

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139001/LO/2024		
Date registered valid:	12 January 2024		
Proposal:	Listed building consent for internal alterations to refurbish the ground level and basement of the commercial premises, including the creation of accessible toilet.		
Address:	62 Cross Street, Manchester, M2 4JQ		
Ward(s):	Deansgate		Ward
Applicant:	Mr James Sarjeant Blank Street UK Ltd		
Agent (if any):	Jessop and Cook architects		
Case officer:	Jack		Naven
	Tel: 0161	219	2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Approve		
Date of recommendation:	29 February 2024		

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 17 January 2024

Standard consultations:

Printed: 17 January 2024 Expired: 7 February 2024

Neighbour notifications

Printed: 17 January 2024 Expired: 7 February 2024

Site notice

Posted: 17 January 2024 Expired: 7 February 2024

Press advert

Published: 23 January 2024 Expired: 6 February 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not required

The application relates to 62 Cross Street, which is one of the two lower commercial units that form the ground floor of the Grade II listed Eagle House. These commercial units are both currently in Class E Use. The property is detached, four storey, dates from 1911 and was constructed for the Eagle Insurance Company, a detail that can be observed is the decorative stonework on the upper floors of each four corners of the building. The upper floors of the property consist of vacant office space (Class E).

The commercial unit in question borders Cross Street, South King Street, and Four Yards. The commercial unit previously was occupied by EAT Ltd.

It is positioned within the immediate setting to a number of listed buildings, including the Grade II listed Former Lloyds Bank and the Grade II listed 74 King Street.

Description of Development

The application concerns Listed building consent for internal alterations to refurbish the ground level and basement of the commercial premises, including the creation of accessible toilet.

Related Applications

138813/LO/2023 - Listed Building Consent for the installation of 3no. illuminated individual letter signage on rails behind the glazing and 2no. non-illuminated projection signs, and for the painting of the shop front entrance and window frames in grey.

Approved - January 2024

138810/AO/2023 - Advertisement consent the installation of 2no. non-illuminated projection signs.

Approved - January 2024

Consultations & Notification Responses

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The Adopted Core Strategy for the City of Manchester

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

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 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.

Places for Everyone

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with

the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

You can view the Inspectors' Report on the GMCA's website at [Places For Everyone - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://greatermanchester-ca.gov.uk/places-for-everyone). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The following policies are considered relevant to this application.

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Policy JP-P2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

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 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPA's 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 205 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 206 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 207 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.

Paragraph 208 advises that proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

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.

Issues

Principle

The principle of these works is supported. The proposed works will help to uplift and bring back into use a commercial premises that is currently unoccupied.

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself, and whether the public benefits brought about by these works will outweigh any less than substantial harm caused by these works.

Impact on Heritage Asset

Most of the internal works are minimal, will not interact with the historic fabric of the Listed Building, and will have little to no impact or harm on the historic significance of the building.

The proposals impact on the conservation area will be negligible given that the proposed works will mainly be internal.

Many significant heritage assets, such as an original staircase and boiler, are within the basement which are to remain.

The heritage ceiling detailing on the ground floor ceiling will be retained.

The location of the proposed ventilation equipment to the ground floor is considered to cause a very low amount of less than substantial harm. The AC units have been relocated to now be positioned on the proposed plasterboard partition. This avoids any harm to original fabric and to allow for the cabling/trunking to be concealed.

The mechanical and engineering proposals have been revised. The current proposals are considered to cause a minimal amount of less than substantial harm to the heritage asset.

The retention and reuse of existing suspended ceiling panels, M&E installations, and penetrations in many areas is supported on heritage grounds as minimising the amount of new interventions into the historic fabric and reducing any further clutter than could cause an impact to the historical significance of certain spaces.

The proposed floor finishes as proposed to ground floor are acceptable, as these works are reversible and are replacing non-original modern floor finishes currently in place.

The proposed works to remove plasterboard to south wall at the ground floor are supported, as these would enhance the appreciation of the asset, restoring some of its original proportions. If exposed brickwork is concealed behind the boarding, a condition has been added to confirm that the exposed brickwork will be retained, and that like-for-like repairs will be carried out on the brickwork. Details of these repair will be submitted to the City Council as the Local Planning Authority as a part of this condition.

The parquet flooring in the basement will be retained. Non-original low-quality flooring in the basement will be replaced, but this will have minimal impact on and cause no harm to the heritage asset.

The accessible toilet does not extend to the full height of the ground floor ceiling. This minimises the impact of this structure on the interior of the Grade II listed building, and maximises the legibility and appreciation of the original space, its spatial qualities, original features, and construction.

A new partition on the ground floor, that sits in front of the staircase to the basement, has been lowered in height during revisions. This revision was considered necessary to avoid an additional subdivision in this location, which would have a negative impact on the interior of the Grade II listed building, limiting visibility and erosion of its original spatial qualities.

Public Benefits

The works will result in uplifting and bringing back into use a commercial premises that is currently unoccupied.

The works to create better ventilation in the unit will bring out increased ventilation.

An accessible WC at ground floor level will be included as a part of the proposals. There is level access into the unit, so the inclusion of an accessible WC is considered to bring a great public benefit as a result of these proposed works.

Conclusion

In view of the above, this application is considered acceptable, as the works are considered to cause a low amount of less than substantial harm to the special interest and the historic character of the Grade II listed building. Any less than substantial harm is considered to be outweighed by the public benefit that will result from these works being carried out.

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/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, this has comprised of a pre-application meeting that took place on site, as well as various feedback back and forth on heritage related issues. All heritage issues were resolved after various revisions to the plans and the application has been determined in time.

Proposed external stone repair works were removed from the original proposal. These will be revisited in future.

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:

- Location Plan

Received by the Local Planning Authority on 12 January 2024.

- Proposed West Elevation P.1715_0010 A
- Proposed Ground Floor Plan P.1715_007 A
- Proposed North Elevation P.1715_009 B

Received by the Local Planning Authority on 13 February 2024.

- Proposed Basement Plan P.1715_006 B
- Proposed East Elevation P.1715_008 A
- Proposed Internal Elevations P.1715_0011 C
- Proposed Section P.1715_0012 A
- Proposed Internal Elevations P.1715_0011 C
- Proposed Ground Floor Internal Elevations P.1715_0018 A
- Proposed Ground Floor Internal Elevations P.1715_0019 A
- Existing and Proposed Basement Mechanical Services P.1715_0015 B
- Existing and Proposed Basement Drainage P.1715_0016 A
- Existing and Proposed Ground Floor Service P.1715_0017 A
- Heritage Impact Assessment REF: P.1715/HS Rev B

Received by the Local Planning Authority on 22 February 2024.

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, and saved policies DC14 and DC18.1.

3) Notwithstanding the details as set out in condition 2 above, following the proposed works to remove the plasterboard to south wall at the ground floor, as indicated on the drawing 'Proposed Ground Floor Plan P.1715_007 A', and prior to the commencement to any other works concerning this south wall at the ground floor, photographs and details will be sent to the Council to confirm if there is exposed brickwork behind the plasterboard.

If there is exposed brickwork, this will be retained, and the repairs will be carried out on a like-for-like basis. Details of this repair work shall be submitted to and approved by the City Council as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - Because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policy and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the details as set out in condition 2 above, if it is discovered there are any further drainage or mechanical and engineering works required, details of any further drainage or mechanical and engineering work required shall be submitted to and approved by the City Council as Local Planning Authority under a separate Listed Building Consent application or under an application to vary this approved Listed Building Consent.

Reason - Because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policy and EN3 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

Flat 21, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 20, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 19, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 18, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 17, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 16, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 15, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 14, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 13, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 12, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 11, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 10, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 9, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 8, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 7, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 6, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 5, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 4, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 3, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 2, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 1, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 24, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 23, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 22, Kingsgate House, 51 South King Street, Manchester, M2 6DE
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 205, 56 Cross Street, Manchester, M2 7AR
Flat 204, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Flat 201, 56 Cross Street, Manchester, M2 7AR
Flat 305, 56 Cross Street, Manchester, M2 7AR
Flat 304, 56 Cross Street, Manchester, M2 7AR
Flat 303, 56 Cross Street, Manchester, M2 7AR
Flat 302, 56 Cross Street, Manchester, M2 7AR
Basement And Ground Floor, 64 - 66 King Street, Manchester, M2 4ND
Flat 402, 37 Cross Street, Manchester, M2 4JE
Flat 201, 37 Cross Street, Manchester, M2 4JE
Flat 202, 37 Cross Street, Manchester, M2 4JE
Flat 203, 37 Cross Street, Manchester, M2 4JE
Flat 204, 37 Cross Street, Manchester, M2 4JE
Flat 301, 37 Cross Street, Manchester, M2 4JE
Flat 302, 37 Cross Street, Manchester, M2 4JE
Flat 303, 37 Cross Street, Manchester, M2 4JE
Flat 304, 37 Cross Street, Manchester, M2 4JE
Flat 401, 37 Cross Street, Manchester, M2 4JE
Flat 403, 37 Cross Street, Manchester, M2 4JE
Flat 404, 37 Cross Street, Manchester, M2 4JE
74 King Street, Manchester, M2 4NJ
Second Floor, 64 Cross Street, Manchester, M2 4JQ
Basement To First Floor, 37 Cross Street, Manchester, M2 4JE

64 - 66 King Street, Manchester, M2 4ND
66 - 68 Cross Street, Manchester, M2 4JQ
64 Cross Street, Manchester, M2 4JQ
Third Floor, 64 Cross Street, Manchester, M2 4JQ
First Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor Front, 64 Cross Street, Manchester, M2 4JQ
Third Floor Rear, 64 Cross Street, Manchester, M2 4JQ
51 King Street, Manchester, M2 7AZ

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL