

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137821/LO/2023

Date registered valid: 25 August 2023

Proposal: Listed Building Consent for internal works comprising of installation of kitchen, extract equipment and internal partitions, and external works for the replacement of glazed entrance with timber door, removal and replacement of feature lamps to entrance and installation of new plant to roof.

Address: Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB

Ward(s): Deansgate Ward

Applicant: CST Limited Partnership

Agent (if any): Mr Don Murphy Paul Butler Associates

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15/04/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 30 August 2023 Expired: 20 September 2023

Neighbour notifications

Printed: 30 August 2023 Expired: 20 September 2023

Site notice

Posted: 1 September 2023 Expired: 22 September 2023

Press advert

Published: 5 September 2023 Expired: 19 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the basement/lower ground floor of the Grade II listed Freetrade Exchange, formerly known as Harvester House. The application property is a former merchant's warehouse, now offices (Class E), with a drinking establishment use approved at ground floor (Sui Generis), and its basement/lower ground floor being unoccupied. 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 contemporary glazed entrance present 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, a non-original staircase provides access to the basement/lower ground floor, with much of the property's original brickwork within this space having been rendered over. Atop the property lies extract and ventilation equipment, as well as a rooftop access extension.

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 including 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 internal and external alterations to facilitate the use of the application site as a restaurant (Class E(b)).

The proposed external works consist of the removal of the property's south-eastern glazed entrance and its replacement with a timber door with decorative octagonal design. The door a timber framed signage zone illuminated by a concealed LED strip is proposed, as well as an arched timber frame with clear glazing above. An entrance portal would then be situated behind the aforementioned timber door, with a reclaimed timber door to provide entrance to the restaurant lobby.

Other external works include the removal of the existing light fixtures along the property's Peter Street elevation and their subsequent replacement with a heritage style rectangular light. 2no external timber framed menu boards would then be installed, 1no to the front of the property adjacent to the property's entrance and 1no adjacent to the property's rear entrance along Bootle Street. Said menu boards would have a height of 600mm, a width of 410mm and a depth of 40mm. A top the property's roof additional plant would be installed to provide means of fume extraction for the restaurant use. Said plant would be situated adjacent to existing plant, a rooflight and rooftop access extension, being set back from the edge of the property.

Internally, the development would see the installation of new partitions to create back of house and food preparations areas. The subterranean element of the property's basement windows would be removed and plasterboard applied in its place. The existing rendered finish would largely be retained and painted over, with some brick slips proposed internally. The property's support columns would also be exposed.

Planning History

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

137820/FO/2023 - Creation of restaurant use at lower ground floor (Class E(b)) and external alterations comprising of removal of glazed entrance, installation of timber door replacement, replacement of external feature lamps, addition of menu boards, and new plant equipment to roof – Application pending consideration.

137081/LO/2023 - Listed Building Consent for installation of non-illuminated sign to side elevation, internal illuminated totem sign and internal window vinyls – Approved November 2023.

137108/AO/2023 - Installation of non-illuminated sign to side elevation – Approved November 2023.

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 EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus (City Centre and fringe)
- Policy CC2 – Retail
- Policy CC5 – Transport
- Policy CC9 – Design and Heritage
- Policy C10 – Leisure and Evening Economy
- Policy EN1 – Design Principle and Strategic Characters Areas
- Policy EN3 – Heritage
- Policy EN19 – Waste
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC10 – Food and Drink uses
- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

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
- Policy JP-P4 – New Retail and Leisure Uses in Town Centres

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

Impact upon the Heritage Asset

The application site forms part of a Grade II listed building which has seen modern redecoration and intervention. The proposed external works are supported with the modern light fixtures and glazed south-eastern entrance proposed to be removed. The existing light fixtures displayed along the property's Peter Street elevation, of which there are 6no, are modern orb like lights completed in a plastic finish. The light fixtures are of low quality and do not respond positively to the historic importance of the listed building. The proposed replacements are rectangular in shape and are of a heritage style, the proposed lights are finished in a dark metal finish and are considered to be of a better fit to the historical significance of the application site. Subject to a planning condition that would require the submission of exact samples and their fixing details, this element of the development would have a positive impact on the listed building.

The proposed menu boards would be completed in timber and also feature a call button. The proposed menu boards are small in size, with a maximum projection of 40mm. It is considered that the use of external menu boards on buildings in restaurant uses is a common arrangement within the City Centre on both historic and modern buildings and it is also appreciated that existing fixing points would be utilised to secure them to the listed building. With a single menu board proposed to be displayed adjacent to the front and rear entrances of the property, it is not considered their installation would add an unacceptable degree of visual clutter to the host property. Subject to a condition that would require the submission of exact details and material finish of the menu boards, their installation is considered would have a neutral impact on the significance of the listed building.

