Planning

Growth & Development

Delegated officer report for planning application

Application no.	137907/JO/2023
Date registered valid:	24 August 2023
Proposal:	Variation of Condition 2 (Specified Plans) to reduce size of side extension attached to Planning Permission 132373/FO/2021.
Address:	2 Spinningfields Square, Manchester, M3 3AP
Ward(s):	Deansgate Ward
Applicant:	Rebecca Caprice Holdings Ltd
Agent (if any):	Miss Rebecca Dennis Pegasus Group
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**19/10/2023**

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 20/09/2023

Standard consultations:
Printed: 11 September 2023 Expired: 2 October 2023

Neighbour notifications
Printed: 11 September 2023 Expired: 2 October 2023

Site notice
Posted: 20/09/2023 Expired: 11/10/2023

Press advert
Published: 19 August 2023 Expired: 2 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The existing building is of a high quality and is considered a landmark building that has scissor geometry, angled upper storeys that realign the east-west axis towards Hardman Square at the heart of Spinningfields. The trapezoidal form of the building's plan is echoed in the vibrant glazing which animates the elevations and creates a unique experience inside the building.

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of area

The application site is located within the Spinningfields area of Manchester City Centre which is an important concentration of financial and professional services as well as leisure uses. It is bounded by Deansgate, the River Irwell, Quay Street and Bridge Street. The site is located within Deansgate Conservation Area and is adjacent to John Rylands Library, which is a Grade I listed building.

Description of development

The development relates to the retention of a ground floor extension which incorporates a lobby and storage area to the rear. The extension is clad in marble, with a large painted glazed section to the southern elevation and a similarly painted and glazed door to the eastern elevation.

Consultations & Notification Responses

Publicity - a site notice was displayed on site advertising the development as on affecting the setting of a listed building and conservation area. Letters were sent to surrounding occupiers informing them of the development. A notice was posted in the local press advertising the development as one affecting the setting of a listed building and conservation area. No representations have been received as a result of this publicity.

Environmental Health - no comments on proposal but requested updated operating strategy regarding the outdoor seating area

Highways Services - Highways are satisfied with the proposal for variation of Condition 2 (Specified Plans) and have no objections in principle.

Design for Security at Greater Manchester Police - no comments

Issues

Policies

The main policies that relate to this application are SP1 (Spatial Principles), DM1 (Development Management), EN1 (Employment and Economic Growth in Manchester) EN3 (Heritage) CC4 (Visitors – Tourism, Culture and Leisure), CC7 (Mixed Use Development), CC9 (Design and Heritage) and C10 (Leisure and the Evening Economy) of the Manchester Core Strategy (2012), DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for Manchester (1995) and Section 16 (Conserving the historic environment) of the National Planning Policy Framework.

Places for Everyone (2023)

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.

Policy JP-P2: Heritage 3. Integrating the conservation and enhancement of heritage assets and their settings, with creative contextual architectural responses that contribute to their significance and sense of place;

Planning history

132373/FO/2021 – *Erection of single storey extension and creation of external seating area and external alterations to existing building.*

132374/AO/2021 - *Installation of 3 no. fascia signs, 1 internally illuminated menu board and 3no. vinyl signs applied to awning.*

134627/NMC/2022 - *Non material amendment to application ref no 132373/FO/2021 to reduce the size of the extension.* This reduced the size of the extension by approx. 3 metres.

136133/FO/2023 - *Installation of roof top plant*

Principle

The application seeks to vary the approved plans of app. ref. to reduce the size of the side extension. As noted in the officer's report for app. ref. 132373/FO/2021, the extension was justified by the applicant in terms of economic viability, as it would provide additional floorspace, and hence covers, necessary to make the restaurant a success. The less than substantial harm to designated heritage assets that arose as a result of this development was outweighed by the public benefits associated with making this ground floor use a viable use.

The new extension considered under this application is for a significantly reduced in size extension to form a lobby and cloak room. There is also an additional 'shed' to the rear of the extension to provide storage for items such as gas canisters for gas fire features.

The extension no longer provides the floorspace for additional covers. The previous justification for the extension no longer applies. The principle of the development is not supported with the extension forming an incongruous feature to the adjacent building and within the wider setting of the conservation area. The benefits that previously existed no longer apply.

Visual amenity

The extension, by virtue of its reduced size, weakens the overall design intent of the extension approved under app. ref. 132373/FO/2021 (and reduced in size under app. ref. 134627/NMC/2022) and together with harming the architectural quality of the adjacent building.

The originally approved extension ran much of the length of the southern elevation of 2 Spinningfields Square, which would have created a large new structure which would have been read as a distinct element to the adjacent, largely glass building. This proposal would have created an impression of a solid, permanent structure to the building.

The extension erected has significantly reduced in length compared to the previous proposal and appears as an incongruous, temporary element that has been bolted on to the building. This creates an impression of imbalance across the elevation in its totality, especially when viewed when coming eastwards towards the square, thereby weakening the architectural character of 2 Spinningfields Square. This is particularly stark given the high quality, sleek design that characterises this landmark city centre building.

This is further compounded by the rear storage unit which, by virtue of its lower height and sloping roof, appears as an afterthought to make up for design failures in the structure that did not incorporate sufficient storage space. The impression is of a lean-to or shed that has, again, been bolted on to a larger structure.

Another element of the justification for the originally approved extension rested upon high-quality finishing and detailing of the structure. The extension approved under app. ref. 132373/FO/2021 and reduced in size under app. ref. 134627/NMC/2022 was more highly detailed than that considered under this application, with brass sculptural manifestations below the windows. The difference is shown in the images below:

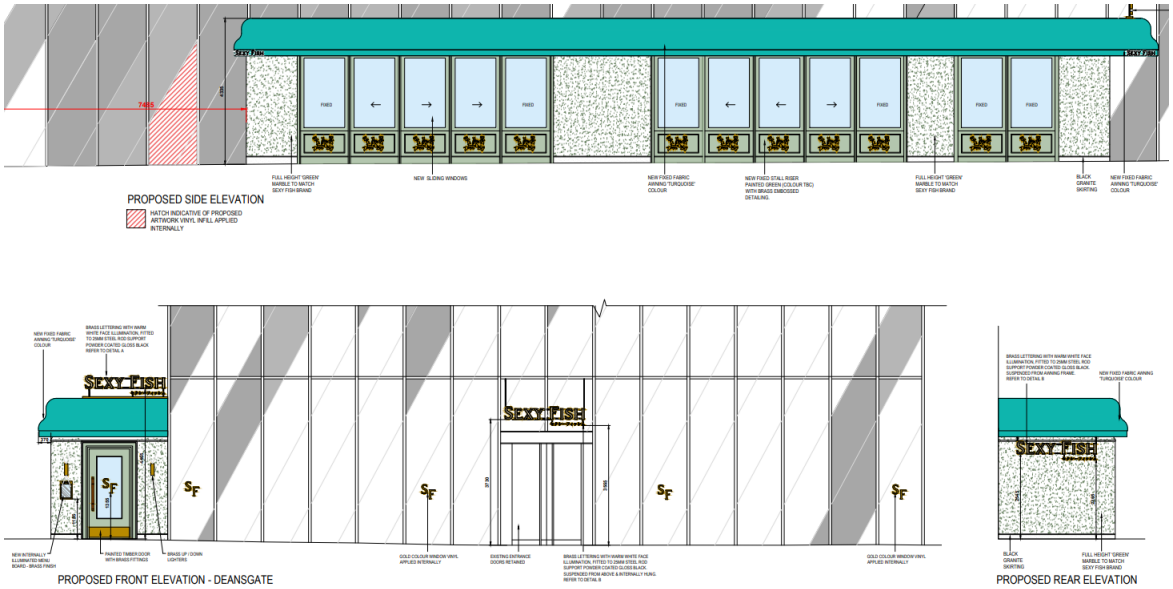
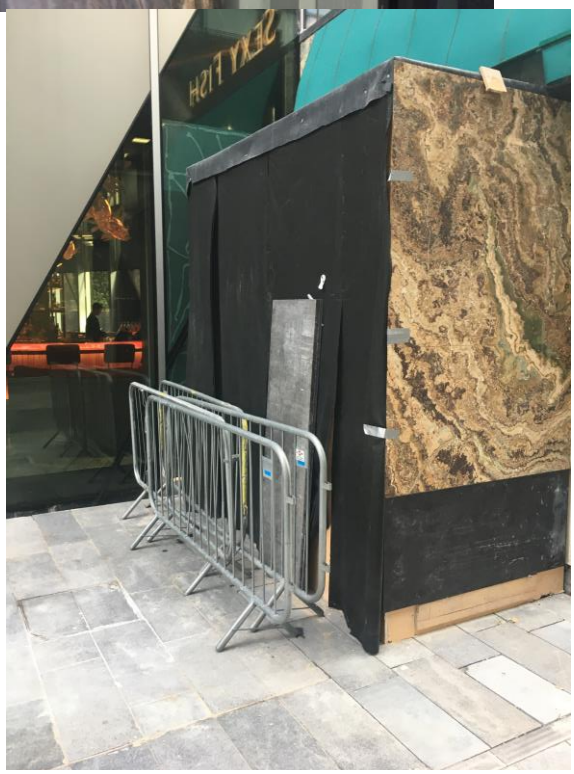


Fig. 1 – extension granted under 134627/NMC/2022

Fig. 2 – extension proposed under app. ref. 137907/JO/2023

Furthermore, as shown in the images below, what has been delivered on site is of a very poor finish.



Issues include the gaps left between the cladding and underlying structure, exposed adhesive in joints and thinly applied paint which leaves areas of exposed undercoat. The unfinished rear storage area does not reflect the submitted plans and is partly clad in a black fabric with areas of plywood showing towards the foot of the structure. The resulting impression is of a low-quality, temporary structure which creates an unsightly juxtaposition in relation to the high-quality finish of the surrounding buildings.

Impact on designated heritage assets

The officer report for app. ref. noted the extension approved on 2 Spinningfields Square would result in a degree of less than substantial harm:

'The proposed extension is considered to amount to small instances of less than substantial harm to the designated heritage assets which would be outweighed by the benefits which include providing additional floorspace to ensure the building retains a sustainable economic use in accordance with paragraph 202 of the NPPF.'

Spinningfields Square is within the setting of a Grade I-listed building, John Rylands Library, as well as within the Deansgate Conservation Area. When viewed from Deansgate and heading west from Lincoln Square, the extension is clearly visible within this setting.

Where instances of modern development are present, they are of very high quality, sleek and highly glazed – such as the building at 2 Spinningfields Square. The visual simplicity of this building, with clean, geometric lines, creates a satisfying juxtaposition with the ornate stonework of John Rylands Library.

In contrast, the extension is a busy, cluttered structure that is constructed from a melange of materials and textures and is significantly less permeable than the adjacent building. It adds an unwelcome additional element, which, as previously outlined, weakens the architectural quality of the adjacent building thereby harming visual amenity. The City Council previously had concerns about the design of the extension approved under 132373/FO/2021 and as noted in the passage quoted above, it was considered that this did amount to less than substantial harm. However, it was considered that this was outweighed by the public benefit of bringing the unit into viable economic use. It is considered that this development amounts to less than substantial harm to the setting of the listed building and conservation area and there are no public benefits that outweigh this harm.

The extension proposed for retention does not comprise floorspace for additional covers. The public benefit provided by the extension – the securing of an economically sustainable use – is no longer relevant. The restaurant has become operational which demonstrates that the extension was not required for viability of the use. There is no public benefit that would justify the less than substantial harm created by the development and, as a result, the development is contrary to the provisions of Section 16 of the NPPF.

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:

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. In this case, we have raised concerns regarding the proposal with the applicant and have been unable to achieve an acceptable solution, so the application has been determined in a timely manner.

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

1)The extension, by virtue of its position, form, appearance and materiality, has resulted in an incongruous, ill-proportioned feature to the adjoining building, the wider setting of Spinningfields Square and the main through route into Spinningfields which is also in the Deansgate conservation Area. The extension has therefore undermined the character and appearance of the building and wider area which is detrimental to visual amenity. The development has also resulted in less than substantial harm to the significance of the conservation area, as a result of the poor-quality appearance and materiality of the extension, and the required public benefits do not exist to outweigh this harm. The development is therefore contrary to the provisions of policies DM1, SP1, CC4, CC7, CC9, EN1, EN3 and C10 of the Manchester Core Strategy (2012) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Second Floor, 125 Deansgate, Manchester, M3 2BY
Fourth Floor, 3 Hardman Street, Manchester, M3 3HF
36 Bridge Street, Manchester, M3 3BT
1 Spinningfields Square, Manchester, M3 3AP
Third Floor And Fourth Floor Front, Rational House, 64 Bridge Street, Manchester, M3 3BN
Second Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
MACRO 4 LTD, Second Floor Front, St Johns House, 2 Queen Street, Manchester, M2 5JB
First Floor Left Front, St Johns House, 2 Queen Street, Manchester, M2 5JB
140 Deansgate, Manchester, M3 2RP
54 - 56 Bridge Street, Manchester, M3 3BW
Second Floor, Rational House, 64 Bridge Street, Manchester, M3 3BN
Seventh To Eleventh Floors, 125 Deansgate, Manchester, M3 2BY
Sixth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Eight Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Tenth Floor, 3 Hardman Street, Manchester, M3 3HF
Basement And Ground Floor, 62 Bridge Street, Manchester, M3 3BW
Betfred, 133 Deansgate, Manchester, M3 3RW
Fourth Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
Twelfth Floor, 3 Hardman Street, Manchester, M3 3AU
Second Floor Front, Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
Second Floor Right, Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
Third Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
First Floor, Deans Court, Crown Square, Manchester, M15 5FU
First Floor, 52 Bridge Street, Manchester, M3 3BW
First Floor, 54 - 56 Bridge Street, Manchester, M3 3BW
50 Bridge Street, Manchester, M3 3BW
Medika Clinic, 3 Hardman Street, Manchester, M3 3AX
Second Floor, 52 Bridge Street, Manchester, M3 3BW
Rear Part First Floor, 50 Bridge Street, Manchester, M3 3BW
Eleventh Floor, 3 Hardman Street, Manchester, M3 3AU
Second Floor Flat, 54 - 56 Bridge Street, Manchester, M3 3BW
Ninth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Eleventh Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Dishoom, 32 Bridge Street, Manchester, M3 3BZ
St Johns House, 2 Queen Street, Manchester, M2 5JB
Unit G22, 2 Spinningfields Square, Manchester, M3 3AP
52 Bridge Street, Manchester, M3 3BW
Front Part First Floor, 50 Bridge Street, Manchester, M3 3BW
18 Wood Street, Manchester, M3 3EF
123 Deansgate, Manchester, M3 2BY
22 Wood Street, Manchester, M3 3EF
Unit 2A, Spinningfields Square, Manchester, M3 3AP
Ninth Floor, 3 Hardman Street, Manchester, M3 3HF
Seventh Floor, 3 Hardman Street, Manchester, M3 3HF
Second Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Basement, Centurion House, 129 Deansgate, Manchester, M3 3WR
Bridge Street Tavern, 58 Bridge Street, Manchester, M3 3BW

John Rylands Library, 148 - 158 Deansgate, Manchester, M3 3EH
64A Bridge Street, Manchester, M3 3BA
Advertising Right Outside 1, Spinningfields Square, Manchester, M3 3AP
Ground Floor, 3 Hardman Street, Manchester, M3 3AX
Australasia, 2 Spinningfields Square, Manchester, M3 3AP
Unit 4A, Spinningfields Square, Manchester, M3 3AP
First Floor, Rational House, 64 Bridge Street, Manchester, M3 3BN
Advertising Right Outside 3, Hardman Street, Manchester, M3 3HF
Second Floor, Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
Wood Street Mission, 26 Wood Street, Manchester, M3 3EF
24 Wood Street, Manchester, M3 3EF
First Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
Ground Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
First Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Sixth Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
First Floor Left Rear, St Johns House, 2 Queen Street, Manchester, M2 5JB
Second Floor, Deans Court, Crown Square, Manchester, M15 5FU
Ground Floor Front, 50 Bridge Street, Manchester, M3 3BW
Second Floor, 62 Bridge Street, Manchester, M3 3BW
Fourth Floor, 125 Deansgate, Manchester, M3 2BY
Third Floor, Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
Flat At, Bridge Street Tavern, 58 Bridge Street, Manchester, M3 3BW
Seventh Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Basement, 50 Bridge Street, Manchester, M3 3BW
Third Floor, 3 Hardman Street, Manchester, M3 3AW
Right, 133 Deansgate, Manchester, M3 3RW
Second Floor, 3 Hardman Street, Manchester, M3 3AW
Sixth Floor, 3 Hardman Street, Manchester, M3 3AT
Left, 133 Deansgate, Manchester, M3 3RW
Spinningfields Magistrates Court, Crown Square, Manchester, M60 1PR
Ground Floor, 52 Bridge Street, Manchester, M3 3BW
Impress Manchester, 3 Hardman Street, Manchester, M3 3AX
Third Floor, 125 Deansgate, Manchester, M3 2BY
Third Floor, 62 Bridge Street, Manchester, M3 3BW
125 Deansgate, Manchester, M3 2BY
Basement, Rational House, 64 Bridge Street, Manchester, M3 3BN
Ground Floor, 54 - 56 Bridge Street, Manchester, M3 3BW
Eighth Floor, 3 Hardman Street, Manchester, M3 3HF
Ground Floor And First Floor, 54 - 56 Bridge Street, Manchester, M3 3BW
Sixth Floor Lcl Law Ltd, St Johns House, 2 Queen Street, Manchester, M2 5JB
First Floor, 62 Bridge Street, Manchester, M3 3BW
Fifth Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
Second Floor, 50 Bridge Street, Manchester, M3 3BW
Third Floor, 50 Bridge Street, Manchester, M3 3BW
First Floor, 125 Deansgate, Manchester, M3 2BY
Sixth Floor, 125 Deansgate, Manchester, M3 2BY
44 Bridge Street, Manchester, M3 3BZ
16 Wood Street, Manchester, M3 3EF
Fourth Floor, Grampian House, 144 - 146 Deansgate, Manchester, M3 3EE
20 Wood Street, Manchester, M3 3EF
Fifth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Tenth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Fourth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
50A Bridge Street, Manchester, M3 3BW

Basement And Ground Floor, 140 Deansgate, Manchester, M3 2RP
Third Floor, St Johns House, 2 Queen Street, Manchester, M2 5JB
30 Bridge Street, Manchester, M3 3BZ
Basement, St Johns House, 2 Queen Street, Manchester, M2 5JB
Unit 3A, Spinningfields Square, Manchester, M3 2BA
Ground Floor Rear, 50 Bridge Street, Manchester, M3 3BW
Ground Floor, Rational House, 64 Bridge Street, Manchester, M3 3BZ
164 Deansgate, Manchester, M60 6DS

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 - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL