strategy shall then be implemented and used to inform any future advertisement applications for the building.

Reason - In the interest of visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) The gates to the openings on Tib Street shall remain open between the following hours:

7am-9pm daily

The approved schedule shall be implemented in full as part of the development.

Reason - in the interest of visual amenity pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

Appendix 1 – List of consultees & neighbours notified

Highway Services

Units G20 To G21, Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
Breakout Manchester, 51 Church Street, Manchester, M4 1PD
SUPERSTORE NQ LTD, Unit G18, Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
North Tea Power LLP, 36 Tib Street, Manchester, M4 1LA
34 Tib Street, Manchester, M4 1LA
38 - 40 Tib Street, Manchester, M4 1LA
G1, Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
Unit G22, Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
55 Church Street, Manchester, M4 1PD
53 Church Street, Manchester, M4 1PD
6 Hilton Street, Manchester, M4 1LP
Flat 101, Smithfield Buildings, 44 Tib Street, Manchester, M4 1LA
4 Hilton Street, Manchester, M4 1NB

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 - Smithfield Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL