

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138053/LO/2023

Date registered valid: 20 September 2023

Proposal: Listed Building Consent for internal works, including shopfitting, lighting and fire alarms, together with installation of illuminated fascia sign and hanging sign.

Address: Basement And Ground Floor, 28 King Street, Manchester, M2 6AY

Ward(s): Deansgate Ward

Applicant: Mr Alex Smith Whistles Ltd.

Agent (if any): Ms Arina Kirilova Blass Design LLP

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

Recommendation: Approve

Date of recommendation: 04/12/2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 3 October 2023 Expired: 24 October 2023

Neighbour notifications

Printed: 3 October 2023 Expired: 24 October 2023

Site notice

Posted: 6 October 2023 Expired: 27 October 2023

Press advert

Published: 10 October 2023 Expired: 24 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the ground floor of the four storey mid-terrace Grade II listed property at no28 King Street. The building is a late 19th century shop unit that has undergone a sub-division with its ground floor in use as a shop and its first floor in use as a hair salon. The application site features a modern aluminium frame shopfront, with timber fascia board and unauthorised hanging sign and fascia sign. Internally the property's ground floor has seen extensive internal alteration in the form of the installation of multiple stud walls, approved under application 106551/LO/2014/C1, the property's basement however retains its original decorative tiled walls.

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area forms part of the southern half of the St Anns Conservation Area. King Street itself is a prominent road within the Conservation Area, lined by a high number of commercial Victorian properties in varying café, restaurant and non-food retail uses (Class E). A high number of Grade II listed buildings neighbour the application site along King Street to the north, east and west. South King Street to the rear of the application site, is characterised by the back of house accesses to the properties that line King Street, with extraction equipment and bin storage points being present throughout.

Description of development

The application seeks listed building consent for various internal alterations and the retention of an illuminated fascia sign and hanging sign.

The proposed internal alterations would comprise of the partial removal of modern stud partitions, redecoration of stud partitions with wood panelling, new paint and terracotta wall tiles, and the installation of new lighting and fire alarms all at ground floor.

The proposed projecting sign is a black aluminium panel and would be displayed on the eastern side of the property's shopfront at fascia level, being located 3060mm off the ground. The sign has a height of 760mm, a width of 30mm and a depth of 850mm, and is suspended from a bracket with trough lighting. The trough lighting has a maximum luminance of 250cd/m².

The proposed internally illuminated fascia sign is comprised of individual letters completed in white acrylic. The fascia sign has a width of 2290mm, a height of 250mm and a depth of 60mm. The sign then has a luminance level of 250cd/m².

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

138054/AO/2023 - Installation of internally illuminated individual letter fascia sign and externally illuminated hanging sign – Application pending consideration.

106555/AO/2014/C1 - Installation of 1no. externally illuminated fascia sign and 1no. non-illuminated projecting sign – Approved May 2015.

106551/LO/2014/C1 - Listed Building Consent - for the installation of a new shopfront, signage, internally mounted air conditioning equipment to be located behind existing louvres to the rear elevation and various internal alterations – Approved May 2015.

106553/FO/2014/C1 - Installation of a new shopfront, and internally mounted air conditioning equipment to be located behind existing louvres to the rear elevation – Approved May 2015.

057458/FO/CITY1/99 - Installation of a new shop front – Approved October 1999.

Consultations & Notification Responses

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 CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester - For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC15 – Advertisements, Hoardings and Posters
- Policy DC19 – Listed Buildings

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Other legislative requirements

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the LBCA Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

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. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Impact upon the Heritage Asset

The proposal comprises of the retention of external advertisements and internal alterations to the property's ground floor and basement. The assessment for the proposal's impact on the significance of the listed building has been set out below by analysing the proposed works to each floor and then the external advertisements in isolation.

The property's basement is to be left largely unaltered, with previously approved modern partitions being retained, and the proposed plans noting that the only alterations are to replace the existing light fixtures with modern LED equivalents. Such works are not considered to affect the significance of the listed building and are thus acceptable.

Works to the property's ground floor are more extensive, with the removal of some modern partitions/stud walls proposed. Notwithstanding this however, the majority of the stud walls approved under application 106551/LO/2014/C1 are to be retained and decorated over with new wood panelling, paint and terracotta wall tiles. New light fixtures and an existing bulkhead will be extended in place of partitions proposed to be demolished. On balance the interior proposals are considered to be minor, with them only affecting modern partitions and stud walls. It is welcomed that non-original stud walls are to be removed, however paired with the extension of an existing bulkhead, it is considered that the internal proposals taken as a whole would have a neutral impact on the significance of the listed building.

The external alterations the proposal seeks consent for have already been installed on site. The proposed hanging sign has replaced another hanging sign, the notable difference between the two being that the one consent is sought for features a bracket providing trough illumination. Due to the sign being of a heritage style and utilising the same openings as that of the previous sign, it is considered said sign is acceptable and would have a neutral impact on the significance of the listed building. The proposed fascia sign in comparison to that of the hanging sign is more contemporary in nature, featuring internal LED illumination. The sign itself, with regard to its size and material are considered to be inoffensive to the historical significance of the listed building, with it being comprised of individual letters and being modest in size. The use of an internally illuminated sign on a listed building is considered to be inappropriate, however, it is noted that the control of illumination would fall under the jurisdiction of an accompanying advertisement consent, and as such in the event of an approval no condition will be attached controlling its illumination.

On this basis the proposal would have a neutral impact on the significance of the listed building and therefore, the proposal would meet the statutory test to preserve as put forward under Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and as such is in accordance with policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to have a neutral impact on the historical significance of the Grade II listed building in accordance with policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application is 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

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 ongoing advice that has resolved the issues associated with the 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 be carried out in accordance with the following drawings and documents:

- o Location Plan (Received 11/09/2023)
- o 11183/02D: Proposed General Arrangement Plan (Received 20/09/2023)
- o 11183/03F: Proposed Shopfront (Received 21/11/2023)
- o 11183/04A: Proposed RCP and Small Power Plan (Received 20/09/2023)
- o 11183/05.1A: Proposed Internal Elevations (Received 20/09/2023)
- o 11183/05.2: Proposed Fitting Room Elevations (Received 20/09/2023)
- o 11183/06C: Proposed Finished Plan (Received 20/09/2023)
- o 11183/07A: Proposed Wall Setting Out Plan (Received 20/09/2023)
- o 11183/08A: Demolishing Plan (Received 20/09/2023)
- o 11183/08.1A: Clarification of works to listed building (Received 21/11/2023)

Reason - 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.

3) No materials shall be used on listed building other than those referred to on the approved plans / supporting documentation.

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 and preserving the historical significance of the listed building in accordance with policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

23 King Street, Manchester, M2 6AN
First Floor Right Suite B, 23 King Street, Manchester, M2 6AN
Second Floor, 23 King Street, Manchester, M2 6AN
Third Floor, 23 King Street, Manchester, M2 6AN
First Floor Suite A, 23 King Street, Manchester, M2 6AN
Second Floor Rear, 28 King Street, Manchester, M2 6AY
First Floor, 26 King Street, Manchester, M2 6AY
26 King Street, Manchester, M2 6AY
THE WHITE COMPANY, 21 King Street, Manchester, M2 6AF
First Floor, 30 King Street, Manchester, M2 6AZ
Basement And Ground Floor, 30 King Street, Manchester, M2 6AZ
First Floor, 36 King Street, Manchester, M2 6AZ
Basement And Ground Floor, 34 - 36 King Street, Manchester, M2 6BA
EDWARDS & COMPANY (PROPERTY) LTD, Second Floor And Third Floor, 26 King Street, Manchester, M2 6AY
PAUL NICHOLS & CO, Second Floor Front, 28 King Street, Manchester, M2 6AY
10 - 14 South King Street, Manchester, M2 6DQ
24 - 26 King Street, Manchester, M2 6AY
Second Floor, 36 King Street, Manchester, M2 6BA
JIGSAW, 19 King Street, Manchester, M2 6AW
28 - 30 King Street, Manchester, M2 6AY
34 - 36 King Street, Manchester, M2 6AZ
36 King Street, Manchester, M2 6BA
First Floor Rear, 28 King Street, Manchester, M2 6AY
Third Floor, 36 King Street, Manchester, M2 6BA
30 King Street, Manchester, M2 6AZ
28 King Street, Manchester, M2 6AY
Second Floor, 30 King Street, Manchester, M2 6AZ
First Floor Front, 30 King Street, Manchester, M2 6AZ
Third Floor, 28 - 30 King Street, Manchester, M2 6AY

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