MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139835/LO/2024
Date registered valid:	3 May 2024
Proposal:	Listed building consent for internal alterations to basement and ground floor and associated external works.
Address:	48 King Street, Manchester, M2 4LG
Ward(s):	Deansgate Ward
Applicant:	Company Secretary Belstaff International Ltd
Agent (if any):	Mr David Tye Paul Butler Associates Ltd
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	24 June 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 14 June 2024

Standard consultations:
Printed: 10 May 2024 Expired: 1 June 2024

Neighbour notifications
Printed: 10 May 2024 Expired: 1 June 2024

Site notice
Posted: 21 May 2024 Expired: 12 June 2024

Press advert
Published: 14 May 2024 Expired: 28 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

This application relates to a Grade II Listed Building located at 48 King Street. The building is located in the St Anns Square conservation area. It is part of the settings of a number of other listed buildings and non-designated heritage assets and makes a positive contribution.

The building was constructed in the c.1870 on a narrow rectangular plot in red brick with sandstone dressing. The building is largely intact above ground floor, with original neo-Gothic carving, elegant cast iron balconies and tall sash windows. To ground floor, the ornate carved pilasters with brackets supporting the moulded cornice, and stylised columns and spandrel panels to rear are of particular interest, with modern infill to the centre.

The interior of the ground floor premises has been affected by previous works that have removed almost all features and left damaged walls. The basement retains some areas of glazed bricks but had also suffered from past damage.

To the rear, the ground floor has been affected by poor modern additions and alterations, with substantial louvres, external film, cladding and blank panels.

The shop front onto King Street is contemporary.

The building is positioned in the immediate setting of a number of listed buildings, including the Grade II listed Old Exchange, 33 King Street, 35 King Street and 54-56 King Street.

Surrounding uses include bars, restaurants, hotels, residential accommodation, offices and law courts.

Description of development

Listed Building Consent is sought for the following works associated with the fit out of the premises for the reuse of the ground floor as a shop unit:

- The construction of a new doorway in the rear of the basement to create a changing room.
- Installation of new plasterboard and mirrors to previously over boarded areas of walls.
- The replacement of contemporary floor finishes with new floor finishes.
- Installation of new ceiling mounted lighting units throughout.
- Installation of shelving.
- Installation of a partition to subdivide the ground floor space.
- The replacement of non-original walls.
- The installation of new cabling and other M&E services to be housed within the existing ceiling raft and behind the plasterboard.
- The framing of the existing shop front fronting King Street would be repainted to match the existing colour.
- The roller shutter, fascias, aluminium shop windows frame and louvres on the rear elevation (King Street South) would be painted black to match the main existing colour.
- The existing external vinyl film installed at the rear would be removed and the broken glass behind it would be replaced with opaque glass.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as an application for listed building consent and as affecting a Conservation Area; a site notice was displayed on site and letters were sent to surrounding residents. No responses were received.

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 CC4 (Visitors, Tourism and Leisure) advises that development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.

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

CC10 (A Place for Everyone) states that development that promotes high standards of accessibility to buildings and across spaces in the City Centre.

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 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-P 1 (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-P 2 (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.

Policy JP-P3 (Cultural Facilities) states that cultural businesses and attractions in our cities and towns will be proactively developed and supported through a range of measures including protecting existing heritage, cultural and community facilities, supporting the development of new cultural venues in town centres and places with good public transport connectivity, promoting

new, or enhanced existing, locally-distinct clusters of cultural facilities, identifying protecting and enhancing strategic clusters of cultural attractions, considering the use of vacant properties and land for pop-ups or meanwhile uses for cultural and creative activities; maximising opportunities for redundant heritage assets; considering the designation of 'Creative Improvement Districts' and supporting a mix of uses which derive mutual benefits. If development would potentially result in conflict between a cultural activity and another use, especially in terms of noise, then the development responsible for the change must secure the implementation of appropriate mitigation before it is completed.

National Policy

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.

Paragraph 196 states that in determining planning applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

(c) the desirability of new development making a positive contribution to local character and distinctiveness; and

(d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 203 states that in determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 207 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

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.

The Impact on the Character of the Listed Building -

Under these criteria the effect of the proposal has been considered.

The interior of the ground and basement floors of the building have lost a significant amount of fabric and features.

The internal walls have suffered a significant amount of damage and have been previously covered by plaster board. Given that this is not a whole building refurbishment and the application has been submitted by a tenant, it is considered appropriate to allow the walls to be sensitively reboarded.

The ground floor premises was originally separated. The proposed partition would be in a similar location to the removed lightwell.

The floor finishes would be installed sensitively and internal cabling etc. would use existing modern surfaces and voids.

The external works proposed are positive and although being simple would improve and help unify the rear elevation. A condition would require the exiting broken glass to be replaced by standard glass.

Generally, the works would reuse a vacant unit and refresh the interior.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above-described works and are consistent with paragraphs 203 and 208 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The public benefits of the proposals are that the premises would be re-occupied, better maintained and reused assisting in the success of this listed building. They would also improve the appearance of the rear elevation.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included advice about the information required to be submitted to support the application and to address issues. This has led to an acceptable proposal.

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 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 23069-S100 Rev - received by the City Council as local planning authority on 22 April 2024

The drawings referenced:

23069-C107,
23069-C202,
23069-C203,
23069-C204,
23069-C205,
23069-C206,
23069-F208,

23069-F209,
2533/E01,
2533/E02,
2533/E03,
2533/E04
2533/M04
BS-KSM-M-01

Received by the City Council as local planning authority on 22 Apr 2024

23069-C100 Rev C
23069-C101 Rev A
23069-C102 Rev A
23069-C104 Rev A
23069-C105
23069-C106 Rev A
23069-C109 Rev A
23069-C200 Rev A
23069-C201 Rev A
23069-C207
23069-C209 Rev B
23069-F200 Rev C

received by the City Council as local planning authority on 17 June 2024

23069-C103 Rev B
23069-F201 Rev D

received by the City Council as local planning authority on 19 June 2024

The Method Statement prepared by PBH Shopfitters received by the City Council as local planning authority on 17 June 2024

The email from Paul Butler Associates dated 19 June 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, SP1 CC9 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan.

3) The works shall be fully implemented only in accordance with the Method Statement prepared by PBH Shopfitters received by the City Council as local planning authority on 17 June 2024.

Reason - Because the proposed works affect a building that is within the curtilage of 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.

4) The glass to be installed within the rear window opening shall be a standard glass product.

Reason - Because the proposed works affect a building that is within the curtilage of 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.

Informatives

1) The application hereby approved does not grant or imply grant of consent for the installation of signage.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Advertiing Right BTinlink Outside 48, King Street, Manchester, M2 4LG
Third Floor, 39 South King Street, Manchester, M2 6DE
Second Floor, 39 South King Street, Manchester, M2 6DE
First Floor, 39 South King Street, Manchester, M2 6DE
Rear Part Ground First Second And Third Floors, 33 King Street, Manchester, M2 6AA
35 South King Street, Manchester, M2 6DE
1 - 3 St Ann's Passage, Manchester, M2 6AB
Second Floor, 6 St Ann's Passage, Manchester, M2 6AB
44 King Street, Manchester, M2 6BA
31 King Street, Manchester, M2 6AA
5 - 7 St Ann's Passage, Manchester, M2 6AB
Basement To First Floor, 33 King Street, Manchester, M2 6AA
39 South King Street, Manchester, M2 6DE
33 King Street, Manchester, M2 6AA
OLD EXCHANGE BUILDINGS, 6 St Ann's Passage, Manchester, M2 6BE
Ground Floor And First Floor, 1 - 3 St Ann's Passage, Manchester, M2 6AB
Basement, 1 - 3 St Ann's Passage, Manchester, M2 6AB
HANCOCKS, 29 King Street, Manchester, M2 6AF
Third Floor And Fourth Floor, 6 St Ann's Passage, Manchester, M2 6BE
Fourth Floor Office, 6 St Ann's Passage, Manchester, M2 6BE
First Floor, 6 St Ann's Passage, Manchester, M2 6AD
50 King Street, Manchester, M2 4LY
46 King Street, Manchester, M2 4LG

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL