

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135950/LO/2023 and 135949/FO/2023

Date registered valid: 27 March 2023

Proposal: 135950/LO/2023 - Listed Building Consent for internal and external works comprising reinstatement of plaster and tiles on stairwell walls, reinstatement of metal framed high level windows, works to the roof and retention of 1no. roof access hatch.

135949/FO/2023 - Replacement of 9 windows along the north facing elevation of no. 18-20 St Anns Square and retention of roof access safety equipment.

Address: 12 - 20 St Anns Square, Manchester, M2 7JB

Ward(s): Deansgate Ward

Applicant: DTZ Investors

Agent (if any): Sarah Hughes Cushman and Wakefield

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 June 2024

Application details

Type of application: Listed Building Consent and Full Planning Permission

Development type: Listed building alteration and minor other

Date of site visit: 18 September 2023

Standard consultations:

Printed: 12 April 2023 Expired: 3 May 2023

Neighbour notifications

Printed: 12 April 2023 Expired: 3 May 2023

Site notice

Posted: 16 March 2023 Expired: 6 April 2023

Press advert

Published: 18 April 2023 Expired: 9 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

This application relates to a four-storey group of buildings located at 12 to 20 St Ann's Square. 16 St Ann's Square and 18 to 20 St Ann's Square are Grade II listed buildings. 12 and 14 St Ann's Square are not listed buildings but are considered to be non-designated heritage assets. The building is within the St Ann's Square Conservation Area and fronts onto St Ann's Square, which is a public square within the City Centre. The buildings also have rear elevations onto Barton Square. The buildings are within a terrace of historic buildings that make a positive contribution to the surrounding conservation area.

The ground floor of the buildings is in use as shops and restaurants and the upper floors are partially vacant but house some office accommodation and residential apartments.

The building is within the central shopping and business area of the City Centre and surrounding uses include a theatre, the Arndale Centre, St Ann's church, shops, hotels, residential accommodation, banks, offices, bars, restaurants, takeaways and cafés.

Description of development

Planning Permission is sought for the following works:

- The replacement of unauthorised PVC framed windows within the fourth floor of the north elevation of 18 to 20 St Ann's Square with aluminium framed windows.
- The retention and painting of roof mounted handrails, bridges and ladders.

Listed building consent is sought for the following works:

- The replacement of unauthorised PVC framed windows within the fourth floor of the north elevation of 18 to 20 St Ann's Square.
- The retention and painting of roof mounted handrails, bridges and ladders.
- The reinstatement of lathe and plaster, joinery, tiles etc. within the fire escape stairwell.
- The removal of the access hatch on the north elevation of 18 to 20 St Ann's Square fronting flat roof B1.
- The retention of the access hatch on the south elevation of 18 to 20 St Ann's Square fronting flat roof B3.

Consultations & Notification Responses

Publicity -

135949/FO/2024 - The application was advertised as affecting a listed building and affecting a conservation area. Letters were sent to surrounding occupiers and a site notice was displayed on site. No replies have been received.

135950/LO/2024 - The application was advertised as an application for listed building consent. Letters were sent to surrounding occupiers and a site notice was displayed on site. No replies have been 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 (Shopfronts and Related Signs) confirms 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.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

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-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

Town and Country Planning (Control of Advertisements) Regulations 2007 - requires local planning authorities to exercise their powers under the Regulations in the interests of amenity and public safety, taking into account material provisions of the development plan and any other relevant factors.

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.

Section 16 (Conserving and Enhancing the Historic Environment)

Paragraph 196 states that in determining planning applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- (b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 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 203 states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 207 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 208 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 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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.

Visual Amenity including the assessment of impact on the affected Heritage Assets:

The approval of these applications would allow the removal of the thick framed PVC windows that were installed without permission and replacement with high-quality aluminium heritage range framed windows. The PVC windows replaced non-original windows that were metal framed. The removal and replacement of these windows would be beneficial as PVC is not a material that can achieve the thin frames required and is not in keeping with the materials, character and age of historic buildings. It also isn't a high-quality material. A condition would require an in-situ sample to be approved given the significance of these works.

The rooves of the building are at various levels and in a poor state of repair due to the difficulty reaching them to repair them. The installation of the railings and other roof safety equipment has been justified as has the creation of one access hatch. However, the railings, ladders and bridges would be required by condition to be painted black to minimise their appearance given black is used for other features of rooves such as down pipes.

The access hatch to be removed cut across detailing within the elevation including a blind window opening. Following the removal of the hatch the fabric affected would be reinstated. A method statement will be required by condition for this work.

Lathe and plaster, historic tiles and some joinery was removed from the existing internal fire escape without consent. This would be reinstated in accordance with the submitted Scope of Works. A condition would require these works to be implemented and completed.

Timescales will be given within the conditions for the submission and agreement of the information. This is required as the works are unauthorised.

The removal of the unauthorised works and repair of the fabric affected would be highly beneficial.

In view of the above, it is considered that the proposals would cause non-substantial harm to the Grade II listed building affected by the works and the surrounding heritage assets that is justified by the public benefits of allow safe access to allow regular maintenance of the rooves and greater protection of the fabric of the listed building and would therefore comply with Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular Policies SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

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

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 extensive advice about the information required to be submitted to support the application and discussion and agreement of amendments. This has led to an acceptable proposal.

Condition(s) to be attached to decision for approval of 135950/LO/2023

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 have been carried out in accordance with the following drawings and documents:

The location plan received by the City Council as local planning authority on 13 May 2024

The drawings referenced:

D-1A
07
10
11
12

received by the City Council as local planning authority on 13 May 2024

02 Rev A

received by the City Council as local planning authority on 19 May 2024

The drawing entitled 'Roof Access Plan' received by the City Council as local planning authority on 13 May 2024

The Alitherm Heritage data sheet prepared by Smart architectural aluminium received by the City Council as local planning authority on 13 May 2024

The Scope of Works received by the City Council as local planning authority on 13 May 2024

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

3) a) The works to repair previous damage to the stairwell walls shown on drawings referenced 07 and 10 received by the City Council as local planning authority on 13 May 2024 shall be fully completed in accordance with the scope of works for the reinstatement of the walls to the fire exit staircase received by the City Council as local planning authority on 13 May 2024 within 4 months of the date of this decision.

Reason - In the interests of visual amenity and because the proposed works affect a building that 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, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

4) a) Prior to the full reinstatement of metal framed windows in the locations shown on drawing referenced 02 Rev A, which was received by the City Council as local planning authority on 13 May 2024 an in-situ sample of the Smart Architectural Aluminium Alitherm Heritage Windows as shown within the data sheet received by the City Council as local planning authority on 13 May 2024 shall be made available on site for assessment and approval in writing by the City Council as local planning authority within 3 months of the date of this decision.

b) Should the sample (a) not be considered acceptable alternative products, installation methods or finishes shall be assessed on site and a sample approved in writing by the City Council as local planning authority within 3 months of the date of this decision.

b) Following approval in writing by the City Council as local planning authority of the acceptability of the sample (a) or (b) within 3 months of the date of approval of the sample all PVC windows of the fourth floor of the north elevation of the building shall be replaced with Alitherm windows or an alternative approved metal windows in accordance with the approved sample.

Reason - In the interests of visual amenity and because the proposed works affect a building that 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, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) a) The roof access hatch identified for removal on the drawing entitled 'Roof Access Plan' received by the City Council as local planning authority on 13 May 2024 shall be removed and the fabric affected fully reinstated in accordance with a method statement/method statements to be submitted to and approved in writing by the City Council as local planning authority within 3 months of the date of this decision.

c) The works shall be completed in accordance with the approved method statement (a) within 6 months of the date of this decision.

Reason - In the interests of visual amenity and because the proposed works affect a building that 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, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

6) All retained roof mounted handrails, bridges and ladders as shown on the drawing entitled 'Roof Access Plan' received by the City Council as local planning authority on 13 May 2024 shall be painted black to minimise their appearance and impact on the character and appearance of the building within 3 months of the date of this decision.

Reason - In the interests of visual amenity and because the proposed works affect a building that 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, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Condition(s) to be attached to decision for approval of application 135949/FO/2023

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 have been carried out in accordance with the following drawings and documents:

The location plan received by the City Council as local planning authority on 13 May 2024

The drawings referenced:

D-1A
07
10
11
12

received by the City Council as local planning authority on 13 May 2024

02 Rev A

received by the City Council as local planning authority on 19 May 2024

The drawing entitled 'Roof Access Plan' received by the City Council as local planning authority on 13 May 2024

The Alitherm Heritage data sheet prepared by Smart architectural aluminium received by the City Council as local planning authority on 13 May 2024

The Scope of Works received by the City Council as local planning authority on 13 May 2024

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

3) Notwithstanding the details submitted with the application, the following shall be submitted for approval in writing by the City Council, as Local Planning Authority within 3 months of the date of this decision:

(a) Samples and specifications of all materials to be used on all external elevations and rooves of the development.

(b) jointing and fixing details between all component materials

(c) a strategy for quality control management.

(d) Submission of a Construction Environmental Management Plan (CEMP) (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle.

The approved materials shall be used in the construction of the development hereby approved.

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 EN3, CC9, SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

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

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