

P21-1009_L014v1_PL_MAN_RD

24 August 2023

Manchester City Council
Planning
PO Box 532
Manchester
M60 2LA

Dear Sir / Madam

**Town and Country Planning Act (As Amended) 1990
Variation of Condition 2 of Application 132373/FO/2021
2 Spinningfields Square, The Avenue, Manchester, M3 3AP**

Introduction

Application 132373/FO/2021 grants permission for the erection of single storey extension, the creation of an external seating area and external alterations to the existing building at 2 Spinningfields Square, Manchester, M3 3AP.

Condition 2 of 132373/FO/2021 lists the approved drawings and documents to ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

We have been instructed on behalf of our client, Caprice Holdings Ltd (the Applicant), to submit an application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of application 132373/FO/2021. This is because the application grants permission for a larger extension than the one now proposed.

The S73 application comprises:

- Application Form
- Covering Letter
- Heritage Statement
- Proposed GA Plan – Ground Floor
- Proposed External Elevations

For information, the following has also been provided:

- Proposed Floor Finishes Plan – Ground Floor
- Proposed Reflective Ceiling Plan – Ground Floor

The application fee has been duly paid.

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Planning History

Permission has been granted for the erection of single storey extension, creation of an external seating area and external alterations to the existing building (132373/FO/2021). The approved drawings show a circa 100sqm extension.

The approved extension was then reduced in size slightly. A non-material amendment application for a slightly smaller extension was submitted and subsequently approved (134627/NMC/2022).

The approved extension was then reduced in size. A further non-material amendment application for a smaller extension was then submitted but was returned by the Council prior to it being validated, as the Council were of the view that the smaller extension required a S73 or Full application. This has promoted the submission of this S73 application.

Materials

The original permission includes a condition which required samples and specifications of all external materials to be submitted to and approved in writing by the Council. An application was made to discharge the condition and samples were provided of the materials of the approved extension, which were duly approved by the Council (CDN/23/0060). There is no change to the approved external materials for the smaller extension.

Plant

A separate permission has been granted for the roof top plant required to serve the restaurant (136133/FO/2023).

Planning Appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

As mentioned, the S73 application seeks to vary Condition 2 which is pursuant to the following two policies:

- Policy SP1 Spatial Principles; and,
- Policy DM1 Development Management.

It follows that it is these two policies which are relevant in the assessment of the proposal for the smaller extension. These policies contain numerous parts not all of which are relevant to the proposal. However, those parts which are relevant have been thoroughly assessed in the tables below.

Policy SP 1 Spatial Principles	Assessment
<p>Development in all parts of the city should make a positive contribution to neighbourhoods of choice including:</p> <ul style="list-style-type: none"> • Creating well designed places that enhance or create character. • Making a positive contribution to the health, safety and wellbeing of residents. • Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income • Protect and enhance the built environment. 	<p>The proposed extension comprises the lobby for the restaurant, creating a legible entrance into the restaurant. The entrance into the restaurant is positioned on the façade of the building which runs along the pedestrianised route into the heart of Spinningfields. The elevation of the host building along this route comprises almost entirely of glass and cladding panels. The single storey extension proposed will create a legible entrance onto the restaurant, add interest to the façade of the building, contribute to the animation of the street, and afford natural surveillance. It will form a juxtaposition with the host building to allow for the two to be read as distinct elements. The proposal is therefore considered acceptable in design terms.</p> <p>The original permission included a condition which required samples and specifications of all external materials to be submitted to and approved in writing by the Council. An application was made to discharge the condition and samples were provided, which were duly approved by the Council (CDN/23/0060).</p> <p>The design language of the proposed extension is no different than that already approved. The only difference is that the proposed extension is not as long as the approved extension.</p> <p>Overall, we consider that the proposed extension will make a positive contribution to the area.</p>
Policy DM 1 Development Management	Assessment
All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:	
Appropriate siting, layout, scale, form, massing, materials and detail.	The approved and proposed extension differs only in length. The length of the proposed extension, its scale and massing are considered wholly appropriate here.
Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.	There is no difference between the approved and proposed with regards to design and appearance.
Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also	It is considered that the proposed extension would have less impact in terms of noise when compared to the larger extension.

include proposals which would be sensitive to existing environmental conditions, such as noise.	
Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.	There is no difference between the approved and proposed extension in this regard.
Community safety and crime prevention.	There is no difference between the approved and proposed extension in this regard.

The Heritage Statement submitted with this application concludes in summary:

With reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the heritage significance of either the Deansgate/Peter Street Conservation Area or the Grade I Listed John Rylands Library through a change in setting. The proposals will satisfy the requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. The proposals will also satisfy relevant local policy.

Schedule of Conditions

The table below provided details of the suggested wording of Condition 2.

Condition	Proposed Wording	Rationale
Condition 2 (Approved Plans)	<p>The development hereby approved shall be carried out in accordance with the following drawings and documents:</p> <p>Received by the City Council as Local Planning Authority on 01 December 2021:</p> <ul style="list-style-type: none"> -Site Location Plan and Block Plan (ref: 464) -Existing Basement Plan (ref: 464-101); -Existing Ground Floor Plan (ref: 464-102); -Existing Mezzanine Floor Plan (ref: 464-103); -Existing External Elevation (ref: 464-104); -Proposed GA Ground Floor Plan (ref: 464-201-S) -Proposed External Elevations Plan (ref: 464-205-D); -Proposed External Signage Plan (ref: 464-206); -Proposed External Structure Plan (ref: 464-901-B); -Caprice Manchester External Furniture Schedule; -Sexy Fish Manchester External Furniture Visual; -Noise Assessment, prepared by ACA Acoustics; -Heritage Statement, prepared by Pegasus Group; -Operating Schedule, prepared by Pegasus Group; and -Crime Impact Assessment, prepared by GMP <p>Received by the City Council as Local Planning Authority on 15 December 2021:</p> <ul style="list-style-type: none"> -Waste Management Proforma 	<p>Condition 2 needs rewording so that it refers to the relevant plans and document. This covering letter demonstrates that the smaller extension complies with the relevant development plan policies including Policy SP1 Spatial Principles and Policy DM1 Development Management.</p> <p>These amendments are proposed to Condition 2 so there is no doubt as to what is authorised by the approval. Since the original approval, materials samples for the extension have been approved pursuant to CDN/23/0060. There is no change to the approved materials for the smaller extension and as such the approved samples are still relevant and could be listed under Condition 2. This would prevent the requirement for Condition 3 and the need to</p>

	<p>Received by the City Council as Local Planning Authority on 22 February 2022: Proposed GA Plan – Basement ref 4322 / 464 / 203 / F Background Sound Level Survey ref. 211004–R002 date: 16th February 2022 Addendum Report ref 211004–R003 date: 16th February 2022</p> <p>Received by the City Council as Local Planning Authority on 03 February 2022: Proposed External Structure 4322 / 464 / 902 Proposed External Structure – Side Section ref. 4322 / 464 / 903</p> <p>Received by the City Council as Local Planning Authority on 04 March 2022: Addendum Report ref. 211004–R004</p> <p><u>Received by the City Council as Local Planning Authority on 27 January 2023:</u> <u>PT-01 Farrow and Ball 'Breakfast Room Green'</u> <u>SF-04 Dicksons External Awning Fabric in 'VERT' ORG 0003</u> <u>MT-02 Brass Details</u> <u>Euromarble Ltd Type: Honed Antique Brown</u> <u>ST-01 'Verde Esmerelda' Marble</u></p> <p><u>Received by the City Council as Local Planning Authority on 24 August 2023:</u> <u>Proposed GA Plan – Ground Floor (ref: 7339-202-AA)</u> <u>Proposed External Elevations (ref: 7339-230-M)</u> <u>Heritage Statement, prepared by Pegasus Group</u></p> <p>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.</p>	<p>submit the materials samples again should this S73 application be approved.</p> <p>A separate S73 application has also been submitted so that the external tables and chairs can be left outside until the restaurant closes. Should this be acceptable (and we see no reason why it would not be) it may also be prudent to amend Condition 2 so that it refers to the Operating Schedule Rev A which has been submitted with that S73 application.</p>
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We trust the content of this letter are clear and we look forward to receiving confirmation that the application has been validated.

Yours sincerely,



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