

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136074/LO/2023

Date registered valid: 7 February 2023

Proposal: Listed Building Consent for replacement of existing fascia and projecting signs (rebranding) and repainting of shopfront.

Address: 95-97 Deansgate, Manchester, M3 2BQ

Ward(s): Deansgate Ward

Applicant: Clarendon Fine Art DeMontfort Fine Art Ltd

Agent (if any): Mr Nick Kirkland ADC Ltd

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

Recommendation: Approve

Date of recommendation: 03/04/2023

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 16 February 2023

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 14 February 2023 Expired: 7 March 2023

Site notice

Posted: 16 February 2023 Expired: 9 March 2023

Press advert

Published: 21 February 2023 Expired: 14 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

This application relates to a Grade II listed property located at 95-97 Deansgate that is on the corner of King Street and Deansgate. The site is within the St. Ann's Square Conservation Area and is surrounded by other listed buildings. The area surrounding the application site is commercial in nature with many shops, offices and food and drink uses nearby. The application site is currently in use as a gallery at ground floor and basement.

Description of Development

The application seeks Listed Building Consent for replacement of existing fascia and projecting signs (rebranding) and repainting of shopfront.

An associated Advertisement Consent application has been submitted along with this application (136067/AO/2023)

Relevant Previous Planning Applications:

122823/LO/2019 - Listed Building Consent for the installation of replacement signage and fascia boards.

122825/AO/2019 - Advertisement Consent for the installation of replacement signage and fascia boards.

Consultations & Notification Responses

Publicity - Neighbouring properties were advised by letter of the proposed works, a site notice was displayed on site, and an advert was displayed in the Manchester Evening News. No responses were received as a result of this publicity.

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.

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 197 states that in determining planning applications, local planning authorities 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 200 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 201 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.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

Issues

Principle

There is no objection to the principle of the replacement of existing fascia and projecting signs (rebranding) and repainting of shopfront. For the Listed Building Consent application, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Impact on the Heritage Asset

Policies EN3 and DM1 of the Core Strategy states that the Council will encourage development that takes advantage of the City's heritage. The NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting.

The proposed works will not lead to an any loss or original/historic fabric and would not harm or conceal any ornate core features of the Grade II Listed Building. There are fascia and projecting signs already in place on the property of a similar size and design and are being directly replaced, whilst the repainting of the shopfront is only a minor difference in colour compared to what is already in place.



Signage Currently in place on site

All proposed works are revisable and it is considered that the level of harm to the significance of the building is considered to amount to less than substantial as defined within paragraph 202 of the NPPF.

The works to the listed building are considered necessary, as the gallery is changing ownership and so the branding of the fascias, projecting sign and shopfront need to be modified accordingly to reflect this.

Conclusion

In view of the above, this application is considered acceptable, as the works are not considered to cause any harm to the special interest and character the Grade II listed building.

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

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to any problems arising in relation to dealing with the planning application.

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:

Design, Access & Heritage Statement

Stamped as received by the Local Planning Authority on 26 January 2023

Existing and Proposed Shopfront Signage 995/200

Stamped as received by the Local Planning Authority on 07 February 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

12 - 14 St Ann Street, Manchester, M2 7LF
Smile Stylist Limited, First Floor, 98 - 106 Deansgate, Manchester, M3 2QG
Flat 21, 8 King Street, Manchester, M2 6AQ
Flat 20, 8 King Street, Manchester, M2 6AQ
Flat 19, 8 King Street, Manchester, M2 6AQ
Flat 18, 8 King Street, Manchester, M2 6AQ
Flat 17, 8 King Street, Manchester, M2 6AQ
Flat 16, 8 King Street, Manchester, M2 6AQ
Flat 15, 8 King Street, Manchester, M2 6AQ
Flat 14, 8 King Street, Manchester, M2 6AQ
Flat 13, 8 King Street, Manchester, M2 6AQ
Flat 12, 8 King Street, Manchester, M2 6AQ
Flat 11, 8 King Street, Manchester, M2 6AQ
Flat 10, 8 King Street, Manchester, M2 6AQ
Flat 9, 8 King Street, Manchester, M2 6AQ
Flat 8, 8 King Street, Manchester, M2 6AQ
Flat 7, 8 King Street, Manchester, M2 6AQ
Flat 6, 8 King Street, Manchester, M2 6AQ
Flat 5, 8 King Street, Manchester, M2 6AQ
Flat 4, 8 King Street, Manchester, M2 6AQ
Flat 3, 8 King Street, Manchester, M2 6AQ
Flat 2, 8 King Street, Manchester, M2 6AQ
Flat 1, 8 King Street, Manchester, M2 6AQ
San Carlo Ciccetti Restaurant, House Of Fraser, 98 - 106 Deansgate, Manchester, M3 2QG
14 - 16 St Ann Street, Manchester, M2 7LF
Fifth Floor, 1 King Street, Manchester, M2 6AW
SOFA WORKSHOP, Ground Floor, 118 - 124 Deansgate, Manchester, M3 2GQ
15 Manera Apartments, 46 King Street West, Manchester, M3 2WN
14 Manera Apartments, 46 King Street West, Manchester, M3 2WN
12 Manera Apartments, 46 King Street West, Manchester, M3 2WN
11 Manera Apartments, 46 King Street West, Manchester, M3 2WN
10 Manera Apartments, 46 King Street West, Manchester, M3 2WN
9 Manera Apartments, 46 King Street West, Manchester, M3 2WN
8 Manera Apartments, 46 King Street West, Manchester, M3 2WN
7 Manera Apartments, 46 King Street West, Manchester, M3 2WN
6 Manera Apartments, 46 King Street West, Manchester, M3 2WN
5 Manera Apartments, 46 King Street West, Manchester, M3 2WN
4 Manera Apartments, 46 King Street West, Manchester, M3 2WN
3 Manera Apartments, 46 King Street West, Manchester, M3 2WN
2 Manera Apartments, 46 King Street West, Manchester, M3 2WN
1 Manera Apartments, 46 King Street West, Manchester, M3 2WN
6 King Street, Manchester, M2 6AQ
Ground Floor, Cotswold Outdoors, 118 - 124 Deansgate, Manchester, M3 2GQ
Ground Floor, Bem Brasil, 118 - 124 Deansgate, Manchester, M3 2GQ
89 - 91 Deansgate, Manchester, M3 2BW
House Of Fraser, 98 - 106 Deansgate, Manchester, M3 2QG
SUTTON & ROBERTSON, 1A King Street, Manchester, M2 6AW
BOODLE AND DUNTHORNE LTD, Ground Floor And Basement Floor, 1 King Street, Manchester, M2 6AW
Basement, 1 King Street, Manchester, M2 6AW

Fourth Floor, 1 King Street, Manchester, M2 6AW
4 King Street, Manchester, M2 6AQ
83 Deansgate, Manchester, M3 2BW
83 - 85 Deansgate, Manchester, M3 2BW
1 King Street, Manchester, M2 6AW
126 Deansgate, Manchester, M3 2GR
Third Floor, 1 King Street, Manchester, M2 6AW
99 Deansgate, Manchester, M3 2BQ
87 Deansgate, Manchester, M3 2BW
12 - 14 King Street, Manchester, M2 6AG
118 - 124 Deansgate, Manchester, M3 2QG
101 Deansgate, Manchester, M3 2BQ
93 Deansgate, Manchester, M3 2BW
103 Deansgate, Manchester, M3 2BQ
10 King Street, Manchester, M2 6AG
1 South King Street, Manchester, M2 6EX

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