

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134589/LO/2022

Date registered valid: 13 September 2022

Proposal: Internal alterations comprising amendments to location and extent of raised seating area and removal of parts of an existing masonry wall to bottle store

Address: Wetherspoons, 49 Piccadilly, Manchester, M1 2AP

Ward(s): Piccadilly Ward

Applicant: Mr Billy Kelly JD Wetherspoon PLC Reeds Crescent, Watford, WD24 4QL

Agent (if any): Harrison Ince Harrison Ince Architects Ltd Sunhouse, 2-4 Little Peter Street, Knott Mill, Manchester, M15 4PS

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 November 2022

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 9 November 2022

Standard consultations:

Printed: 16 September 2022 Expired: 7 October 2022

Neighbour notifications

Printed: 16 September 2022 Expired: 7 October 2022

Site notice

Posted: 16 September 2022 Expired: 7 October 2022

Press advert

Published: 27 September 2022 Expired: 18 October 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II Star

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

This application relates to a building located at 49 Piccadilly in the City Centre that is occupied by a J D Wetherspoons Public House. The building is Grade II listed and is considered of special historic and architectural interest.

It was originally constructed in 1840s as a clothiers' warehouse for JP and E Westhead but was rebuilt after a fire of 1850. The frontage is constructed of red brick and sandstone, it is well-balanced, with regularly spaced openings throughout set in stone surrounds, with an overhanging composite cornice to top and quoins to corners.

The ground floor has been heavily altered, with a modern timber shopfront with an oversized fascia. The internal areas of the original building have changed significantly since it was repurposed to be used as a public house in 1996.

The building is located in the Stevenson Square Conservation Area, in the immediate setting of a number of listed buildings, including the Grade II listed 47 Piccadilly and the Grade II listed Gardens Hotel at 51-57 Piccadilly, the building makes an important and positive contribution to these assets.

The area surrounding the application site is primarily commercial in nature and surrounding uses include bars, restaurants, shops, hotels, residential accommodation, hotels, offices. The building is also close to Piccadilly Gardens.

Piccadilly is an extremely busy thoroughfare that connects Piccadilly Train Station to the central shopping core.

Description of development

Listed Building Consent is sought for the following works:

- Amendments to the existing non-original raised floor with railings and balustrading. A part of the existing non-original raised floor would be removed to reduce the raised area of the ground floor from 71.7 Sq. M / 771.3 Sq. Ft to 45 Sq. M / 484.8 Sq. Ft.
- The partial demolition of an internal masonry wall which is situated near the rear of the ground floor level to create an opening that would be 2850mm wide. The area behind the wall which is to be altered is currently used as a bottle store. The area would be repurposed to provide extra customer seating and loose furniture would be placed within the space.
- An existing non-original opening would be infilled to match the existing fabric and the non-original door would be removed.

There are no external alterations proposed.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as an application for listed building consent, a site notice was displayed on site and letters were sent to surrounding occupiers. No replies have been received.

Issues

The Adopted Core Strategy for the City of Manchester

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 SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

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 194 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

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.

The removal of part of the original wall would cause harm, but the extent of this has been reduced to limit the amount of fabric removed to that needed to provide an opening into the adjacent room.

The reduction in the area of the non-original floor and the related works to the balustrade would be beneficial as they would allow more of the ground floor to be reinstated to the original floor level and would allow access to more of the floor area for disabled people and prams.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above described works and are consistent with paragraphs 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The benefits of the proposals are that the proposal consists of works that would increase the customer area that can be accessed by disabled people and prams making the business more inclusive.

Given the above, the works are considered to be consistent with the above identified policies.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and to address issues.

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 advertisements hereby approved shall be displayed in accordance with the following drawings and documents:

The location plan PN192-13 AP01 received by the City Council as local planning authority on 3 August 2022

The drawings referenced:

PN0192-15 AL01 B Rev B

received by the City Council as local planning authority on 9 November 2022

PN0192-15 AV01

received by the City Council as local planning authority on 19 August 2022

The Method Statement prepared by Harrison Ince Architects received by the City Council as local planning authority on 19 August 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies DM1, EN1, EN3, CC9, and SP1 of the Core Strategy, and saved policies E3.3, DC14, DC18.1 and DC19.1 of the Unitary Development Plan

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

Serviced Apartment 5, 31 Back Piccadilly, Manchester, M1 1HP
Serviced Apartment 3, 31 Back Piccadilly, Manchester, M1 1HP
Fourth Floor, 49 Piccadilly, Manchester, M1 2AP
Second Floor, 49 Piccadilly, Manchester, M1 2AP
First Floor, 49 Piccadilly, Manchester, M1 2AP
Flat At, 33 Back Piccadilly, Manchester, M1 1HP
Third Floor, 49 Piccadilly, Manchester, M1 2AP
Fifth Floor, 49 Piccadilly, Manchester, M1 2AP
Second Floor Rear, 47 Piccadilly, Manchester, M1 2AP
Second Floor Front, 47 Piccadilly, Manchester, M1 2AP
First Floor, 47 Piccadilly, Manchester, M1 2AP
Ground Floor, 51 Piccadilly, Manchester, M1 2AP
47 Back Piccadilly, Manchester, M1 1HP
51 Piccadilly, Manchester, M1 2AP
Merchants Hotel, Back Piccadilly, Manchester, M1 1HP
8 Lever Street, Manchester, M1 1LN
Second Floor 12, 8 Lever Street, Manchester, M1 1LN
Second Floor 11 And 15, 8 Lever Street, Manchester, M1 1LN
Basement, 8 Lever Street, Manchester, M1 1LN
Second Floor 14, 8 Lever Street, Manchester, M1 1LN
Ground Floor Showrooms 1 And 4, 8 Lever Street, Manchester, M1 1LN
First Floor Store 1, 8 Lever Street, Manchester, M1 1LN
Second Floor Unit 13, 8 Lever Street, Manchester, M1 1LN
Ground Floor Showrooms 2 And 3, 8 Lever Street, Manchester, M1 1LN
First Floor Office 2, 8 Lever Street, Manchester, M1 1LN
47 Piccadilly, Manchester, M1 2AP
49 Piccadilly, Manchester, M1 2AP
33 Back Piccadilly, Manchester, M1 1HP
Sixth Floor, 49 Piccadilly, Manchester, M1 2AP
Ground Floor, 47 Piccadilly, Manchester, M1 2AP
Basement, 47 Piccadilly, Manchester, M1 2AP
53 Piccadilly, Manchester, M1 2AP
31 Back Piccadilly, Manchester, M1 1HP

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 - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL