

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142258/LO/2025

Date registered valid: 25 March 2025

Proposal: Listed Building Consent for the proposed installation of a new safety curtain and counterweight cradles to replace existing safety curtain system.

Address: Palace Theatre, Oxford Street, Manchester, M1 6FT

Ward(s): Piccadilly Ward

Applicant: Mr Stuart Graham ATG Entertainment

Agent (if any): Mrs Gillian Thompson MJ Consulting Ltd

Case officer: Lucy
Tel: 0161 234 Harrison
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Recommendation: Approve

Date of recommendation:

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 29 April 2025

Standard consultations:

Printed: 30 April 2025 Expired: 22 May 2025

Neighbour notifications

Printed: 1 April 2025 Expired: 24 April 2025

Site notice

Posted: 2 April 2025 Expired: 25 April 2025

Press advert

Published: 8 April 2025 Expired: 29 April 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order:

Description of area

The application relates to the Palace Theatre, a Grade II listed theatre building on the north east side of Oxford Street.

Description of development

The proposal is to remove the existing safety curtain and associated mechanisms within the stage side of the proscenium arched wall. The existing is to be replaced with a new safety curtain system. The proposed works covered by this application include:

- a) Removal of the safety curtain system, including the safety curtain itself, safety curtain beams, side rails, drencher pipe (following capping off) and counterweight cradles;
- b) Installation of a new safety curtain and counterweight cradles, safety curtain hoist (Firefly), header pulleys and hauling steel wire ropes. The new safety curtain would have a fire rating Integrity of 1 hour, with new rubber and foam smoke seals top and bottom of the safety curtain. The new safety curtain would have an E-Glass Needlemat fire retardant lining to stage side, to meet current standards and regulations.
- c) Installation of a new pelmet hoist and frame onto the existing grid, where the current header pulley is located. The existing pelmet fabric would be cleaned and re-used.
- d) Installation of a new motor control cabinet adjacent to the safety curtain hoist.

Consultations & Notification Responses

Publicity – Occupiers of neighbouring properties were notified of the application and a site notice has been displayed. No representations have been received.

The Theatres Trust – Following the submission of the Heritage Addendum, it is clear that the current safety curtain is not of any special significance and the Theatres Trust is therefore satisfied that it can be removed and replaced to meet the necessary modern safety standards.

Issues

The main issue to consider is the impact of the proposal on the character and appearance of the listed building. The main policies that this application should be assessed against are SP1 (Spatial Principles), CC9 (Design and Heritage) and EN3 (Heritage), saved policy DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester, policy JP-P2 (Heritage) of the Places for Everyone Joint Development Plan and Section 16 of the National Planning Policy Framework (NPPF).

Heritage

Although the exact date of installation of the safety curtain and equipment to be removed is not known, it appears from the investigations carried out by the heritage specialist, that the equipment is possibly 1950's or 1970's. It is considered therefore to be of low heritage value and not of any special significance, the early original installation being removed many years ago. The proposed safety curtain would be identical in appearance to the one being removed and the associated mechanisms would be in keeping with the character and appearance of this part of the building.

Given the above, it is considered that there would be less than substantial harm, at the low end of the scale, caused to the significance of the listed building through the removal of the curtain and equipment. Any harm caused would be outweighed by the public benefits of providing a new fully functioning and safe (asbestos free) installation that would allow the theatre to continue in use.

It would be beneficial to understand if there is any value in retaining any of the existing equipment in situ, provided it is not in the way of the new installation, or if there is value in elements being retained on site as a record and this should be secured by condition. The existing equipment and curtain should also be recorded with a further more detailed photographic survey, which should be secured by condition.

Conclusion

The proposed works would cause less than substantial harm at the minor end of the scale, which would be outweighed by the public benefits of a fully functioning, asbestos free safety curtain, allowing the continued use of the building. It is considered therefore that the proposal is in line with national and local policy as set out above.

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: Approve

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 listed building consent application, specifically in relation to the heritage of the equipment to be removed.

Condition(s) to be attached to decision for approval

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:

MJC25_01_016-010 Existing Stalls/Stage Floor Plan Noting Items To Be Removed
MJC25_01_016-011 Existing Circle And Grid Level Floor Plans Noting Items To Be Removed
MJC25_01_016-012 Existing Proscenium Wall Elevation And Section Showing Items To Be Removed
MJC25_01_016-013 Proposed Stalls/Stage Floor Plan, Elevation And Section Showing Tented Scaffold
MJC25_01_016-014 Proposed Stage Propping Details
MJC25_01_016-020 Proposed Stalls/Stage Floor Plan
MJC25_01_016-021 Proposed Enlarged Part Circle And Grid Level Plans
MJC25_01_016-022 Proposed Proscenium Wall Elevation And Section A-A
MJC25_01_016-023 Proposed Bracket Details - Option 1
MJC25_01_016-024 Proposed Safety Curtain Details - Option 2

The Safety Curtain Hoist information sheet by FireFly
The E-Glass Needle mat information sheet by Tap Acoustic
Design & Access and Historical Impact Statement (including Site Location Plan) by MJC dated February 2025; and
Heritage Addendum by Metropolis Planning received by the City Council as local planning authority on 19 May 2025.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage), and saved Policy DC19.1 of the Unitary Development Plan for the City of Manchester.

3) Prior to commencement of the works hereby granted listed building consent a photographic survey of the safety curtain and associated mechanisms/controls to be removed shall be undertaken, the results of which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - In order to record and advance understanding of the significance of the heritage asset, pursuant to paragraph 205 of the NPPF.

4) Notwithstanding the details shown in the approved drawings, prior to commencement of the works hereby granted listed building a strategy for the retention of any items relating to the safety curtain and its associated mechanism and fittings in situ or elsewhere within the building shall be submitted to and approved in writing by the City Council as local planning authority. The works shall then be carried out in accordance with the approved strategy.

Reason - In order to record and advance understanding of the significance of the heritage asset, pursuant to paragraph 205 of the NPPF.

5) Any fixings into the original fabric of the building shall use non-ferrous materials.

Reason - The proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with Policies SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage), and DM1 (Development Management) of the Core Strategy and saved Policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
The Theatres Trust

Excalibur Building, 77 Whitworth Street, Manchester, M1 6EZ
J Sainsbury Plc, 51 Whitworth Street West, Manchester, M1 5EA
Principal Manchester Hotel, Oxford Road, Manchester, M60 7HA
95 Oxford Street, Manchester, M1 6ET
The Stage Door, 97 Oxford Street, Manchester, M1 6ET
Cornerhouse, 70 Oxford Street, Manchester, M1 5NH
60 Oxford Street, Manchester, M1 5EE
91 - 93 Oxford Street, Manchester, M1 6ET

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL