

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139440/AO/2024 and 139441/LO/2024

Date registered valid: 18 March 2024

Proposal: 139440/AO/2024 - Proposed external signage to the Spring Gardens elevation with internally illuminated individual lettering sign set back at high level within arched restaurant entrance, brass plaque signs at low level to each side of restaurant entrance and 2no. menu boards.

139441/LO/2024 - Listed Building Consent for proposed external signage to the Spring Gardens elevation with internally illuminated individual lettering sign set back at high level within arched restaurant entrance, and brass plaque signs at low level to each side of restaurant entrance and 2no. menu boards with retention of lighting, window boxes and CCTV equipment.

Address: 43 Spring Gardens, Manchester, M2 2BG

Ward(s): Deansgate Ward

Applicant: Mr Marco Valbon Sejdiu MRV Restaurant Group Ltd

Agent (if any): Mr Mike Macpherson Mike Macpherson Architects

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 May 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 18 April 2024

Standard consultations:

Printed: 28 March 2024 Expired: 20 April 2024

Neighbour notifications

Printed: 28 March 2024 Expired: 20 April 2024

Site notice

Posted: 4 April 2024 Expired: 25 April 2024

Press advert

Published: 4 April 2024 Expired: 18 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Upper King Street Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The site subject of this application comprises a Grade II Listed building located at 43 Spring Gardens. The building is part of a terrace of listed buildings. The ground floor and basement of the building was last used as a used as a restaurant.

The site is within the Upper King Street Conservation Area and is surrounded by listed building including the Grade II* Listed Building at 100 King Street, which is diagonally opposite.

The building is a former bank that was built in 1890, by Charles Henry Heathcote and William Henry Rawle, for the Lancashire and Yorkshire Bank.

The existing Grade II listed building is three-storeys high and has a basement and attic floor. The building faces Spring Gardens. It has a large double height single storey former banking hall located at the rear adjacent to Concert Lane with two large domed roof lights. The former banking hall also contains white marble that has yellowed and red granite walls and red granite columns and decorative cornices and ceilings. The original flooring has however been replaced.

The basement retains many original glazed brick walls some of which have been painted.

The external elevation to Spring Gardens is constructed in Sandstone ashlar and Portland stone in the Baroque style with a significant level of rich detail. The building has a slate roof.

The ground floor frontage originally had offices with views looking down King Street but the original dividing walls have been removed at some time in the past to create a large open plan ground floor space.

The basement area would have originally been used for storage of bank documents with safe rooms and vaults etc.

The basement and ground floor at 43 Spring Gardens has been used as a restaurant and bar for approximately 30 years but has been vacant since September 2023.

The site is also within the Central Business District, which is home to a wide range of companies of varied sizes across a range of business sectors and is fundamental to the city remaining a business destination.

Other uses in the immediate area include hotels, office buildings, residential buildings, shops, bars and restaurants. The nearest residential properties are at the corner of Upper King Street and Cross Street.

Application referenced 138524/LO/2023 was approved in March 2024 and granted listed building consent for the partial retention and amendment of the internal fit out.

Description of development

Listed Building Consent and Advertisement Consent are sought for the following works to the Spring Gardens elevation:

- The installation of 1no. individual letter sign to be fixed above the entrance.
- The retention of 2no. CCTV cameras owned by Manchester City Council.
- The retention of the existing external light fittings with a black finish to be implemented.
- The installation of 2no. plaques.
- The removal of the high-level flagpole.
- The installation of 2no. menu boards.
- The retention of window box planters.

Consultations & Notification Responses

139440/AO/2024 - Publicity - Letters were sent to surrounding occupiers. No replies were received.

139441/LO/2024 - Publicity - The application was advertised in the local press as affecting a listed building and affecting a Conservation Area, a site notice was displayed on site and letters were sent to surrounding occupiers. No replies were received.

Highway Services - Requested confirmation of the projection of the individual letter sign, confirmed that the lighting levels proposed are acceptable and advised on the requirements of projection over licenses.

Environmental Health - Requested a condition to restrict lighting levels

Issues

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester

Saved Policy DC14 (Shopfronts and Related Signs) confirms acceptable shop front and signage works.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's

distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Policy

Town and Country Planning (Control of Advertisements) Regulations 2007 - requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

The NPPF Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

Visual Amenity including the assessment of impact on the affected Heritage Assets:

The main entrance sign consists of individual letters and is considered to have an acceptable appearance in terms of colour, size and relationship to the features of the building and replaces a previous sign with a similar appearance.

The plaque signs would replace two existing plaque signs with one displaying the address number and one displaying the branding of the restaurant.

Clutter including address numbers, CCTV cameras and a flagpole would be removed providing benefits.

The proposals would be beneficial to the significance of the listed building compared to the previous signage and has been sensitively designed.

Given this, the signs would not cause harm to the significance of the above-named heritage assets.

A condition would be attached to application referenced 139441/LO/2024 to require the implementation of the proposed repair works and the repainting.

In view of the above, it is considered that due to the proposals would not cause harm to the Grade II listed building affected by the works or the surrounding heritage assets and includes the above improvements to the elevation of the building and would therefore comply with Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policies SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Public safety - The illumination levels of the signage will be limited to 300 cd/m² by a condition attached to 139440/AO/2024.

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Discussions have taken place with the applicant and the issues have been resolved by this and by conditions attached to the decision.

Condition(s) to be attached to decision referenced 139441/LO/2024

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

The location plan referenced P390 30 received by the City Council as local planning authority on 4 December 2023

The drawings referenced:

XJ89073_1A
XJ89073_2A
XJ89073_3A
P390 31

received by the City Council as local planning authority on 27 March 2024

P390 33 Rev B
P390 34 Rev B

received by the City Council as local planning authority on 8 May 2024

The Design & Heritage Statement prepared by Mike Macpherson Architects received by the City Council as local planning authority on 27 March 2024

The Schedule of Works for External Signage (Revision B) received by the City Council as local planning authority on 8 May 2024

The Lime Mortar Specification Sheet received by the City Council as local planning authority on 8 May 2024

The emails from Mike Macpherson Architects dated 27 March 2024 and 8 May 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3 and SP1 and saved policies E3.3, DC14.1 and 14.5, DC18.1 and DC19.1 of the Unitary Development Plan.

3) The repair works and repainting works shall be completed fully and only in accordance with the Schedule of Works for External Signage (Revision B) and the Lime Mortar Specification Sheet both received by the City Council as local planning authority on 8 May 2024 and evidence of the completion of these works shall be submitted to and agreed in writing by the City Council as local planning authority within 3 months of the date of this decision.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Condition(s) to be attached to decision referenced 139440/AO/2024

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

The location plan referenced P390 30 received by the City Council as local planning authority on 4 December 2023

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Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3 and SP1 and saved policies E3.3, DC14.1 and 14.5, DC18.1 and DC19.1 of the Unitary Development Plan.

3) The illumination levels of the signage and lighting hereby approved shall be limited to 300 cd/m².

Reason - To not affect public safety, in particular highway safety in accordance with policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1 and DC14.5 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Informatives

1) If any of the signage hereby approved is to extend greater than 350mm over the adopted highway then the applicant will need to apply for a projection over license. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Basement, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
Basement, 41 Spring Gardens, Manchester, M2 2GB
Third Floor, 81 King Street, Manchester, M2 4AH
Fifth Floor, 40 Spring Gardens, Manchester, M2 1EN
St James Club, 45 Spring Gardens, Manchester, M2 2BG
Seventh Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
First Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
50 Spring Gardens, Manchester, M2 1EN
House Of Evelyn, Unit A, 40 Spring Gardens, Manchester, M2 1EN
Third Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Fourth Floor, 50 Fountain Street, Manchester, M2 2AS
43A Brown Street, Manchester, M2 2JJ
Browns Bar And Brasserie, 1 York Street, Manchester, M2 2AW
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
Sixth Floor, 40 Spring Gardens, Manchester, M2 1EN
Hotel Gotham, 100 King Street, Manchester, M2 4WU
The Chancery, 58 Spring Gardens, Manchester, M2 1EW
DUFF & PHELPS LTD, Second Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
Ground Floor, 41 Spring Gardens, Manchester, M2 2GB
Unit B, 40 Spring Gardens, Manchester, M2 1EN
46 Fountain Street, Manchester, M2 2BE
39 Spring Gardens, Manchester, M2 2BG
Fourth Floor, 81 King Street, Manchester, M2 4AH
Second Floor, 81 King Street, Manchester, M2 4AH
Seventh Floor, 40 Spring Gardens, Manchester, M2 1EN
Sixth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
42 - 44 Fountain Street, Manchester, M2 2AE
First Floor To Fifth Floor, 41 Spring Gardens, Manchester, M2 2BG
Ground Floor, 81 King Street, Manchester, M2 4AH
First To Fourth Floor, 40 Spring Gardens, Manchester, M2 1EN
Eighth Floor, 40 Spring Gardens, Manchester, M2 1EN
HMO Flat Above, 1 York Street, Manchester, M2 2AW
47 Spring Gardens, Manchester, M2 2BG
JAMIE'S ITALIAN LIMITED, Ground Floor, 100 King Street, Manchester, M2 4WU
50 Fountain Street, Manchester, M2 2AS
38 Fountain Street, Manchester, M2 2BE
3 York Street, Manchester, M2 2AW
40 Fountain Street, Manchester, M2 2BE

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
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: CENTRAL