

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138813/LO/2023

Date registered valid: 22 December 2023

Proposal: 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.

Address: 62 Cross Street, Manchester, M2 4JQ

Ward(s): Deansgate Ward

Applicant: Mr James Sarjeant Blank Street Coffee

Agent (if any): Mrs Natalie Edwards Technical Signs

Case officer: Jack
Tel: 0161 219 Naven
Email: jack.naven@manchester.gov.uk 2095

Recommendation: Approve

Date of recommendation: 25 January 2024

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 3 January 2024

Standard consultations:

Printed: 3 January 2024 Expired: 24 January 2024

Neighbour notifications

Printed: 3 January 2024 Expired: 24 January 2024

Site notice

Posted: 3 January 2024 Expired: 24 January 2024

Press advert

Published: 9 January 2024 Expired: 23 January 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area/Site

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order:

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

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.

Related Applications

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

Decision - To be approved in tandem with this application.

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 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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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.

Policies **JP-S1 (Sustainable Development)**, **JP-P1 (Sustainable Places)**, and **JP-P2 (Heritage)** are considered relevant to this application.

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

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.

Impact on Heritage Asset

In accordance with the guidance provided in paragraph 208 of section 16 (Conserving and Enhancing the Historic Environment) of the NPPF, any less than substantial harm to the significance of a designated heritage asset caused by the proposed works should be weighed against the public benefits that would be delivered by the proposal.

In assessing the public benefits, consideration has been given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

The repainting of the proposed shopfront is well-balanced and it is determined that it will make a positive contribution to the Grade II listed building.

The proposed illuminated signage located internally behind the glass is considered acceptable and proportionate on account their size, position and appearance. Their methods of fixings are considered to cause a very low amount of less than substantial harm to the Grade II listed building.

This very low amount of less than substantial harm will be outweighed by the public benefits brought by bringing the space into use.

The proposed external projecting signs are also considered acceptable and proportionate on account their size, position and appearance. They are 30mm in thickness, are not considered to be too large, obtrusive, or overbearing, and they will reuse existing fixing points of projecting signs previously installed.

The signage as a whole is considered to have a neutral impact of the special interest of the Grade II listed building, of the surrounding street scene, and as the conservation area is which the site is located.

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 benefits brought by updating this shopfront so the commercial unit can be occupied by a business, which is considered to provide vitality to this commercial unit of the building.

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.

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, received by the Local Planning Authority on 13 December 2023:

- Location Plan
- Design and Access Statement
- Heritage Statement

Received by the Local Planning Authority on 03 January 2024:

- Proposed Signage 2 Rev A
- Proposed Signage 3 Rev A

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) The painting of the windows frames and shop entrance of the unit shall be carried out in RAL 7011 Iron Grey colour.

Reason:- To ensure the painting of the windows frames and shop entrance at the development does not harm the Listed structure pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995).

Reason:- To ensure the M & E at the development does not harm the Listed structure and is attached appropriately to the historic fabric pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995).

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
Fourth Floor, 49 King Street, Manchester, M2 7AY
Third Floor Front, 49 King Street, Manchester, M2 7AY
74 King Street, Manchester, M2 4NJ

Third Floor Rear, 49 King Street, Manchester, M2 7AY
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
49 King Street, Manchester, M2 7AY
Sixth Floor, 49 King Street, Manchester, M2 7AY
Fifth Floor, 49 King Street, Manchester, M2 7AY
Second Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
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
39 Cross Street, Manchester, M2 4JE
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY

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