

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128061/LO/2020

Date registered valid: 21 September 2020

Proposal: LISTED BUILDING CONSENT for installation of a permanent bar counter and associated seating within the central atrium unit of the Corn Exchange and associated works

Address: Unit 18, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR

Ward(s): Deansgate Ward

Applicant: J P Morgan (Europe) Limited C/o Agent

Agent (if any): Andrew Cowan Deloitte Real Estate 2 Hardman Street, Spinningfields, Manchester, M3 3HF

Case officer: Emily Booth
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Recommendation: Approve

Date of recommendation: 1 December 2020

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 14 October 2020

Standard consultations:

Printed: 6 October 2020 Expired: 27 October 2020

Neighbour notifications

Printed: 6 October 2020 Expired: 27 October 2020

Site notice

Posted: 14 October 2020 Expired: 4 November 2020

Press advert

Published: 13 October 2020 Expired: 3 November 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Cathedral Conservation Area 1972

Tree Preservation Order: Not applicable

Description of area

This application relates to a Grade II Listed building named the Corn Exchange and located at 37 Hanging Ditch in the retail core of Manchester City Centre and within the Cathedral Conservation Area. The building is opposite the Grade I listed Manchester Cathedral and the Grade II Listed Shambles Public house and Sinclair's Oyster Bar.

The existing building was constructed for 12 years beginning in 1890 and completing in 1903. It was largely designed by Edward Potts and was built as a corn and produce exchange.

The building suffered severe bomb damage in 1940 during World War II after which time the interior of the building was largely reconstructed. The building suffered further bomb damage in 1996 during the IRA's bombing of the City Centre following which the building was stripped back to its original structure and extensively restored.

Internally, the main entrance and the vertical circulation cores have remained largely intact and contain the most significant remaining features and few original features and some original internal structure remains on the upper levels and within the basement.

Externally, the building retains a number of original features and detailing within the elevations.

The building is currently used as a hotel and a number of the units at lower ground and ground floors and the part first floor are now occupied by restaurants and shops.

Previous applications referenced 108076/JO/2015/C1, 108184/JO/2015/C1, 108006/LO/2015/C1, 108002/FO/2015/C1, 106419/NMC/2014/C1, 105209/JO/2014/C1, 105166/FO/2014/C1; 103222/LO/2013/C1 and 103221/FO/2013/C1 were granted planning permission and listed building consent between 25th October 2015 and 12th May 2015. These applications allowed the change of use and associated refurbishment and reconfiguration of the building to incorporate retailing and leisure proposals within the following use classes: use A1 and A3 at the lower ground floor, A1 and A3 at the upper ground floor and A3 at the first floor - together with internal alterations, new shop fronts and associated access points into the Corn Exchange, reconfigured entrances, glazed extensions at the ground floor to the Fennel Street elevations, public realm / landscaping works to the surrounding street and spaces on all three sides of the building, highways and servicing arrangements, introduction of new canopies to the upper ground floor units of Hanging Ditch and Cathedral Street, external seating areas for use associated with the proposed restaurants (A3), and associated works.

Further applications referenced 109267/FO/2015/C1 and 109268/LO/2015/C1 allowed the use of the part first floor and second to fifth floors and the turret of the building as a hotel and the use of the part basement to provide storage for the hotel and part ground floor to provide access to the hotel.

Various other applications have also been submitted within recent years relating to the hotel and the commercial units.

This application relates to the central atrium area at ground floor level. This area of the building retains little original historic fabric except for the original Art Nouveau railings around the perimeter at ceiling level and the columns. The majority of internal fit-out, including the ground floor structure was constructed in 2015 and as such has no historic interest. The spatial quality of the central atrium space was restored in 2015 and is of high significance. It's restoration has enhanced the appreciation of the atrium's original function and appearance.

Surrounding uses include shops, bars, restaurants, a cinema, Chetham's School of Music and Manchester Cathedral. The building is also close to Victoria Station and Shudehill Interchange providing excellent public transport options in close proximity to the site.

Description of development

Listed building consent is sought for the following works:

- The installation of a triangular shaped bar, the bar would be timber clad with a corian bar top with brass edging with powder coated steel shelving with powder coated steel support and accessories and bespoke light fittings;
- The installation of movable chairs and tables and booth seating in a circular arrangement surrounding the bar;
- The installation of removable planters and removable screens;
- The installation of bar signage;
- The installation of services;
- The installation of a stone floor finish to match the existing on the non-original concrete floor.

An application for planning permission (ref: 128060/FO/2020) has also been submitted for these works.

Consultations & Notification Responses

Publicity - The application was advertised as an application for listed building consent, a site notice was displayed on site and letters were sent to surrounding occupiers - No replies were 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 DC14.1 and 14.5 (Shopfronts and Related Signs) provide advice on acceptable shop front and signage works.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

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" (NPPF Paragraph 7). 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 185 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; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 189 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 194 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 196 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 (Requiring Good Design) 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.

No works have been carried out to the external fabric of the building.

The bar and all other furniture would not be fixed to the ground and would just sit on the modern concrete slab.

There are a number of apertures required for services, but these would only affect the modern, concrete slab, which was installed in 2015.

No historic fabric would be altered, concealed or removed as part of these works.

Overall, whilst we are not entirely convinced that the design is fully suited to the space or that sufficient references from the existing architecture have been taken, including the offset location of the work; as the space has been considerably altered and the proposal is an independent feature that does not harm original fabric, a majority of the proposals are considered to be acceptable.

There is a lack of detail on the proposed sign, but this appears to be an intrusive back lit box sign. A condition will be applied to the application to agree the appearance of the sign. Full details of this are required to be submitted and this work will need to demonstrate that the sign will not be intrusive.

A condition will also be needed to require the submission and agreement of the samples of materials and finishes proposed to ensure quality.

The use of the atrium would support the other commercial units within the building, would draw attention the reinstated character of the Atrium and would increase the area of the building that would be used and maintained, assisting in ensuring a future for the building.

Given the above, it is considered that subject to conditions, the benefits of the proposal would outweigh the level of harm caused to the affected heritage assets, and the works are consistent with paragraph 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

The works would cause some less than substantial harm that would be justified by the continuation of the use this historic Grade II* Listed Hotel and the above described benefits.

Given this, the application is considered to be fully in accordance with all above local and national 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 advice about information and amendments required to allow the approval of the application.

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

The site location plan referenced 05045_B1_22_2418 Rev - received by the City Council as local planning authority on 21 September 2020

The drawings referenced:

A2000
A2001
A2100
A2101
A2102
A2103

received by the City Council as local planning authority on 21 September 2020

The completed waste management proforma received by the City Council as local planning authority on 21 September 2020

The Heritage Statement prepared by Stephen Levrant Heritage Architecture received by the City Council as local planning authority on 21 September 2020

The Atrium Bar Management Strategy received by the City Council as local planning authority on 21 September 2020

The Brand Handbook prepared by Cushman and Wakefield received by the City Council as local planning authority on 21 September 2020

Design, Access, Planning and Heritage Statement prepared by Deloitte LLP received by the City Council as local planning authority on 21 September 2020

The letter from John Cooper of Deloitte LLP dated 21 September 2020

The emails from Andrew Cowan of Deloitte LLP dated 11 November 2020, 12 November 2020 and 26 November 2020

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC19.1 and DC26.

3) (a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all materials to be used in the works hereby approved. The programme shall include timings for the submission of samples and specifications of all materials to be used, to include jointing and fixing details and finishes; and

(b) All samples and specifications shall then be submitted to and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

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.

4) Notwithstanding the details shown in the approved documents and detailed in condition 2 of this decision, full and final details of the proposed signage shall be submitted to and approved in writing prior to any signage being displayed on site. The signage shall then be carried out only in accordance with the approved details.

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 EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC14.1, DC18.1 and DC19.1 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

First Floor, Pleer House, 1 Fennel Street, Manchester, M4 3DU
Chethams School Of Music, Long Millgate, Manchester, M3 1SB
Sinclairs Oyster Bar, 2 Cathedral Gates, Manchester, M3 1SW
Mitre Hotel, 1 - 3 Cathedral Gates, Manchester, M3 1SW
Cathedral Visitors Centre, 10 Cateaton Street, Manchester, M3 1SQ
Top Flat, 6 Cateaton Street, Manchester, M3 1SQ
Flat At, Chethams School Of Music, Long Millgate, Manchester, M3 1SB
Pleer House, 1 Fennel Street, Manchester, M4 3DU
The Rabbit In The Moon Urbis, Cathedral Gardens, Corporation Street, Manchester, M4 3BG
National Football Museum Urbis, Cathedral Gardens, Corporation Street, Manchester, M4 3BG
Fourth Floor, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Third Floor, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 15, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Kiosk 1, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Fifth Floor, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 35, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 8, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Flat 2, 42 - 46 Victoria Street, Manchester, M3 1ST
Roomzzz, The Corn Exchange, 35 Hanging Ditch, Manchester, M4 3TR
Second Floor, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 18, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 12, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 22B, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Second Floor Management Suite 2D, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Byron, Unit 9, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Banyan, Unit 4, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 22, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Units 21 And 34, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Salvis, Unit 1, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Mowgli, Unit 16, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 6, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 3, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 22A, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Minshulls House, 14 Cateaton Street, Manchester, M3 1SQ
Flat 3, 42 - 46 Victoria Street, Manchester, M3 1ST
Flat 1, 42 - 46 Victoria Street, Manchester, M3 1ST
Hanging Ditch Wine Merchants, Unit 1, 42 - 46 Victoria Street, Manchester, M3 1ST
42 - 46 Victoria Street, Manchester, M3 1ST
4 - 8 Cateaton Street, Manchester, M3 1SQ
3 Fennel Street, Manchester, M4 3DU
Zizzi, Unit 14, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Old Wellington Inn, 4 Cathedral Gates, Manchester, M3 1SW
Fourth Floor And Fifth Floor Suites 4A And 4B And 5B, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Second Floor Suite 204 And 206, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Third Floor Suite 340, The Corn Exchange, Fennel Street, Manchester, M4 3DU
Security Control Room Second Floor, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
The Corn Exchange, Fennel Street, Manchester, M4 3DU

Sky Bar, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 2, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 24, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 32, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Third Floor Suite 339B, The Corn Exchange, Fennel Street, Manchester, M4 3DU
Kiosk 7, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Unit 11, The Corn Exchange, 37 Hanging Ditch, Manchester, M4 3TR
Manchester Cathedral, Victoria Street, Manchester, M3 1SX
STARBUCKS, 75 Hanging Ditch, Manchester, M4 3DU

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
Conservation Area - Cathedral Conservation Area 1972
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CITY1