MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138524/LO/2023
Date registered valid:	22 November 2023
Proposal:	Listed Building Consent for internal alteration works at ground and basement levels of existing restaurant including the retention of wall treatments and timber structures and stairs.
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:	20 March 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 10 January 2024

Standard consultations:
Printed: 28 November 2023 Expired: 19 December 2023

Neighbour notifications
Printed: 28 November 2023 Expired: 19 December 2023

Site notice
Posted: 18 December 2023 Expired: 11 January 2024

Press advert
Published: 5 December 2023 Expired: 19 December 2023

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 on the ground floor.

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 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.

A large timber structure, additional stairs and the creation of storage areas was installed by the previous occupier without listed building consent.

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.

Description of development

Listed Building Consent is sought for the following works to fit out the basement and ground floors:

Ground floor works:

- Installation of antique mirrors within areas where partitions have infilled openings and around the fireplace where the marble and granite have previously been obscured.
- Retention of the existing timber bar structure with amendments to reduce the height by 300mm and cover the timber with antique mirrors.
- Retention of the ground floor storage areas that have been covered by white rock and timber shelving.
- Installation of new feature lighting.
- Redecoration of existing timber work and plaster work.
- Installation of plant and equipment.

Basement works:

- Creation of openings within two original walls and one non-original wall.
- The retention of white rock wall coverings that were installed within kitchen and staff areas and installation of hygienic flooring to these areas.
- The creation of a dining area within the basement with timber and mirror coverings on walls, ceilings and floors.
- The creation of WC and changing room accommodation.
- The retention of existing lay in grid suspended ceilings and lighting.

No external works are proposed.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as affecting a listed building, a site notice was displayed on site and letters were sent to surrounding occupiers. No replies 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 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 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 Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

You can view the Inspectors' Report on the GMCA's website at Places For Everyone - Greater Manchester Combined Authority (greatermanchester-ca.gov.uk). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20

March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

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.

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.

Visual Amenity and the impact on the Character and Appearance of the Heritage Assets affected -

The works have been the subject of extensive discussions and the proposals have been amended to remove paint that the applicant had applied to columns, remove plaster and timber from marble and granite that the applicant and the previous occupier had applied to walls without consent. They also include the reduction in height to an existing unauthorised timber bar structure to reveal more of the highly decorative cornices and improve how the bar relates to the surrounding features including the domes.

The hygienic surfaces that have been applied to marble, granite and glazed bricks have been justified as they are required for hygiene reasons and would help protect the underlying fabric in highly trafficked areas.

Timber panelling has been removed from some of the columns and will be required by condition to be reinstated.

The demolition of parts of walls within the basements is considered acceptable as it has been justified in the reuse of the premises and on the basis that it has affected non-original fabric and original fabric of low significance.

The other works would suite the character of the spaces and would be sensitively installed. The lighting would use existing connections.

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.

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 extensive 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 P390 01 received by the City Council as local planning authority on 9 November 2023

The drawings referenced:

P390 05 Rev E
P390 06 Rev C
P390 22
P390 23
P390 25

received by the City Council as local planning authority on 12 February 2024

P390 25

received by the City Council as local planning authority on 16 February 2024

The emails from Mike Macpherson Architects dated 17 January 2024 and 21 February 2024 (Point A) and C) only)

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) Low level timber panels shall be fully reinstated beneath the granite columns in accordance with the email from Mike Macpherson Architects dated 17 January 2024 and these works shall be completed within 3 months of the date of this decision.

Reason - In the interests of visual amenity and 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 large timber bar structure shall be reduced in height by 300mm in accordance with the drawing referenced P390 25 received by the City Council as local planning authority on 16 February 2024 within 3 months of the date of this decision.

Reason - In the interests of visual amenity and 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.

5) Notwithstanding the information detailed within Condition 2 of this application full and final M&E and drainage details, including details of internal and external manifestation, exposed equipment and new penetrations to existing fabric shall be submitted to and approved in writing by the City Council as local planning authority prior to any works to install this equipment commencing including any associated removal of the existing fabric.

The M&E shall then be installed fully and only in accordance with the approved details.

Reason - In the interests of visual amenity and 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.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Basement, The Chancery, 58 Spring Gardens, Manchester, M2 1YB
Ground Floor, 60 Spring Gardens, Manchester, M2 2BQ
Basement, 41 Spring Gardens, Manchester, M2 2GB
Third Floor, 81 King Street, Manchester, M2 4AH
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
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
Third Floor, 60 Spring Gardens, Manchester, M2 2BQ
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
Second Floor, 60 Spring Gardens, Manchester, M2 2BQ
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
Sixth Floor, The Chancery, 58 Spring Gardens, Manchester, M2 1EW
First Floor, 60 Spring Gardens, Manchester, M2 2BQ
60 Spring Gardens, Manchester, M2 2BQ
42 - 44 Fountain Street, Manchester, M2 2AE
Basement And Ground Floor, 41 Spring Gardens, Manchester, M2 2GB
First Floor To Fifth Floor, 41 Spring Gardens, Manchester, M2 2BG
Ground Floor, 81 King Street, Manchester, M2 4AH
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
Fourth Floor, 60 Spring Gardens, Manchester, M2 2BQ
50 Fountain Street, Manchester, M2 2AS
3 York Street, Manchester, M2 2AW

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