The most notable/visible element of the proposals are that of the proposed door works. The existing glazed entrance present on the property's south-eastern corner is contemporary in nature and whilst visually inoffensive due to its visual permeability, lacks presence and does not reflect the historical significance of the host building. The application has been accompanied by a heritage statement which details that in historic photographs that the site was previously home to a timber door which was adorned with an octagonal pattern. The proposed doorway would seek to replicate this detail which is welcomed, the accompanying section for the door depicts that it would be of a depth that would allow the octagonal pattern to be carved out of the doorway rather than be created through the addition of moulding. The proposed signage zone above the front entrance is considered to be inoffensive, with the use of a concealed LED strip for illumination being considered to be discreet, giving the entrance a street presence without it seeming overbearing. The use of an internal secondary door is considered to be visually inoffensive, with

the door proposed to be a reclaimed unit. Subject to a condition that would control external illumination so that it is not overly bright nor harsh, and a condition requiring exact samples of the proposed doorway, it is considered that this element of the proposal would have a neutral impact on the significance of the listed building, with any harm being caused by the installation of advertisement being outweighed by the benefit of the reinstatement of a timber door.

In order to facilitate the installation of a kitchen, plant is proposed to be installed atop the property's roof. As stated previously within this report, the plant would be situated so as not to protrude beyond existing plant and be set back from the edge of the property. Due to this setback the plant would be obscured from wider views within both the Deansgate Conservation Area and St Peters Square Conservation Area. On this basis it is considered the development would have a neutral impact on the significance of the listed building.

Internally, the application site has been subject to an internal white render. The submission has been accompanied by supporting information which details that investigations have taken place and have found the widespread removal of the render is not possible due to the damage the removal of the render would cause to the property's historic brickwork. Notwithstanding this, brickslips are proposed in some locations, in the event of an approval a condition requiring the submission of a methodology statement and the confirmation of the final finish of such works would be attached. Other works within the basement include the addition of new partitions to create a back of house area. Due to the existence of historic walls and the lack of open space on the western half of the basement this is considered to have a low level impact on the listed building. The property's existing non-original subterranean windows, which due to their subterranean nature serve no practical use, are proposed to be removed and plasterboard put in its place. Due to the windows being non-original and how such works would not be readable from the street scene, this element of the proposal is considered to be acceptable. Other internal works include general redecoration and painting. It is considered necessary to condition the final detail of the proposed redecoration, plasterboarding and brick slip works in order to ensure their appropriateness. Subject to such a condition, these proposed works are considered would have a neutral impact on the significance of the listed building.

In light of the above it is considered any low level of harm would be outweighed by the public benefits of the proposal which would see the occupation of a currently vacant space and the provision of a restaurant which contribute to Manchester's evening economy. Therefore, 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 Core Strategy Policies SP1, EC3, CC1, CC2, CC5, CC9, C10, EN1, EN3, EN19 and DM1, Saved Unitary Development Plan Policies DC10, DC18, DC19 and DC26, Places for Everyone Plan Policies JP-Strat2, JP-P2 and JP-P4, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that subject to planning condition, the proposal is acceptable and accords with Core Strategy Policies SP1, EC3, CC1, CC2, CC5, CC9, C10, EN1, EN3, EN19 and DM1, Saved Unitary Development Plan Policies DC10, DC18, DC19 and DC26, Places for Everyone Plan Policies JP-Strat2, JP-P2 and JP-P4, the Planning (Listed Buildings and Conservation Areas) Act 1990, and the National Planning Policy Framework. The development is therefore 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 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 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) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- o AXI L00 Stage 3 Rev 00: Location and site plans
- o AXI L01 Stage 3 Rev 00: Location and site plans
- o AXI - 010 Stage 3 Rev 00: Ground & Basement Floor Demolition Plans

- o AXI - 110 Stage 3 Rev 00: Proposed Partition Details
- o AXI - 111 Stage 3 Rev 00: Typical Shadoe Gap Detail As Proposed (Received 20/12/2023)
- o AXI - 500 Stage 3 Rev 00: Proposed Ceiling Details
- o AXI - 501 Stage 3 Rev 01: Proposed external wall details (Received 12/04/2024)
- o AXI - 504 Stage 3 Rev 00: Proposed Floor Details
- o 23-161 JD-01 Rev I: Planning: Proposed Ground Floor Entrance (Received 15/03/2024)
- o 23-161 JD-02 Rev D: Planning: Entrance Door Details 1/2 (Received 15/03/2024)
- o 23-161 JD-03 Rec D: Planning: Entrance Door Details 2/2 (Received 15/03/2024)
- o 23-161 EL-01 Rev D: Planning: Proposed External Elevations (Received 12/04/2024)
- o 23-161 EL-02 Rev B: Planning: Proposed Internal Sections (Received 12/04/2024)
- o 23-161 EL-03 Rev B: Planning: Proposed Internal Sections (Received 12/04/2024)
- o 23-161 EL-04 Rev D: Planning: Proposed External Elevations (Received 15/03/2024)
- o 23-161 EL-05 Rev C: Planning: Proposed External Elevations (Received 15/03/2024)
- o 23-161 GA-01 Rev B: Planning: Proposed Ground Floor and Basement GA Plan (Received 20/12/2023)
- o 23-161 GA-02 Rev A: Planning: Proposed Ground and Basement RCP (Received 20/12/2023)
- o 23-161 GA-03 Rev A: Planning: Proposed Ground and Basement Ceiling Finishes (Received 20/12/2023)
- o 23-161 GA-04 Rev A: Planning: Proposed Basement Partition Layout (Received 20/12/2023)
- o 23-161 GA-05 Rev C: Wall Finishes Plan (Received 12/04/2024)
- o 23-161 GA-06 Rev A: Floor Finishes Plan (Received 20/12/2023)
- o 001-1056-11: Proposed Lower Ground Floor Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o 001-1056-12: Proposed Roof Extract Plan (Dated 28/11/2023; Received 18/12/2023)
- o 001-1056-SC: Proposed Site Extract Schematic (Dated 29/11/2023; Received 18/12/2023)
- o Covering Letter (Prepared by Paul Butler Associates; Dated 08/08/2023; Received 08/08/2023)
- o Planning Statement (Prepared by Paul Butler Associates; Dated 04/08/2023; Received 09/08/2023)
- o Heritage Statement (Prepared by Stephen Levrant Heritage Architects; Dated 21/07/2023; Received 08/08/2023)
- o External Shopfront Study (Prepared by Other Side; Dated 15/12/2023; Received 20/12/2023)
- o Access Appraisal Statement (Prepared by AXI; Dated 17/11/2023; Received 21/11/2023)
- o Pre-Acquisition Survey Report (Prepared by Paragon Dated 12/07/2021; Received 09/08/2023)
- o Refuse Store Plan (Received 14/11/2023)
- o Waste Management Strategy (Received 14/11/2023)
- o Construction Environmental Management Plan & Construction Method Statement Issue 2 (Dated September 2023; Received 06/10/2023)
- o Environmental Noise Survey and Plant Noise Assessment Report Rev 5 (Prepared by Hann Tucker Associates; Received 18/12/2023)
- o Email correspondence RE acoustics (Prepared by Paul Butler Associates; Dated & Received 18/12/2023)
- o Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Prepared by Chapman Ventilation; Dated 20/04/2023; Received 18/12/2023)
- o Blacklock Manchester - Extraction Cleaning Schedule (Received 22/01/2024)
- o Crime Impact Statement Version A (Prepared by Greater Manchester Police Design for Security; Dated 12/01/2022; Received 09/08/2023)

Stamped as received by the City Council as Local Planning Authority on 09/08/2023 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 and the National Planning Policy Framework

3) Notwithstanding the details set out in condition 2, prior to the commencement of any works related to the property's entrance on Peter Street, a scheme for the final details (including where appropriate specification and method statement and physical material samples) of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- a) Details of the exterior timber door (Including depth, width, profile and decorative finish) and method of affixing it to the listed building
- b) Details of the external signage zone timber framework (Including depth, width, projection, any necessary cabling/M&E and material finish)
- c) Details of arched timber frame (Including depth, width, projection and material finish)
- d) Details of the internal door (Including depth, width, profile and decorative finish) and method of affixing it to the listed building
- e) Details of internal connector lid to external and internal doors (Including depth, width, profile and decorative finish)

The scheme shall then proceed in accordance with the approved details and be retained and maintained thereafter.

Reason - To ensure that the appearance of the development and listed building 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 and the historical significance of the listed building, as specified in policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan and National Planning Policy Framework.

4) Notwithstanding the details set out in condition 2, prior to the commencement of any works related to the external lights and menu boards hereby approved, a scheme for the final details (including where appropriate specification and method statement and physical material samples) of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- a) Details of the external lights, including physical samples, method of affixing to the listed building and M&E supply details.
- b) Details of the menu boards, including physical samples (That shall confirm its profile, depth and material finish), method of affixing to the listed building and M&E supply details.

The scheme shall then proceed in accordance with the approved details and be retained and maintained thereafter.

Reason - To ensure that the appearance of the development and listed building 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 and the historical significance of the listed building, as specified in policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan and National Planning Policy Framework.

5) Notwithstanding the details set out in condition 2, prior to the commencement of any works related to the internal wall finishes hereby approved, a scheme for the final details of the

following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- a) Details of reclaimed brick slips (Including depth, width and profile)
- b) Paint finishes
- c) Window plasterboarding (Including depth, width, profile and decorative finish) and method of affixing it to the listed building.

The scheme shall then proceed in accordance with the approved details and be retained and maintained thereafter.

Reason - To ensure that the appearance of the development and listed building 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 and the historical significance of the listed building, as specified in policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan and National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

10 Southmill Street, Manchester, M2 3NW
First Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5GB
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
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 Rear, 47 Peter Street, Manchester, M2 3NG
Third Floor, Freetrade Exchange, 37 Peter Street, Manchester, M2 5QD
47 Peter Street, Manchester, M2 3NG
Club Coliseum, Peter Street, Manchester, M2 3NQ

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 - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL