

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138394/LO/2023

Date registered valid: 14 December 2023

Proposal: Listed Building Consent for the retention of a new fascia sign, menu sign, and the replacement of wooden entrance doors with a frameless glass entrance.

Address: Basement, M1 Building, 50 Princess Street, Manchester, M1 6HR

Ward(s): Piccadilly Ward

Applicant: Mr Devang Gohil Sthan M1

Agent (if any): Mr M. Muse Muse Architects

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 7th February 2024

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 3 January 2024

Standard consultations:

Printed: 2 January 2024 Expired: 23 January 2024

Neighbour notifications

Printed: 2 January 2024 Expired: 23 January 2024

Site notice

Posted: 3 January 2024 Expired: 24 January 2024

Press advert

Published: 9 January 2023 Expired: 23 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area/Site

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

The building under consideration is designated at Grade II due to its special architectural, historic and townscape interest. It was constructed c.1885 as a skipping and packing warehouse. It is positioned at the core of Whitworth Conservation Area and in the immediate setting of a number of listed industrial premises of a similar aesthetic and age, including the Grade II listed Rhodesia House, Easter House, Langlet Building, Lionesse House and Brazil House, with which it forms an important group.

This application concerns the basement of the M1 building, which currently operates as a restaurant.

Description of Development

The application seeks Listed Building Consent for the retention of a new fascia sign and the replacement of wooden entrance doors with a frameless glass entrance.

Related Applications

138093/FO/2023 - Retention of frameless glass entrance. ***To be refused in tandem with this application.***

138246/AO/2023 - Retention of stainless steel internally illuminated fascia signage and menu sign. ***To be refused in tandem with this application.***

Consultations & Notification Responses

Heritage & Urban Design - Stated that the works have caused considerable and unjustified cumulative harm to the Grade II listed building and Whitworth Conservation Area, with a low degree of harm to the setting of the neighbouring Grade II listed former industrial buildings (Rhodesia House, Lionesse House, Transact House and Langley Buildings).

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, one objection has been received from a resident at 50 Princess Street, objecting to the works for detracting from rather than add to the beauty and historic significance of the building.

Policy

The Adopted Core Strategy for the City of Manchester

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

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 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 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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

Policies **JP-S1 (Sustainable Development)**, **JP-P1 (Sustainable Places)**, and **JP-P2 (Heritage)** are considered relevant to this application.

National Policy

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 require 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 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPA's should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 206 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 207 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.

Paragraph 208 advises that Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

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.

Issues

Principle

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Impact on Heritage Asset

The signage that previously was situated in the same location on site, was in the form of individual letter fitted onto the existing stone lintel, allowing legibility of the original architectural features and with a lesser impact on the frontage of the Grade II listed building. The height, colour and position of the advertisement showed consideration to the special qualities of the building, preserving its special architectural and historic significance, and with a neutral impact on the conservation area.



Shopfront proposed to be retained

The signage, in the form of an internally illuminated box signage, has had a negative impact on the Grade II listed building and Whitworth Conservation Area, causing a degree of harm to the designated assets' special significance. This is on account of the form, size, design, and position of the signage, which obscure the core features of the frontage and detracting from the special architectural interest of the asset. The work undertaken fails to be visually attractive in its context and be sympathetic to local character and history.

The signage has been designed and positioned with no consideration of the Grade II listed building, failing to give great weight to its significance and meet the requirement of paragraph 205 of the NPPF. The quality and character of the building has suffered due to the poor design and inappropriate siting of the advertisement, with an adverse impact on the conservation area, local amenity and the setting of the adjacent listed buildings.

The new shopfront has also caused harm to the Grade II listed building, where a sympathetic timber door, reflective of the original doors to the building and other joinery in its setting, dominated by 19th century industrial buildings, has been replaced with a poor quality glazed shopfront set in an incongruous and unfitting brown frame. It is worth highlighting that the wooden doors matched and were added at the same time as the main doors to upper storeys at number 50 (c. 2002) in order to improve the whole frontage of the Grade II listed building and achieve consistency throughout.

In consequence, these works have failed to protect the cohesion of the frontage, with an adverse impact on the architectural, historic and townscape interest of the building and the street scene and character of the conservation area.

The new shopfront bears no positive relationship to the original construction or appearance of the Grade II listed building in its proportions, design and the use of materials, with no evidence of any weight or sensitivity having been given to the special interest of the designated asset.

The works to the shopfront have also concealed and damaged the existing original stonework with the crude and unacceptable use of concrete. These works have caused material damage to the Grade II listed building, with an adverse impact on the underlying fabric, frontage of the Grade II listed building and the wider street scene. The unauthorised concrete additions have also caused harm to the significance of the asset.

Other unauthorised fixtures and fittings, as highlighted below, have also been identified. In the absence of any detail or justification, these must be removed, with any damage made good with appropriate materials (natural stone, brickwork and coloured lime mortar).

It is not agreed that the unauthorised works for which a retrospective approval is sought "epitomize architectural sensitivity, preserving the building's historical legacy while embracing contemporary architectural requisites seamlessly" - as claimed within the HS. On the contrary, these works have caused considerable and unjustified cumulative harm to the Grade II listed building and Whitworth Conservation Area, with a low degree of harm to the setting of the neighbouring Grade II listed former industrial buildings (Rhodesia House, Lionesse House, Transact House and Langley Buildings). The new signage, shopfront and associated alternations to frontage have failed to meet the guidance within section 12 and 16 of the NPPF (in particular consideration of paragraphs 135, 195, 200, 205, 206, 208 and 212), saved UDP policies 18.1 and 19.1 and Policies CC9 and EN3 of Manchester Core Strategy.

There have not been sufficient public benefits identified to justify the works that have been carried out. The works do not improve the accessibility into the building, nor do they add any structural benefit to the host building. The entrance is also a secondary entrance, so any benefits that the new entrance would provide would be solely to one particular section of the building, and would not bring a benefit to the entirety of the building itself.

Conclusion

The works carried out have caused harm to the listed building and the application is therefore refused in accordance with the policies outlined above.

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: Refuse

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.

However, the issues identified were unable to be resolved in time for the determination date for this application and therefore approval has not been possible.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The retention of the advertisement and the associated works to the entrance, by reason of their size, location, design, and appearance, have an unduly harmful impact on the visual amenity of the Listed Building and the surrounding street scene within the conservation area. The works fail to preserve or enhance the special interest of the listed building or be sympathetic to the local character and history, drawing attention away from the listed building's architectural and artistic interest, which would considerably diminish the special significance of the designated heritage asset. The works appear out of context with the building and location context and modifications to the entrance could have been achieved in a less harmful way. The development has resulted in less than substantial harm to the listed building and there are no required public benefits to outweigh this. The development is contrary to Government Guidance contained in the National Planning Policy Framework, policies EN1, EN3, SP1 and DM1 of the Manchester Core Strategy and saved policies E3.3, DC15 and DC19 of the Unitary Development Plan for the City of Manchester, and section 16 of the NPPF.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Flat 31, 48 Princess Street, Manchester, M1 6HR
Flat 10, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 6, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 18, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 12, M1 Building, 50 Princess Street, Manchester, M1 6HR
Basement, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Flat 42, 48 Princess Street, Manchester, M1 6HR
Flat 45, 48 Princess Street, Manchester, M1 6HR
Flat 24, 48 Princess Street, Manchester, M1 6HR
Flat 22, 48 Princess Street, Manchester, M1 6HR
Flat 5, 48 Princess Street, Manchester, M1 6HR
Flat 1, 48 Princess Street, Manchester, M1 6HR
Flat 301, 11 Harter Street, Manchester, M1 6HY
Ground Floor Right, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 5, M1 Building, 50 Princess Street, Manchester, M1 6HR
Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 17, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 13, M1 Building, 50 Princess Street, Manchester, M1 6HR
Second Floor Rear Left, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Flat 19, 48 Princess Street, Manchester, M1 6HR
Flat 302, 11 Harter Street, Manchester, M1 6HY
Flat 14, 48 Princess Street, Manchester, M1 6HR
Flat 202, 2 Waterloo Street, Manchester, M1 6HX
Basement, 48 Princess Street, Manchester, M1 6HR
Flat 402, 11 Harter Street, Manchester, M1 6HY
Fourth Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 9, M1 Building, 50 Princess Street, Manchester, M1 6HR
Third Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
National Museum Of Labour History, 103 Princess Street, Manchester, M1 6DD
Flat 20, 48 Princess Street, Manchester, M1 6HR
Flat 12, 48 Princess Street, Manchester, M1 6HR
Flat 3, 48 Princess Street, Manchester, M1 6HR
Flat 403, 11 Harter Street, Manchester, M1 6HY
Flat 33, 48 Princess Street, Manchester, M1 6HR
Flat 16, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 4, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 17, 48 Princess Street, Manchester, M1 6HR
Flat 6, 48 Princess Street, Manchester, M1 6HR
Flat 11, 48 Princess Street, Manchester, M1 6HR
Ground Floor To Third Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Second Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 2, M1 Building, 50 Princess Street, Manchester, M1 6HR
Fourth Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Third Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 1DD
Ground Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 44, 48 Princess Street, Manchester, M1 6HR
Flat 101, 11 Harter Street, Manchester, M1 6HY
Flat 21, 48 Princess Street, Manchester, M1 6HR
Flat 102, 2 Waterloo Street, Manchester, M1 6HX
Flat 501, 11 Harter Street, Manchester, M1 6HY

Flat 303, 11 Harter Street, Manchester, M1 6HY
Flat 14, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 15, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 8, M1 Building, 50 Princess Street, Manchester, M1 6HR
Second Floor Front Right, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Basement To First Floor, National Museum Of Labour History, 103 Princess Street, Manchester, M1 6DD
Flat 43, 48 Princess Street, Manchester, M1 6HR
Flat 35, 48 Princess Street, Manchester, M1 6HR
Flat 34, 48 Princess Street, Manchester, M1 6HR
Flat 16, 48 Princess Street, Manchester, M1 6HR
Flat G01, 11 Harter Street, Manchester, M1 6HY
Flat 46, 48 Princess Street, Manchester, M1 6HR
Flat 201, 2 Waterloo Street, Manchester, M1 6HX
Third Floor, Rhodesia House, 52 Oxford Street, Manchester, M1 6JX
Fifth Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 11, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 3, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 7, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 19, M1 Building, 50 Princess Street, Manchester, M1 6HR
Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Second Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Ground Floor To Third Floor, 103 Princess Street, Manchester, M1 6DD
Flat 41, 48 Princess Street, Manchester, M1 6HR
Flat 2, 48 Princess Street, Manchester, M1 6HR
Flat 25, 48 Princess Street, Manchester, M1 6HR
Flat 503, 11 Harter Street, Manchester, M1 6HY
Flat 502, 11 Harter Street, Manchester, M1 6HY
Manchester Central College, Harter Street, Manchester, M1 6HY
Flat 32, 48 Princess Street, Manchester, M1 6HR
Flat G02, 11 Harter Street, Manchester, M1 6HY
Flat 401, 11 Harter Street, Manchester, M1 6HY
First Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
103 Princess Street, Manchester, M1 6DD
Flat 4, 48 Princess Street, Manchester, M1 6HR
Flat 23, 48 Princess Street, Manchester, M1 6HR
Flat 15, 48 Princess Street, Manchester, M1 6HR
Flat 10, 48 Princess Street, Manchester, M1 6HR

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL