

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 128060/FO/2020

**Date registered valid:** 21 September 2020

**Proposal:** Use of part of central atrium space within Corn Exchange as drinking establishment (sui generis) together with installation of permanent bar counter and associated seating and 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  
Tel: 0161 234 4193  
Email: [emily.booth@manchester.gov.uk](mailto:emily.booth@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 1 December 2020

## **Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**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:** Not applicable

**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. Its 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**

Planning permission is sought for the use of part of central atrium space within Corn Exchange as a drinking establishment (sui generis) together with installation of permanent bar counter, chairs and tables and booth seating. There would be 52no. covers with 8no. of these being bar seating and the remainder arranged in a circle surrounding the bar within the atrium.

The proposed opening hours are 0800-0000 daily.

No hot food would be sold from the unit.

Only background music would be played within the unit.

Toilets would be accessible for customers within the operator's existing restaurant unit within the Corn Exchange, which is directly accessible from the atrium.

Level access is available into the atrium as existing.

Waste would be managed in accordance with the Corn Exchange's overall waste management strategy.

There are no external alterations proposed.

An application for listed building consent (ref: 128061/LO/2020) has also been submitted for the associated works.

### **Consultations & Notification Responses**

Highway Services - Advised that the proposals are acceptable, but requested that, staff and visitors be informed of the nearby cycle parking facilities.

Environmental Health - Recommended conditions to restrict the opening hours to those applied for, require only low-level background music to be played and to require the implementation of the proposed waste management strategy.

Central Neighbourhood Team - No comments received

Greater Manchester Police - Commented as follows:

- CCTV coverage should be provided of the service counter and the seating areas, either with existing cameras or with the installation of new cameras.
- The service area should be capable of being secured when not in use to prevent theft.
- The opening hours of the bar should be in-line with other licensed premises in the building.

Publicity - The application was advertised as affecting a listed building, a site notice was displayed on site and letters were sent to surrounding occupiers - No replies were received.

### **Issues**

The main issues for consideration relate to the impact of the proposals on the amenity of surrounding occupiers, the availability of public transport and the availability of disabled access. The main policies that relate to the proposal are Policies SP1 (Spatial Principles), CC5 (Transport), CC7 (Mixed Uses), CC9 (Design and Heritage), CC10 (A Place for Everyone), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN19 (Waste) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester and Section 9 (Promoting Sustainable Transport), 12 (Achieving Well Designed Places) and 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

#### **Residential Amenity**

This is a critical issue, as amongst other things, it examines the impact that the scheme would have on nearby and adjoining occupiers. It includes the consideration of issues such as impact on noise and disturbance. The closest residential accommodation is significantly distanced from the site, however there are noise sensitive uses in the immediate vicinity of the site including the hotel on the upper floors of the building.

The City Council's Environmental Health service have advised that whilst they would normally recommend noise conditions as, the bar would be located centrally within the atrium and surrounded by restaurants and bars so they do not consider it to be necessary to recommend these conditions.

Music would be limited to low level background music.

No food would be provided.

All conditions recommended by the City Council's Environmental Health Service would be applied to the application.

All proposed uses would result in an increase in comings and goings during the evening and night and there is the potential for there to be some disturbance associated with this.

Whilst it is not possible to control such disturbance through the imposition of conditions it is considered to be reasonable to limit the potential for people congregating near to that accommodation at an unreasonable hour by limiting the hours of operation. However, in doing so, there is a balance to be made which weighs up carefully the reasonable expectations of residents, the City Centre context and the aspirations for the area to develop as a mixed-use destination. It is within this context that the operating hours will be restricted by condition and will need exceed the existing opening hours of the bars and restaurants within the Corn Exchange. The opening hours would be 08:00 to 00:00 daily.

The site is close to Exchange Square, Victoria and Shudehill Metrolink Stations and is also walkable distance from Victoria train station and regular bus services are routed along Deansgate and Blackfriars Street.

A building wide strategy is in place for waste management that the use would comply with.

Given the above the proposals are considered to be in accordance with Policies SP1, CC4, CC7, EN19 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4 and DC26 of the Unitary Development Plan for the City of Manchester in relation to the impact on residential amenity.

#### Impact on the Character and Appearance of the Listed Building

There are no external works proposed. 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.

In view of the above, the proposals would not be harmful to the significance of the listed building or the setting of the surrounding conservation area and the setting of the nearby listed buildings and be consistent with Sections 12 and 16 of the National Planning Policy Framework, Core Strategy Policies DM1, SP1, CC9, EN3 and EN1 and saved UDP policies DC18.1 and DC19.1.

#### Crime and Disorder

The premises is part of a managed building and benefits from building wide management. The measures recommended by Greater Manchester Police would be required to be implemented by condition.

Given the above the proposals are considered to be in accordance with policies DM1 and SP1 of the Core Strategy for the City of Manchester in relation to the impact on crime and disorder.

### Highway Safety and Impacts

The City Centre location provides good links to public transport with Bus, Metrolink and rail services all within an acceptable short walking distance from the development. The site is close to Exchange Square, Victoria and Shudehill Metrolink Stations and is also walkable distance from Victoria train station and regular bus services are routed along Deansgate and Blackfriars Street.

A building wide strategy is in place for waste management that the use would comply with.

The City Council as Highways Authority are satisfied that the development proposals will have little impact on network operations.

No cycle parking is provided on site and there is no space to provide this, but the building is close to a number of existing public cycle parking facilities.

The informative recommended by the City Council as Highways Authority will be applied to the application.

Given the above the proposals are considered to be in accordance with Section 9 of the National Planning Policy Framework and Policies SP1, CC4, CC5, CC10, T1, T2 and DM1 of the Core Strategy for the City of Manchester in relation to highway safety and impacts.

### Disabled Access

The proposed use would be accessed directly off the atrium and the use would not interfere with circulation around the atrium or impede on any fire exits. The use would be accessible to all complying as far as possible with Design for Access 2, The atrium is accessible via the existing ramped entrances into the Corn Exchange from both Exchange Square and Fennel Street. All access routes have a firm and smooth surface and a shallow gradient. The design would allow space between street furniture for disabled users to access the unit as a 2.145m distance would be maintained between the Central Atrium Unit demise and the demise of the next nearest unit within the atrium. Furniture would not be fixed and could be moved to accommodate customers if required.

Given the above the proposals are considered to be in accordance with the Core Strategy for the City of Manchester, in particular Policies T1, T2, CC10, SP1 and DM1.

### **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 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:

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) The premises shall not be open outside the following hours:-

08:00 - 00.00 daily

Music or sounds other than low level background music shall not be played at any time .

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

4) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the completed waste management strategy proforma received by the City Council as local planning authority on 21 September 2020 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

5) The following measures shall be implemented as part of the development:

- CCTV coverage shall be provided of the service counter and the seating areas, either with existing cameras or with the installation of new cameras.
- The service area should be capable of being secured when not in use to prevent theft.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

6) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00 Monday to Saturday

10:00 to 18:00 on Sundays and Bank Holidays

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

7) The access measures for disabled people to gain access into the premises and to all services as described in the Design, Access, Planning and Heritage Statement prepared by Deloitte LLP received by the City Council as local planning authority on 21 September 2020 and as shown on the drawings referenced A2001 and A2100 shall be fully implemented before the use hereby approved commences and shall be maintained for the duration of the use hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T1, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and DC14.2 of the Unitary Development Plan for the City of Manchester.



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

Highway Services  
Environmental Health  
Central Neighbourhood Team  
Urban Design & Conservation  
Greater Manchester Police

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