Planning

Growth & Development

Delegated officer report for planning application

Application no.	140712/LO/2024
Date registered valid:	6 August 2024
Proposal:	LISTED BUILDING CONSENT for the installation of internal partitions and alterations at ground and first floor levels.
Address:	Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Ward(s):	Deansgate Ward
Applicant:	Mr Brian McCluggage 9 St John Street
Agent (if any):	Don Murphy Paul Butler Associates
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 01/10/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:
Printed: 16 August 2024 Expired: 7 September 2024

Neighbour notifications
Printed: 16 August 2024 Expired: 7 September 2024

Site notice
Posted: 16 August 2024 Expired: 7 September 2024

Press advert
Published: 27 August 2024 Expired: 17 September 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the ground and first floor of the Grade II listed Freetrade Exchange, formerly known as Harvester House. The application property is a former merchant's warehouse, with a drinking establishment use approved at ground floor (Sui Generis), a restaurant use situated within its basement (Class E(b)) and its upper floors lying in office uses or being vacant. The application property is bound by Peter Street, Southmill Street and Bootle Street. The property itself dates from the mid-19th century and is completed in sandstone. Its front elevation features a contemporary powder coated modern metal entrance on the property's south-western corner, with a traditional style timber door on its south-eastern corner. Where the property's western facing side elevation extends beyond the front elevation of no35 Peter Street it features a rendered mount at ground floor. Internally, the property has undergone restoration works and modern alterations. The property's ground and first floors have been much altered, with modern light and M&E fixtures, as well as modern partitions and wall finishes being present throughout. Historical features of note that survive are the property's metal columns and open plan warehouse layout.

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre, with St Peter's Square lying under 175m away from the application site to the east. Peter Street is characterised by a high number of historic listed buildings in various commercial uses, this includes the Grade II listed Lancashire

House, Royale Club, and Albert Memorial, as well as the Grade II* listed Free Trade Hall that lies opposite the application site. The application site lies within the Deansgate Conservation Area and lies adjacent to the St Peters Conservation Area. More modern development lies to the south-west of the application site in the form of Petersfield House at no35 Peter Street, Great Northern Square and no36 Peter Street.

Description of development

The application seeks listed building consent for the internal alteration of the property's ground and first floor to facilitate the creation of a Barrister's Chambers (Class E(c)(ii)).

The proposal would entail the installation of modern solid and glazed partitions in order to create private meeting rooms, work rooms, store rooms and general office space, with the majority of partitions coalescing round the property's central stair core. All partitions would feature shadow gaps.

As part of the proposed works new decorative wall, ceiling and floor finishes are proposed. Minor amendments to the property's M&E layout are also proposed at first floor in order to accommodate proposed partition walls.

Planning History

A high number of applications are on record for application site, the most relevant of which are shown below:

140986/AO/2024 - Retention of hand painted illuminated fascia sign – Application pending consideration.

140871/LO/2024 - LISTED BUILDING CONSENT for retention of illuminated hand-painted fascia sign – Application pending consideration.

133282/LO/2022 - Refurbishment and alteration works to office building comprising the reconfiguration of main entrance and expansion of reception area, use of lower ground floor as a bar (sui generis), removal of glazed canopy over main entrance, infill of enclosed area at 5th floor level (creating 37 sqm Use Class E(g)(i) office space), replacement of existing glazed entrance screen; repainting of modern ground floor feature western elevation, guardrails, and window frames; replacement of external lighting and removal of redundant lighting; installation of platform lifts; removal of car lift, roller shutter door and louver to vehicle entrance to north elevation of building and creation of additional glazed entrance and reception; installation of upgraded toilet facilities; use of basement for bike store, gym, sauna, changing facilities, toilets and showers ancillary to existing office use of building; other internal works to enable enhancement of internal spaces; removal of redundant plant to roof level and installation of new plant and PV panels – Approved July 2022.

133119/FO/2022 - Application for full planning permission (including a partial change of use to lower ground floor from Office Use (Class E(g)i) to Public House, Wine Bar, or Drinking Establishment Sui Generis (p)) to include removal of glass canopy above main entrance, alterations to entrances to south (front) elevation, the infill of an enclosed area to the fifth floor to create an additional 37 square metres of office space (Class E(g)(i), repainting of modern ground floor feature to western return elevation, replacement of external lighting and removal of redundant lighting, removal of roller shutter door and louvre to vehicle entrance to north (rear) elevation and replacement with glazed entrance and reception, removal of redundant plant, lift

overrun to roof level, creation of new plant screen, placement of new plant equipment and PV panels to roof – Approved July 2022.

Consultations & Notification Responses

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy SP1 – Spatial Principles
- Policy EC2 – Existing Employment Space
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC9 – Design and Heritage
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:
- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the LBCA Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

Issues

<u>Impact upon Heritage Asset</u>

The application site forms part of a Grade II listed building which has seen modern redecoration and intervention. As previously stated within this report, despite having undergone renovation works, a high vacancy rate in its upper floors persists. Notwithstanding this, recent approvals have

seen the ground and basement floors of the property occupied in commercial bar and restaurant uses.

In light of the above, it is acknowledged that the proposal would have notable public benefit in that it would allow for the occupation and secure the continued use of a listed building. The proposed internal alterations would be reversible, and partitions would be focused around the property's central stair core, thereby retaining a sense of openness towards the edge of the floorplate and adjacent to exterior windows. Furthermore, a high number of internal partitions would be glazed, and all partitions would also feature shadow gaps, thereby helping to retain a sense of openness. Due to the sensitive nature of the proposed use as a Barrister's Chambers fully glazed partitions have not been possible to accommodate. In the event of an approval, it is considered necessary to condition the works so that final details of how partitions would be installed be submitted to the Local Planning Authority for approval.

Other minor works would include some relocation of existing M&E services to accommodate proposed partitions, as well as new redecoration works. Subject to conditions that would control these details in order to ensure their appropriateness, these elements of the development are considered would have a neutral impact on the significance of the listed building.

In light of the above, the proposal would meet the statutory test to preserve as put forward under Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and as such is in accordance with policies SP1, EC2, EC3, CC1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2 and the National Planning Policy Framework.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to be acceptable and have a minimal impact on the historical significance of the Grade II listed building in accordance with policies SP1, EC2, EC3, CC1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis permission is recommended for approval.

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 polices 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/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and 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) Specified Plans The development hereby approved shall be carried out in accordance with the following drawings and documents:

- AXI-010 Rev 2.1: Site Location Plan (Received 06/08/2024)
- AXI-100 Rev 3: Ground Floor Plan as Proposed
- AXI-101 Rev 3: First Floor Plan as Proposed
- AXI-120-Ground Floor Section AA Rev 3: Ground Floor Sections as Proposed
- AXI-121-Ground Floor Section BB Rev 3: Ground Floor Sections as Proposed
- AXI-122-Ground Floor Section CC Rev 3: Ground Floor Sections as Proposed
- AXI-123-Ground Floor Section DD Rev 3: Ground Floor Sections as Proposed
- AXI-124-First Floor Section EE Rev 3: First Floor Sections as Proposed
- AXI-125- First Floor Section FF Rev 3: First Floor Sections as Proposed
- AXI-126-First Floor Section GG Rev 3: First Floor Sections as Proposed
- AXI-127-First Floor Section HH Rev 3: First Floor Sections as Proposed
- AXI-128 Section II & JJ Rev 3: First Floor Sections as Proposed
- AXI-400 Rev 3: Ground Floor Partition Setting Out Plan as Proposed (Received 30/09/2024)
- AXI-401 Rev 3: First Floor Partition Setting Out Plan as Proposed (Received 30/09/2024)
- AXI-403: Proposed Partition Details (Received 06/08/2024)
- AXI-600 Rev 3: Ground Floor Floor Finishes Plan as Proposed
- AXI-601 Rev 3: First Floor Floor Finishes Plan as Proposed
- AXI-610 Rev 3: Ground Floor Wall Finishes Plan as Proposed

- AXI-611 Rev 3: First Floor Floor Finished Plan as Proposed
- AXI-620 Rev 3: Ground Floor Ceiling Finished Plan as Proposed
- AXI-620 Rev 3: First Floor Ceiling Finished Plan as Proposed
- AXI-630 Rev 3: Ground Floor Lighting Plan as Proposed
- AXI-620 Rev 3: First Floor Lighting Plan as Proposed
- AXI-692 Rev 02: Ground Floor RCP Services Plan as Proposed (Received 30/09/2024)
- AXI-693 Rev 02: First Floor RCP Services Plan as Proposed (Received 30/09/2024)
- Heritage Addendum (Prepared by Paul Butler Associates; Dated & Received 06/08/2024)
- Design & Access Statement (Prepared by AXI; Dated & Received 06/08/2024)

Stamped as received by the City Council as Local Planning Authority on 27/09/2024 unless specified otherwise.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the commencement of any works in relation to the installation of new internal partitions hereby approved, a method statement for the installation of internal partition works that shall confirm how original building fabric will be protected from such works and how new partitions will abut it, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The development shall then proceed in accordance with the approved statement.

Reason - In the interests of preserving and protecting the historic character and appearance of the listed building in accordance with policies CC9 and EN3 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

4) Prior to the commencement of any works in relation to the relocation of existing and installation of new M&E services, a method statement for such works that shall confirm how original building fabric will be protected during the implementation of the works, detail any new penetrations to historic building fabric and provide confirmation on final finishes, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The development shall then proceed in accordance with the approved details.

Reason - In the interests of preserving and protecting the historic character and appearance of the listed building in accordance with policies CC9 and EN3 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework

5) Prior to the commencement of any decoration works hereby approved, a detailed paint specification, that will set out how selected paints are compatible with historic material, will be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall then proceed in accordance with the approved statement.

Reason - In the interests of preserving and protecting the historic character and appearance of the listed building in accordance with policies CC9 and EN3 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Fifth Floor, 44 Peter Street, Manchester, M2 5GP
Second Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Fourth Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
First Floor, 44 Peter Street, Manchester, M2 5GP
Second Floor, 44 Peter Street, Manchester, M2 5GP
10 Southmill Street, Manchester, M2 3NW
First Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Third Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
First Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Ground Floor, Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
C, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fourth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Fifth Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
Radisson Edwardian Hotel, Peter Street, Manchester, M2 5GP
Seventh Floor, 44 Peter Street, Manchester, M2 5GP
Third Floor, 44 Peter Street, Manchester, M2 5GP
Fourth Floor, 44 Peter Street, Manchester, M2 5GP
Ground Floor, 44 Peter Street, Manchester, M2 5GP
Second Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
First Floor To Third Floor, 47 Peter Street, Manchester, M2 3NG
35 Peter Street, Manchester, M2 5GD
Ground Floor, 35 Peter Street, Manchester, M2 5GD
Fifth Floor, 35 Peter Street, Manchester, M2 5GD
Fourth Floor, 35 Peter Street, Manchester, M2 5GD
Third Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5QD
47 Peter Street, Manchester, M2 3NG
Petersfield House, 29 - 31 Peter Street, Manchester, M2 5QJ
Club Coliseum, Peter Street, Manchester, M2 3NQ

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL