

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135757/FO/2022	
Date registered valid:	15 December 2022	
Proposal:	Elevational alterations composing removal of the existing canopy and recladding of the vestibule.	
Address:	40 Spring Gardens, Manchester, M2 1EN	
Ward(s):	Deansgate	Ward
Applicant:	Aviva Investors 40 Spring Gardens (General Partner) Ltd	
Agent (if any):	Mr Paul Chandler-King Icen Projects	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	31.01.2023	

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 2023

Site notice

Posted: 5 January 2023 Expired: 26 January 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: Upper King Street Conservation Area 1970 Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: n/a

Description of area

The application relates to 40 Spring Gardens, a modern office building located in the City Centre of Manchester. The building is bound by Marriots Court to the north, Spring Gardens to the east (location of main entrance), the Grade II* listed Former Reform Club, 81 King Street to the south and Brown Street to the west. The building is located within the Upper King Street Conservation Area.

Description of development

The application seeks permission for amendments to the main entrance vestibule to the Spring Gardens (east) elevation of the building, consisting of the removal of metal lettering/signage and glass canopy from front elevation and the cladding of existing vestibule area with aluminium wrap.

Consultations & Notification Responses

Publicity - a notice was displayed on site to inform passers-by of the development. Letters were sent to the occupiers of surrounding properties informing them of the development. No responses have been received as a result of this publicity.

Issues

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity, impact upon the adjacent Conservation Area and Public Safety. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 12. (Achieving well-designed places) and Core Strategy policies CC9 (Design and Heritage), DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular DC18 (Conservation Areas).

Heritage and design

The development site is located in the Upper King Street Conservation Area. Policy EN3 of the Core Strategy states the new development must be designed to enhance conservation areas, whilst saved Policy DC18.1 of the UDP states that new development in conservation areas must be given especially careful consideration by the city council, as LPA.

The proposed development is not in the setting of any listed buildings, despite several listed buildings nearby. The removal of existing canopy and signage to declutter the elevation should have a beneficial effect on the Upper King Street Conservation Area.

Visual amenity

The design is considered to be modest and high quality. It will remove the existing glass canopy and signage, thereby simplifying and decluttering the elevation.

The new cladding for the vestibule should be done in high quality materials. For this reason, the applicant will be required to provide a sample to the city council, as LPA, to be approved in writing. This has been included as a condition of the permission.

The removal of the projecting canopy should ensure the entrance is a less obtrusive feature and lessen the impact on the public realm.

Given the above, the proposed development is considered acceptable pursuant to UDP Policy DC15 and DC18, Manchester Core Strategy Policies DM1, SP1, CC9, EN1 and EN3 and 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 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:

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and therefore determined within a timely manner.

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 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Drawings - Existing & Proposed Plans and elevations (90)200 prepared by Space Invader, received by the city council as local planning authority on 15/12/2022

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

3) Prior to the commencement of the development, samples and specifications of the aluminium cladding (including fixing details) to be applied to the external elevations of the development shall be submitted for approval in writing by the City Council as local planning authority. The approved details shall then be implemented as part of the development.

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.

Informatives

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Eighth Floor, 40 Spring Gardens, Manchester, M2 1EN
Sixth Floor, 40 Spring Gardens, Manchester, M2 1EN
Third Floor, 40 Spring Gardens, Manchester, M2 1EN
ALDERMORE BANK PLC, Fourth Floor, 40 Spring Gardens, Manchester, M2 1EN
Second Floor, 40 Spring Gardens, Manchester, M2 1EN
First Floor, 40 Spring Gardens, Manchester, M2 1EN
Seventh Floor, 40 Spring Gardens, Manchester, M2 1EN
Unit B, 40 Spring Gardens, Manchester, M2 1EN
House Of Evelyn, Unit A, 40 Spring Gardens, Manchester, M2 1EN
Fifth Floor, 40 Spring Gardens, Manchester, M2 1EN
Third Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Ninth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Seventh Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
SPACEZERO (NORTH) LTD, Mezzanine Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Second Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
First Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Eighth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Tenth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Eleventh Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Sixth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Fifth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Fourth Floor, Zenith Building, 26 Spring Gardens, Manchester, M2 1AB
Ground Floor, 26 Spring Gardens, Manchester, M2 1BB
HMO Flat Above, 1 York Street, Manchester, M2 2AW
50 Spring Gardens, Manchester, M2 1EN
Browns Bar And Brasserie, 1 York Street, Manchester, M2 2AW

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 - Upper King Street Conservation Area 1970
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL