

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134952/FO/2022

Date registered valid: 13 October 2022

Proposal: Elevational alterations to existing shopfront

Address: 3 Tony Wilson Place, Manchester, M15 4FN

Ward(s): Deansgate Ward

Applicant: Pizza Express Restaurants Ltd Hunton House, Highbridge Estate, Oxford Road, UB8 1HU

Agent (if any): Mr Chris Moseling Butler Associates Limited 24 Chipstead Station Parade, Chipstead, CR5 3TE

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 06.12.22a

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit:

Standard consultations:

Printed: 31 October 2022 Expired: 21 November 2022

Neighbour notifications

Printed: 31 October 2022 Expired: 21 November 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area & site

The First Street area includes offices, food and drink uses, car parking, hotel accommodation, conference space, a variety of leisure uses, high quality architecture and public realm. Events take place within the area throughout the year.

The site relates to the single storey, ground floor, fully glazed element of a building known as 3 Tony Wilson Place. It faces out onto the public realm on First Street. The site currently houses a Pizza Express restaurant.

Description of development

The development relates to the installation of a service hatch on the side elevation of the restaurant, to service delivery drivers and takeaway customers. It would involve the removal of an existing full height glass pane and installation of three horizontal panels, the middle of which would house the hatch. The bottom of these three panels would be in an obscured glass different from the existing glazing.

Consultations & Notification Responses

Highway Services - Does not impinge on adopted highway. No safety or capacity concerns. Queues to window will need management strategy.

Environmental Health - No adverse comment or objection

Publicity - The application has been advertised on site and neighbour letters were sent out. No representations have been received.

Issues

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 effects 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 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

The proposed site is in the First Street Regeneration Area. Hence the First Street Strategic Regeneration Framework is pertinent here:

The First Street SRF (2015) - Urban Design and Architecture 5.12 The objective will always be to secure high quality contemporary buildings that achieve the highest possible architectural standards.

National Planning Policy Framework

Section 12

Paragraph 130 Planning policies and decisions should ensure that developments:

(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users 49 ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design 52 , taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

(a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or

(b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 135 Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Issues

The proposed design would subdivide a panel and create a thicker frame. The lower proposed panel below the proposed hatch is to be in obscured glass different to the existing glazing. These changes would impact the consistent form of the glazed panels, which form part of the architectural design and quality of the building. The proposed design would therefore be detrimental to the aesthetic and character of the building and have undue harm on visual amenity. Furthermore, The First Street SRF is a major regeneration scheme that resulted in a number of high-quality developments being brought to the area. The proposed development represents an incremental change to the elevation that is unacceptable and would undermine the high quality architecture which was approved, hence harming the architectural character of the wider of the area. A withdrawal by the agent on these grounds was requested on 10/11/2022 and 21/11/2022 but no response was received.

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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Matters were raised with the applicant during the course of the application. 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 proposed elevational alteration by virtue of position within the elevations and resulting appearance would have an unduly harmful impact on the architectural language and character of the building. The proposal is therefore harmful to the visual amenity of the building and the local area and therefore contrary to the provisions of policies SP1, EN1, CC9 and DM1 of the Manchester Core Strategy (2012) and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Fourth Fifth And Sixth Floors, 1 Tony Wilson Place, Manchester, M15 4FN
Third Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Second Floor, 1 Tony Wilson Place, Manchester, M15 4FN
First Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Ground Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Ribeye Steakhouse, 3 Isabella Banks Street, Manchester, M15 4RL
Odeon, 8 First Street, Manchester, M15 4RP
10 First Street, Manchester, M15 4GU
6 First Street, Manchester, M15 4GU
4 First Street, Manchester, M15 4GU
Indian Tiffin Room, 2 Isabella Banks Street, Manchester, M15 4RL
SAINSBURYS SUPERMARKETS LTD, 4 Isabella Banks Street, Manchester, M15 4RL
Inside Manchester, 1 First Street, Manchester, M15 4RP
8 First Street, Manchester, M15 4RP
Jacobs, 5 First Street, Manchester, M15 4GU
1 Tony Wilson Place, Manchester, M15 4FN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL