

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139141/LO/2024		
Date registered valid:	31 January 2024		
Proposal:	Listed Building Consent for the installation of new and replacement wireless access points throughout the theatre to improve access to wireless data for audiences		
Address:	Palace Theatre, Oxford Street, Manchester, M1 6FT		
Ward(s):	Piccadilly		Ward
Applicant:	Mr Don Anthony		
Agent (if any):	Mr Danny Lane Studio DJL		
Case officer:	Jack		Naven
	Tel: 0161	219	2095
	Email: jack.naven@manchester.gov.uk		
Recommendation:	Approved		
Date of recommendation:	29 February 2024		

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 7 February 2024

Standard consultations:

Printed: 7 February 2024 Expired: 28 February 2024

Neighbour notifications

Printed: 7 February 2024 Expired: 28 February 2024

Site notice

Posted: 7 February 2024 Expired: 28 February 2024

Press advert

Published: 13 February 2024 Expired: 27 February 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

This application relates to the Palace Theatre. The building is a Grade II listed and is situated within the Whitworth Street Conservation area in Greater Manchester, located at the intersection between Oxford Street and Whitworth Street.

The building is designated a listed heritage asset on account of its architectural, aesthetic, historic and social interest. It was first constructed c.1891 as the Manchester Palace of Varieties and remodelled in 1913 by Bertie Crewe of London. The external facades were subsequently re-fronted in a more austere Moderne style in the mid-20th century. As a result of these changes, the exterior is of lesser significance in contrast to the interior, considered to be of the highest significance. This is in particular consideration of the main auditorium, which is decorated with intricate and rich collection of complimentary architectural features and furnishings throughout, and other front of house spaces where historic features and fabric of special interest survives.

The surrounding Whitworth Street Conservation Area contains a large number of buildings that are examples of Victorian and Edwardian architecture constructed between 1850 and 1920. These buildings are related to and reflect the historical importance of the textile industry in the city. The Palace Theatre is situated in the immediate setting of a number of listed buildings, including the Grade II* listed India House, the Grade II* listed Former Refuge Assurance Company Offices, the Grade II* listed Tootal buildings, Grade II listed Bridgewater House and the Grade II listed St James Buildings. These heritage assets will not be affected by the

proposed works, which would be entirely internal and have an impact on the special interest of the Palace Theatre only.

Historic buildings in the area are six to seven stories in height with extravagant modelled facades in brick and terracotta. The rear of these buildings were typically constructed with large areas of glazing. Other buildings built later in the early 20th Century were of a grand Edwardian commercial architectural style, where examples of these can be found along Whitworth Street. Palace Theatre, Manchester is located at the South West of the conservation area and is surrounded by several other listed buildings.

Description of Development

The proposal seeks Listed Building Consent for the installation of new and replacement wireless access points across the site.

Consultations & Notification Responses

The Theatre's Trust – Confirmed that they support the granting of listed building consent.

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 due to 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.

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.

Principle

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 to see whether the public benefits of the proposal will outweigh any potential less than substantial harm that might be caused by the proposed works.

Impact on Heritage Asset

The diligence and discretion by which the access points are to be installed has minimized any direct harm to the fabric of the building.

The number and visibility of the access points in areas of particular historic significance such as the foyers and auditorium have been reduced to the minimum level required to meet the technical demands for such a space.

Cabling routes have been minimized and concealed or make use of existing runs wherever possible.

In areas where there the final details of cabling or routing have not been provided as a part this application, a condition has been attached to ensure that these details are provided to ensure that the cabling routes does not cause an increase in the amount of less than substantial harm that will be caused by these works.

Having assessed the impact on the heritage of the Palace, negative impacts have been minimized as far as is reasonably practical but would amount to a low level of less than substantial harm.

Significant discussions have been undertaken between the applicant and the City Council. These have included two site visits, and the withdrawal of a previous application. Many locations were removed from the scheme that were not considered appropriate. Other locations were changed to be moved to locations where there would be less of an impact caused to the historic fabric or the historical significance of the building.

Public Benefits

The public benefits of upgrading the existing wireless data access throughout the theatre for patrons, staff and visitors include the following:

- To facilitate the rollout of a reliable and standardized hearing assistance technology that will improve accessibility and inclusivity for all patrons of the theatre. This will ensure that all patrons including those with hearing and vision impairments can enjoy the performances with amplified sound and audio description from anywhere within the auditorium, an upgrade on the current offering which relies on line of sight to be operational. This will further ensure that the venue fulfils their duty as a service provider under the Equality Act 2010, providing an auxiliary aid to those who would otherwise be unable to enjoy the performance for reasons pertaining to disability.
- The new installation will also allow the use of 'Gala Pro'. An app with on demand captioning and audio description for those who require access to this, meaning that they will be able to

attend any performance rather than only being able to attend the specific Audio Described/Captioned performance. In addition, the on demand captioning service may be beneficial to those who speak English as a second language, so that they may be able to follow the dialogue for further understanding.

- Facilitate electronic point of sale terminals in the auditorium to take payments using wireless payment devices.

- Improve access to WiFi for patrons. This will enable patrons to access online services such as programmes, ticket booking, ordering food and drinks from within the auditorium and also audience participation during certain performances (for example casting votes in a talent show). Phone signal is limited in the theatre and the wi-fi currently in place does not provide adequate coverage in many areas.

- Improve WiFi performance for staff and visitors to the building who require high speed Internet access for a range of typical activities required to run a theatre.

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 gained by the access to wi-fi for all patrons and staff of this establishment 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: Approved

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.

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
- Installation Report
- MR42
- MR45
- MR46

Received by Manchester City Council as the Local Planning Authority on 31 January 2024.

- Design, Access & Heritage Statement

Received by Manchester City Council as the Local Planning Authority on 01 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, prior to the commencement of the works outlined in this proposal, in cases in the approved documents where the details of containment or cable runs associated with a wi-fi unit to be installed have not been provide, the full and final details of the containment and cable runs associated with the location of the wi-fi units to be installed, shall be submitted to and approved by the City Council as Local Planning Authority.

For the avoidance of doubt, this shall include the details of the following units (numbered as per the Installation Report Node-4 Palace Theatre, dated 23 January 2024):

AP5, AP6, AP14, AP16, AP23, AP26, AP41, AP48, AP70, AP71, AP72, AP73, AP74, AP75 and AP76.

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.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
The Theatres Trust

60 Oxford Street, Manchester, M1 5EE
Sub Basement, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Eighth Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LT
Fourth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Suites 101 To 103, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
74 Oxford Street, Manchester, M1 5NH
72 Oxford Street, Manchester, M1 5NH
58 - 60 Whitworth Street, Manchester, M1 6JQ
5 James Leigh Street, Manchester, M1 5NF
Upper Ground Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Seventh Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
Fourth Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
83 Oxford Street, Manchester, M1 6EG
91 - 93 Oxford Street, Manchester, M1 6ET
81 Oxford Street, Manchester, M1 6EG
Fifth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
The Stage Door, 97 Oxford Street, Manchester, M1 6ET
J Sainsbury Plc, 51 Whitworth Street West, Manchester, M1 5EA
Unit 1-3, Oxford Road Station, Oxford Road Station Approach, Manchester, M1 6FU
Third Floor Suite 301, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Tenth Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LT
Ninth Floor Suite 904, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Ninth Floor Suite 903, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Seventh Floor Royscot Retailer Serv Ltd, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Grd Floor Suite G01, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LS
First Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LT
95 Oxford Street, Manchester, M1 6ET
Seventh Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LT
Window Display 3, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Third Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Window Display 2, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Eighth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Second Floor Suite 201, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Ground Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Seventh Floor Suites 701-705, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
St James Court, Oxford Street, Manchester, M1 6FQ
First Floor Suite 7, St James Court, Oxford Street, Manchester, M1 6FQ
Suite 1, St James Court, Oxford Street, Manchester, M1 6FQ
Third Floor Suite 306, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Ninth Floor Suites 902 And 902A, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Third Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LS
Window Display 1, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Third Floor, St. James Building, 79 Oxford Street, Manchester, M1 6FQ
Fifth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6EQ
Third Floor Front Right, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
62 Whitworth Street, Manchester, M1 6LT

87 Oxford Street, Manchester, M1 6EG
Second Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Window Display 5, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Window Display 4, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Principal Manchester Hotel, Oxford Road, Manchester, M60 7HA
Cornerhouse, 70 Oxford Street, Manchester, M1 5NH
Ground Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
First Floor Suite 2, St James Court, Oxford Street, Manchester, M1 6FQ
Ninth Floor Suite 905, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
64 Whitworth Street, Manchester, M1 6LT
Ninth Floor, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6LT
Sixth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
First Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
First Floor Suite 8-9, St James Court, Oxford Street, Manchester, M1 6FQ
Sixth Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
Ground Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
First Floor, St James Building, 79 Oxford Street, Manchester, M1 6PP
Excalibur Building, 77 Whitworth Street, Manchester, M1 6EZ
Basement, Bridgewater House, 58 - 60 Whitworth Street, Manchester, M1 6JQ
Basement, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
85 Oxford Street, Manchester, M1 6ET
Ninth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ

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 - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL