

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140775/FO/2024

Date registered valid: 4 October 2024

Proposal: External alterations to facade of the building, including installation of new shopfront, up lighting, and windows, and installation of extract equipment to the rear.

Address: 6 - 12 Fountain Street, Manchester, M2 2AA

Ward(s): Deansgate Ward

Applicant: Grandstream Properties Ltd

Agent (if any): Miss Nia Borsey Fisher German LLP

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 28/11/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 8 October 2024 Expired: 29 October 2024

Neighbour notifications

Printed: 8 October 2024 Expired: 29 October 2024

Site notice

Posted: Expired:

Press advert

Published: 15 October 2024 Expired: 5 November 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to 6-12 Fountain Street, a four storey building completed in a stone façade coloured cream. The ground floor of the application site features a modern glazed shopfront with timber fascia and recessed entrance. The property's first floor windows are timber, with some having had their glazing removed and replaced with solid infill panels. Unauthorised upvc windows are present at second and third floor. To the rear of the property a single storey rear extension features, with a three storey lightwell situated above, with unauthorised extract terminating at roof level. The ground and first floors form a commercial Class E unit which has now been unoccupied for several years. The second and third floors are in use as residential dwellings (Class C3).

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The neighbouring area constitutes that of the Primary Shopping Area and Upper King Street Conservation Area. Built development is characterised by a mix of properties of varying ages, design and scale. Notable buildings adjacent or in close proximity to the site include the former Lewis's Building (Now occupied by Primark), the Shakespear pub and Lowry Tower. Neighbouring uses are largely made up of commercial class E units, drinking establishments and offices. Some residential development is present within the upper floors of neighbouring buildings (Class C3).

Description of development

The application seeks consent for the installation of a new shopfront, new timber windows at first floor, external lighting and an extract flue to the rear lightwell.

The existing shopfront and modern timber fascia would be removed and replaced with a glazed shopfront, with a 100mm high rendered board located above the proposed glazing. The recessed doorway would be removed and replaced with a flat entrance located to back of pavement.

The property's existing first floor timber windows would be removed and replaced with new timber units.

6no external uplighting and downlighting units would then be installed at ground floor, with an additional 4no uplighting units being installed at first floor.

To the rear of the premises existing unauthorised plant would be removed and a new extract flue would be installed that would terminate 1m above roof level. An air intake unit would then be positioned atop the property's flat roof single storey extension.

Planning History

110757/FO/2015/C1 - Conversion of existing offices to 4 No. two bed apartments on the second and third floors – Approved September 2016.

105428/AO/2014/C1 - The installation of one individual lettered fascia sign and one externally illuminated projecting sign – Approved July 2014.

054871/FO/CITY1/98 - Installation of new shopfront and external lobby mural – Approved August 1998.

025565 - Use of former shop as a restaurant with take-away facility and offices – Approved December 1985.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions relating to odour extraction, construction hours, hours of opening, acoustic insulation, external plant, refuse and signage.

Greater Manchester Police – No objection subject to the proposed shopfront being installed in accordance with secured by design standards.

Highways – No objection subject to an informative relating to scaffolding.

Transport for Greater Manchester – No objection.

Publicity – None 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 EC3 – The Regional Centre

- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC2 – Retail
- Policy CC4 – Visitors – Tourism, Culture and Leisure
- Policy CC9 – Design and Heritage
- Policy C10 – Leisure and the Evening Economy
- 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 DC10 – Food and Drink uses
- Policy DC18 – Conservation Areas
- Policy DC26 – Development and Noise

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 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements

Planning (Listed Buildings and Conservation Areas) Act 1990

Issues

Principle of the Development

The application would see the external alteration of a property in mixed use as both commercial and residential. The proposed development would see the rejuvenation of the property's ground floor and the installation of a new extract flue would facilitate the reoccupation of a vacant commercial unit within the City Centre and Primary Shopping Area. On this basis the proposal accords with Core Strategy Policies SP1, EC3, CC1, CC2, CC4, C10 and DM1, and Places for Everyone Plan Policy JP-Strat2 in principle, subject to the matters discussed below.

Visual Amenity

The application site as existing is considered to positively contribute to the appearance of the local street scene, with its upper floors being completed with ornate window surrounds. This contribution however is undermined by the presence of a contemporary shopfront with notable fascia, as well as mismatched and low-quality windows across its upper floors.

The proposed works would see the removal of the unsympathetic ground floor shopfront and modern timber fascia and its replacement with a simpler glazed shopfront. The design of the glazed shopfront would give the ground floor a simpler appearance that would not stand in such harsh contrast to that of the upper floors. A 100mm high rendered board is proposed to sit between the property's glazed shopfront and original stonework above. Subject to a condition that would require material samples of this rendered board to be approved prior to its installation to ensure a visual match to that of the stonework, this element of the development is considered to be acceptable.

Other external alterations to the front elevation of the property consist of the replacement of the timber windows at first floor, as well as the installation of lighting units. The application property's windows at first floor, whilst timber, have been heavily altered with multiple windows having had their glazing removed. The installation of replacement timber units is considered would lead to an uplift in the appearance of the application site. Notwithstanding this, the proposal lacks detail on replacement units and as such it is considered necessary that in the event of an approval, this element be conditioned so that their design, size and material finish be confirmed, in order to ensure the windows are of an appropriate design the condition should stipulate the windows will be required to have a vertical glazing bar. The installation of lights is considered would have a negligible impact on the appearance of the host building and would see the removal of existing lighting units that are in a state of disrepair.

The installation of a flue to the rear of the property would not be visible from the street scene due to the nature of it being located in an enclosed lightwell, as well as it being screened by the properties roof. It is also noted that the flue would be painted black so as to minimise its noticeability from the property's rear windows. On this basis this element of the development is considered to be acceptable.

Further to the above, the development is considered would have an acceptable impact on the appearance of the host property and neighbouring street scene in accordance with Core Strategy Policies EN1 and DM1.

Heritage

The application property lies within the Upper King Street Conservation Area at its north-easterly end. The property is also a non-designated heritage asset owing to its ornate front façade. On this basis it is considered the property contributes positively to the significance of the Conservation Area, but this contribution is diminished by its ground floor shopfront and mismatched windows.

The proposed works to the front façade would do away with modern editions that detract from the appearance of the site, and would be replaced with simpler modern editions which would not divert attention away from architectural features of note. The installation of an extract flue, whilst not an attractive edition to the property, would be screened from view and would assist in bringing a vacant unit back into use, thereby improving the appearance and vitality of the Upper King Street Conservation Area.

In light of the above, the proposal would have a minor beneficial impact on the setting and appearance of the Upper King Street Conservation Area, in accordance with Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC18, Places for Everyone Plan Policy JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Residential Amenity

The application site, as previously mentioned within this report, features residential apartments at its second and third floor. The installation of a new extract flue and air intake unit are proposed within the rear lightwell, in which multiple of the aforementioned apartments look out onto. The location of the flue would be positioned so that it would not cut across or unduly impact on the lookout experienced from the apartment's lightwell windows.

The submission has been accompanied by an acoustic study, as well as an odour assessment. Environmental Health are satisfied the proposed plant can be accommodated without detriment

to neighbouring amenity provided it is implemented in accordance with the submitted details and that it terminate 1m above eaves level. Subject to conditions that would secure this and require a verification element, the development is acceptable in this regard. Environmental Health have also requested that construction hours be conditioned as part of the proposed works, however given the scale of the proposal and how this would fall under the remit of Environmental Health, no such condition will be attached in the event of an approval.

The proposal would see the installation of replacement external lighting, Environmental Health do not object to the proposed measures, in order to ensure that the proposed measures can be accommodated without detriment to neighbouring amenity, a verification report to ensure the development has been carried out with the approved details will be conditioned as part of any approval.

Greater Manchester Police have requested that the proposed shopfront be completed to secured by design standards. In the event of an approval a condition will be attached requiring this.

In light of the above, subject to appropriate planning condition, the proposal would not cause an unacceptable impact on neighbouring amenity in accordance with Core Strategy Policy SP1 and DM1, Saved Unitary Development Plan Policies DC10 and DC26, and the National Planning Policy Framework.

Highways

The application site fronts out onto Fountain Street, a one-way street that runs northwards from Booth Street to Market Street. The development would be limited to the confines of the site and would not overhang the public highway. No cycle storage nor car parking spaces would be lost nor provided as a result of the implementation of the scheme. Highways do not object to the proposal subject to an informative relating to scaffolding. Subject to such an informative, the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1, and the National Planning Policy Framework.

Other Matters

Environmental Health have requested that conditions relating to acoustics, hours of opening, signage and waste management be attached to the proposal in the event of an approval. As the development does not seek permission for a change of use application and only external alterations excluding advertisements, it is considered the attachment of such conditions would be irrelevant and unreasonable and thus will not be attached to a decision notice in the event of an approval. Additionally, Environmental Health also requested a condition limiting

Conclusion

In light of the above, subject to appropriate planning condition, the proposal is acceptable on a temporary basis and on that basis would accord with Core Strategy Policies SP1, EC3, CC1, CC2, CC4, CC9, C10, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC10, DC18 and DC26, Places for Everyone Plan Policy JP-Start2 and JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework. The application is therefore 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 with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

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 be carried out in accordance with the following drawings and documents:

Plans

- o Location Plan (Received 14/08/2024)
- o A102 - Alterations and other works (Received 21/11/2024)
- o 1305_EX Revision C: Proposed ventilation design (Received 18/11/2024)

- o 1305_EX Revision C: Proposed Ventilation Design (Dated 18/11/2024; Received 18/11/2024)
- o 1701 Rev-B (Received 21/10/2024)
- o 1702 Rev-B (Received 21/10/2024)
- o FOUST 1001L Rev L: Proposed Plan (Received 14/08/2024)
- o SDH-RGM-M01 Revision D: Basement, Ground & First Floor HVAC Layout (Received 14/08/2024)
- o Six Twelve Lighting Scheme Rev 2 (Dated 09/08/2024; Received 14/08/2024)

Documents

- o Great Deposit Guide (Received 18/11/2024)
- o Kitchen Extract Grease Management and Odour Control Ongoing Maintenance Requirements (Prepared by Commercial Kitchen Assistance Limited; Dated 18/11/2024; Received 18/11/2024)
- o Odour Assessment (Prepared by Planning and Environmental Consultants; Dated 15/11/2024; Received 21/11/2024)
- o Noise Impact Assessment (Prepared by RP Acoustics Ltd; Dated 20/11/2024; Received 21/11/2024)
- o Lighting Assessment Rev 3 (Prepared by Nicholas Redican; Received 14/08/2024)
- o YORI IP66 Wall Light Specification (Received 14/08/2024)
- o YORI IP66 Wall Light Installation Guide (Received 14/08/2024)
- o ADONIS Architectural RGBW Optics IP67 Specification (Received 14/08/2024)
- o ADONIS Architectural RGBW Optics IP67 Installation Guide (Received 14/08/2024)
- o DiMX- Casambi enabled DMX Controller Specification (Received 14/08/2024)
- o 139-2424 FLC240-CC LED Specification (Received 14/08/2024)

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) The premises shall be acoustically insulated in accordance with the submitted Noise Impact Assessment (Prepared by RP Acoustics Ltd; Dated 20/11/2024; Received 21/11/2024). 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.

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. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Core Strategy Policy DM1.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following details.

- o Great Deposit Guide (Received 18/11/2024)
- o Kitchen Extract Grease Management and Odour Control Ongoing Maintenance Requirements (Prepared by Commercial Kitchen Assistance Limited; Dated 18/11/2024; Received 18/11/2024)
- o Odour Assessment (Prepared by Planning and Environmental Consultants; Dated 15/11/2024; Received 21/11/2024)
- o Drawing No.1305_EX Revision C: Proposed Ventilation Design (Dated 8/11/2024; Received 18/11/2024)

The approved scheme shall ensure that the extract flue terminates at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented. The approved scheme shall then be retained and maintained for the lifetime of the development.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policy DC10.

5) Notwithstanding the approval of drawing nos. Six Twelve Lighting Scheme Rev 2 (Dated 09/08/2024; Received 14/08/2024) and A102 - Alterations and other works (Received 21/11/2024), prior to the installation of any replacement timber windows hereby approved, full details of the windows, including scaled plans, material samples and specifications shall be submitted to and approved in writing by the City Council as Local Planning Authority. For the avoidance of doubt all timber windows shall feature a vertical glazing bar. The approved details shall be implemented as part of the development and be completed prior to its first use.

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.

6) Prior to the commencement of any shopfront installation works, samples and specifications of all materials to be used in its external finish, including render detail and shopfront frame, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved materials shall then be implemented as part of the development.

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.

7) a) The development shall proceed in accordance with the submitted Lighting Assessment (Prepared by Nicholas Redican; Received 14/08/2024) and elevational drawing Six Twelve Lighting Scheme Rev 2 (Dated 09/08/2024; Received 14/08/2024). All external lights shall have a maximum luminance level of 300cd/m². 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.

b) Prior to use of the development a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in

the approved light 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 criteria.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

8) The shopfront hereby approved, shall have clear glazing at all times for the lifetime of the development, with the exception of manifestations required for building control purposes.

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.

9) The shopfront hereby approved shall be completed in accordance with secured by design standards.

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.

10) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

11) Prior to the first use of the development, a signage strategy for the entire buildings shall be submitted for approval in writing by the City Council, as Local Planning Authority. The signage strategy will include timescales for implementation. The approved strategy shall then be implemented for the development 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).

Informatives

1) The applicant should be advised that they will need discussion and agreement with the council's Highway Network Management teams for any requirements for licensing, hoarding / scaffolding, skips via email highwaylicences@manchester.gov.uk and for any associated temporary pedestrian/traffic management arrangements, including Section 50, via email highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Transport For Greater Manchester

Flat 18, 1 Sickle Street, Manchester, M2 1DL
Flat 17, 1 Sickle Street, Manchester, M2 1DL
Flat 16, 1 Sickle Street, Manchester, M2 1DL
Flat 15, 1 Sickle Street, Manchester, M2 1DL
Flat 14, 1 Sickle Street, Manchester, M2 1DL
Flat 13, 1 Sickle Street, Manchester, M2 1DL
Flat 12, 1 Sickle Street, Manchester, M2 1DL
Flat 11, 1 Sickle Street, Manchester, M2 1DL
Flat 10, 1 Sickle Street, Manchester, M2 1DL
Flat 9, 1 Sickle Street, Manchester, M2 1DL
Flat 8, 1 Sickle Street, Manchester, M2 1DL
Flat 7, 1 Sickle Street, Manchester, M2 1DL
Stall Adjacent 82 To 84, Market Street, Manchester, M1 1PD
Flat 4, 14 Fountain Street, Manchester, M2 2AA
Flat 3, 14 Fountain Street, Manchester, M2 2AA
Flat 2, 14 Fountain Street, Manchester, M2 2AA
Flat 1, 14 Fountain Street, Manchester, M2 2AA
Brewdog Doghouse, 18 - 20 Fountain Street, Manchester, M2 2AA
BETFRED, 18 Fountain Street, Manchester, M2 2AA
Third Floor And Fourth Floor, 86 - 88 Market Street, Manchester, M1 1PD
Flat 6, 1 Sickle Street, Manchester, M2 1DL
Flat 5, 1 Sickle Street, Manchester, M2 1DL
Flat 4, 1 Sickle Street, Manchester, M2 1DL
Flat 2, 1 Sickle Street, Manchester, M2 1DL
Flat 1, 1 Sickle Street, Manchester, M2 1DL
Flat 3, 1 Sickle Street, Manchester, M2 1DL
First Second Floor And Third Floors, 90 - 100 Market Street, Manchester, M1 1PB
16 Fountain Street, Manchester, M2 2AA
102 - 104 Market Street, Manchester, M1 1PB
Basement To First Floor, 86 - 88 Market Street, Manchester, M1 1PD

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 (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL