

## Planning

## Growth & Development

### Delegated officer report for planning application

|                                 |                                       |  |       |
|---------------------------------|---------------------------------------|--|-------|
| <b>Application no.</b>          | 135517/FO/2022                        |  |       |
| <b>Date registered valid:</b>   | 15 December 2022                      |  |       |
| <b>Development as occurred:</b> | Retention of shop front and shutters. |  |       |
| <b>Address:</b>                 | 5 Police Street, Manchester, M2 7LQ   |  |       |
| <b>Ward(s):</b>                 | Deansgate                             |  | Ward  |
| <b>Applicant:</b>               | Rockefellers Jeweller Limited         |  |       |
| <b>Agent (if any):</b>          | Gisele Viselka AC Design Solutions    |  |       |
| <b>Case officer:</b>            | Jack                                  |  | Naven |
|                                 | Tel: 0161 219                         |  | 2095  |
|                                 | Email: jack.naven@manchester.gov.uk   |  |       |
| <b>Recommendation:</b>          | Refused                               |  |       |
| <b>Date of recommendation:</b>  | 08/02/2023                            |  |       |

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 18 January 2023

### **Standard consultations:**

Printed: 4 January 2023    Expired: 25 January 2023

### **Neighbour notifications**

Printed: 4 January 2023    Expired: 25 January 2023

### **Site notice**

Posted: 18 January 2023    Expired: 8 February 2023

### **Press advert**

Published: 10 January 2023    Expired: 31 January 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Not applicable

**Conservation area:** St Anns Square Conservation Area 1970

**Tree Preservation Order:** Not applicable

## **Description of area**

The application property is located at 5 Police Street, which is within an historic building that has an attractive appearance within the street scene and is considered to be a Non Designated Heritage Asset. The building is within the St Ann's Square Conservation Area and makes an important and positive contribution to the character and appearance of the conservation area.

The ground floor of the building currently accommodates commercial premises. This planning application relates to a shop frontage that is currently occupied by a jewellery store. Surrounding uses include shops, offices, drinking establishments, restaurants, cafés, residential accommodation and hotels.

There are Listed buildings within close vicinity to the site include the Grade II listed building at 13 - 17 King Street, Manchester, M2 6AW. There are numerous other listed buildings within St Ann's Square Conservation Area.

## **Description of development**

Planning Permission is sought for the retention of shop front and shutters. The shop front was a frameless glazed shop front that matched the appearance of the other frontages with the neighbouring and nearby shop units with St Ann's Square Conservation Area. The changes have already been implemented and area characterised by a large black fascia, an external

bronze colour shutter to the doorway together with bronze aluminium colour frames applied to the front glazing and doors.

A fascia sign has also been installed which is being considered under advertisement application 135928/AO/2023.

## **Consultations & Notification Responses**

Publicity - The application was advertised as affecting a conservation area and affecting a listed building, a site notice was displayed on site. Neighbouring properties were also notified by letter. No responses were received.

## **Policy**

The main policies that relate to the development are section 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) of the revised National Planning Policy Framework (2021), DC14.1, DC14.5, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Sections 16 (2), 72(1) and 66 of (Listed Buildings and Conservation Areas) Act 1990.

## **Manchester Core Strategy (2012)**

The following Core Strategy policies are considered relevant to this application:

Policy DM1 (Development Management) states that all development should have regard to

- appropriate siting, layout, scale, form, massing, materials and detail,
- the affects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- vehicular access and car parking
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy EN1 (Design Principles and Strategic Character Areas) states that development should contribute positively to the experience of all at street level.

Policy EN3 (Heritage) states that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including, listed buildings and conservation areas.

Policy CC9 (Design and Heritage) states that particular attention to be given to the City Centre context and character and contribute to a coherent and integrated physical environment.

**Unitary Development Plan for the City of Manchester (1995)** relevant saved policies DC14 and DC18.

## **National Planning Policy Framework**

## **Issues**

### **Principle**

The principle of the development is not acceptable in this instance. The alterations to the shop front, including the loss of the frameless shop frontage, have resulted in an incongruous and unattractive shop frontage. The introduction of highly prominent frames together external shutters in a garish bronze/rose gold tone, have created a bulky frontage that contrast inappropriately with the architecture of the property and other frontages in the street scene.

Th impact of the alteration on the visual amenity and historic environment is considered below.

### **Visual amenity**

The unit previously consisted of highly glazed shop front that was in line with the other shop frontages in the immediate street scene. This was also a coherent signage strategy at the property which was individual dark bronze letters inserted onto the glazing. This was considered to be sympathetic to the street scene and the character of the conservation area.



### ***Existing shop front prior to the works taking place***

The works to the shop front have resulted in the removal of the frameless glazing and inserted of a solid fascia sign and three frames with glazing inserted. The fascia is black with light bronze/rose gold frames and a solid roller shutters to the main entrance.



#### ***Works to the shop front as part of this application***

The replacement of the glazed fanlights with solid fascia board, new framing to glazing and solid shutter have resulted in an incongruous and garish appearance to the shopfront together with increasing the solidity to of the frontage which is not innkeeping with the other frontages within this non designated heritage asset within the conservation area – the significance of which is derived from the high quality and consistency of glazed shopfronts in this location.

The altered shopfront is out of character with the other frontages in the immediate street scene which is unduly harmful to the visual amenity and character of the property in the street scene.

The level of harm would be less than substantial as defined in the NPPF. There are no public benefits to outweigh this level of harm as required by paragraph 202. The improvements to the shop front including increased security, could have been achieved in a less harmful way.

An enforcement notice has been served to remove the unauthorised shop front.

#### **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. 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:** Refused

### **Article 35 Declaration**

Officers have worked with the application in a positive and proactive way. Officers have highlighted to the applicant that the changes to the application are unacceptable. The development is considered to be contrary to the development plan and therefore refused in a timely manner.

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

- 1) The alteration to the shop front, by virtue of its design and resulting appearance, has resulted in an inappropriate change to the facade and architectural language of the shopfront. The alterations are detrimental to the visual amenity of the historic facade and out of character with the other shop fronts in the street scene. The alterations amount to less than substantial harm to the visual amenity of this non-designated heritage and to the setting of the St Ann's Square conservation area. The required public benefits do not exist in this instance to outweigh this harm. The development is therefore contrary to the provisions of policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14 and DC18 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

## **Appendix 1 – List of consultees & neighbours notified**

### Urban Design & Conservation

18 St Ann Street, Manchester, M2 7LP  
Flat 8, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 7, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 6, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 5, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 4, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 3, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 2, Octo, 1 Police Street, Manchester, M2 7LU  
Flat 1, Octo, 1 Police Street, Manchester, M2 7LU  
14 - 16 St Ann Street, Manchester, M2 7LF  
Fifth Floor, 1 King Street, Manchester, M2 6AW  
89 - 91 Deansgate, Manchester, M3 2BW  
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  
83 - 85 Deansgate, Manchester, M3 2BW  
Third Floor, 1 King Street, Manchester, M2 6AW  
87 Deansgate, Manchester, M3 2BW  
93 Deansgate, Manchester, M3 2BW  
11 Police Street, Manchester, M2 7LQ  
9 Police Street, Manchester, M2 7LQ  
7 Police Street, Manchester, M2 7LQ

## **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  
Susceptible to Surf Water Flood (Less) -  
Area Team Boundary - Name: CENTRAL