

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135570/LO/2022

Date registered valid: 17 January 2023

Proposal: Retention of external and internal alterations to facilitate use of premises as a cafe (Class E) and installation of new signage.

Address: 66-68 Cross Street, Manchester, M2 4JQ

Ward(s): Deansgate Ward

Applicant: Knoops

Agent (if any): Miss Sue Jones CJS (NW) Ltd

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

Recommendation: Refuse

Date of recommendation: 08 December 2023

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 2 February 2023

Standard consultations:

Printed: 1 February 2023 Expired: 22 February 2023

Neighbour notifications

Printed: 1 February 2023 Expired: 22 February 2023

Site notice

Posted: 2 February 2023 Expired: 23 February 2023

Press advert

Published: 7 February 2023 Expired: 28 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of Site

The application relates to one of the two lower commercial units that form the ground floor of the Grade II listed Eagle House at no. 66-68 Cross Street. 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 in 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 building in question is in sandstone with a slate mansard roof. The ground floor is rusticated, above is a balcony with wrought iron railing, the upper floor contain giant fluted Ionic pilasters, a pulvinated frieze, and a modillioned cornice. At the centre is a round-headed doorway with a moulded surround and flanked by cartouches.

The commercial unit in question borders Cross Street, South King Street, and Four Yards. The commercial unit operated as Chop'd from 2016. Prior to the, the unit housed a Carphone Warehouse store, which originally took occupation of the unit in 1995.

Description of Development

The proposal seeks retention of external and internal alterations to facilitate use of premises as a cafe (Class E) and installation of new signage.

Related Applications

135693/AO/2022 - Retention of 2 no. internally illuminated fascia signs and 1 x no. externally illuminated projecting signs. **Split Decision October 2023** – To approve the projecting sign and refuse the fascia signs.

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 due to this publicity.

Policy

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main policies that relate to the proposal are Section 16 (Conserving and enhancing the Historic Environment) of the revised National Planning Policy Framework (NPPF) (2023), and Policies DM1 (Development Management), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), CC9 (Design and Heritage) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester (2012), and saved policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for Manchester (1995).

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

DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

DC19.1 (Listed Buildings) states that 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 settings by; not permitting any external or internal alterations or addition to a listed building where, in its opinion, there would be an adverse effect on its architectural or historic character; and seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

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

Paragraph 194 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 195 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 197 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 199 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 200 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 201 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 202 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 of Development

It is accepted that the principle of external and internal alterations to facilitate use of premises as a cafe (Class E) and installation of new signage can be considered appropriate.

However, these external and internal alterations, and the installation of new signage, must be assessed for their impact on the heritage asset and weighed against any impact they might cause.

These works include:

- The fascia signage on two elevations
- The projecting hanging sign on the Cross Street elevation
- The creation of a WC on the ground floor level
- The blocking up of glazed brick in the basement
- The introduction of partitions in the basement
- Internal fit out works of the serving and kitchen area on the ground floor
- Installation of a larger external vent on the corner of Four Yards

The Grade II Listed Eagle House Building is considered significant due to its rusticated sandstone coloured elevations on the ground floor, with narrow bulkheads that date back to the building's origin as the Eagle Insurance Company, with a round-headed doorway in the centre of the building, as well as due to its wrought iron railing on the first floor, the dominant, large open windows on the ground floor, its casement windows on the first floor, the sash windows on the top floor, and the semicircular open pediment on the top of the building surmounted by an eagle.

Impact on Heritage Asset

There are numerous concerns with the works carried out in relation to how they impact the Grade II Listed Building.

Whilst a number of works carried out internally can be considered acceptable to be approved under Listed Building Consent, including the hanging projecting signs, the internal fitout areas of the serving and kitchen area, as well as the principle of installing the WC in the proposed area, there are many aspects that are not accepted.

The lining of the basement wall is considered to have caused harm to the historic character of the Listed Building. There are also concerns that the lining has also in effect, trapped any moisture between the wall and the brick, which would not be in line with conservation principles regarding restoring and re-using a Listed Building. The applicant has been advised that the wall should therefore be removed and exposed to allow further assessment by officers of the condition of the wall to determine how this should be treated, not no response was offered on this point.

The fact that the original glazed brick were not left exposed in some locations was also considered to be of a concern as to how it impacted on the historic character of the Listed Building. The glazed bricks in the basement in particular make an important contribution to the historic and architectural interest of the Grade II listed building and must be retained and left exposed.

The partitioning put in place in the basement is also considered to cause harm to the character of the Listed Building as it makes it more difficult to judge the overall true volume of the historical significance of the space and original design intention of the space.

There are a number of concerns regarding the external alterations to the building. The NPPF is clear that in determining works to a listed building, any works should better reveal the significance of a listed building.

A window on the Four Yards elevation has been blocked up to facilitate the creation of an accessible WC inside the unit. Whilst providing an accessible toilet facility is considered a positive contribution and benefit to the development in question, it is believed that this could have been achieved in a manner that was less harmful.

It is accepted that there was some difficulty in securing a suitable location for an accessible WC location, but the blocking up of the window in order to provide this accessible WC facility is not accepted. Although it appears that the blocking of this window was carried out by a previous tenant of the building, these works were unauthorised. The applicant was advised before the installation of the WC in this area, that the windows should be opened up with clear or obscured glazing. To have the window reinstated with obscure glass would achieve a balance in returning this elevation of the building to be more in line with the historic character of the building, whilst also maintaining the WC facility in this location.

The installation of an electric box and tap on the corner of Four Yards and South King Street are also considered to cause harm to the historic character of the building. This is in contrast to a similar feature on the adjacent unit.

A larger vent appears to have been installed recently on this blocked off window on the Four Yards elevation. This too is considered to cause harm to the historic character of the building.

The signage and alterations to the shop front are a particular area of concern.

The fascia signage has formed a highly visible and obtrusive form of signage on the building which relates poorly to the style, character and quality of this Grade II Listed Building. The manner in which the fascia signage disrupts the visual consistency across the lower ground floor of the building by the nature of its bulky signage, in comparison to the slimmer, less obtrusive bulkhead on the neighbouring commercial unit in the building, has had an unduly harmful impact on the visual amenity of the premises, especially when considered within the surrounding street scene and the conservation area.

The host building, Eagle House, is a Grade II listed building. It's original design intention was to have narrow bulkheads across the entirety of the ground floor of the building. The building of the shopfront has to be read as a whole and this visual consistency has been lost with the installation of these bulky fascia signs.

The black colour of fascia signs is also considered to have undermined the visual consistency of the lower ground floor of this Grade II listed building, compared to the neighbouring unit which has grey bulkheads and window surrounds that are more consistent with the heritage of the host Listed Building.

Whilst this bulky fascia signage was in placed on the unit when it was occupied by Chop'd, it should be noted that this signage was never applied for or approved for either Advertisement Consent or Listed Building Consent.

Overall, it is considered that the works to this unit have resulted in high level of less than substantial harm to the Grade II Listed Building. In accordance with Paragraph 202 on the NPPF, 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.

Whilst there are some public benefits provided by the works, mainly the use of the unoccupied space, overall the public benefits of these works are not consider to outweigh the high level of less than substantial harm.

Conclusion

In light of all the above, despite their being some public benefits to the works carried out on site, such as the creation of accessible facilities, the proposal has overall been found to have a high level of less than substantial harm on the historical significance of the Grade II listed building contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Paragraph 202 of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

On this basis permission is recommended to be refused.

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: Refuse

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. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible. In addition to this, works were begun on the project before the application had been validated or consent had been granted. Works carried on whilst negotiations were carried out between the agent and the Local Planning Authority, even after it was stated that all works on site should be ceased whilst discussions continued about the application.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) Many of the proposed internal alterations are considered to be harmful to the historic fabric and the historic character of the Grade II Listed Building. The external alterations and accompanying fascia signage, would fail to respond positively to the character and appearance of the building, its setting and local historic environment. Some internal alterations, including the lining of walls and a partitioning off in the basement, are considered to cause harm to the historic character of the Listed Building. Overall, the proposal would cause less than substantial harm to the setting of the listed building, with the proposal also failing to provide the necessary public benefit to outweigh the identified harm. The proposal is therefore contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

74 King Street, Manchester, M2 4NJ
64 - 66 King Street, Manchester, M2 4ND
Third Floor Suite 1 and Fourth Floor Suite 4, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Basement To First Floor, 37 Cross Street, Manchester, M2 4JE
Phoenix House, 45 Cross Street, Manchester, M2 4JF
Second Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Sixth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Second Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
GLAISYERS SOLICITORS LLP, First Floor, 1 St James's Square, Manchester, M2 6DN
Second Floor, 1 St James's Square, Manchester, M2 6DN
First Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
51 King Street, Manchester, M2 7AZ
47 King Street, Manchester, M2 7AY
Ground Floor, 1 St James's Square, Manchester, M2 6DN
Fourth Floor, 1 St James's Square, Manchester, M2 6DN
Fifth Floor, 1 St James's Square, Manchester, M2 6DN
62 King Street, Manchester, M2 4ND
47 Cross Street, Manchester, M2 4JF
62 Cross Street, Manchester, M2 4JQ
49 King Street, Manchester, M2 7AY
Third Floor, 64 Cross Street, Manchester, M2 4JQ
First Floor, 64 Cross Street, Manchester, M2 4JQ
Third Floor Rear, 64 Cross Street, Manchester, M2 4JQ
Flat 201, 37 Cross Street, Manchester, M2 4JE
Flat 202, 37 Cross Street, Manchester, M2 4JE
Flat 302, 37 Cross Street, Manchester, M2 4JE
Sixth Floor, 49 King Street, Manchester, M2 7AY
Flat 205, 56 Cross Street, Manchester, M2 7AR
Third Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
39 Cross Street, Manchester, M2 4JE
41 Cross Street, Manchester, M2 4JE
70 - 72 Cross Street, Manchester, M2 4JG
Fourth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Third Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Seventh Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
First Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
74 Cross Street, Manchester, M2 4JG
Third Floor Rear, 49 King Street, Manchester, M2 7AY
Third Floor, 1 St James's Square, Manchester, M2 6DN
Flat 403, 37 Cross Street, Manchester, M2 4JE
Flat 404, 37 Cross Street, Manchester, M2 4JE
Flat 203, 37 Cross Street, Manchester, M2 4JE
Flat 204, 37 Cross Street, Manchester, M2 4JE
Flat 304, 37 Cross Street, Manchester, M2 4JE
Flat 401, 37 Cross Street, Manchester, M2 4JE
Flat 301, 37 Cross Street, Manchester, M2 4JE
Flat 303, 37 Cross Street, Manchester, M2 4JE
Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE

Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Flat 402, 37 Cross Street, Manchester, M2 4JE
Second Floor, 49 King Street, Manchester, M2 7AY
Fifth Floor, 49 King Street, Manchester, M2 7AY
First Floor, 49 King Street, Manchester, M2 7AY
ALEC FINCH GROUP LIMITED, Fourth Floor, Steam Packet House, 76 Cross Street,
Manchester, M2 4JG
Third Floor Left, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Flat 204, 56 Cross Street, Manchester, M2 7AR
Second Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fourth Floor, 49 King Street, Manchester, M2 7AY
Flat 302, 56 Cross Street, Manchester, M2 7AR
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Third Floor Rear, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fifth Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Fourth Floor, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
Fourth Floor Suite 5, Kingsgate, 51 - 53 South King Street, Manchester, M2 6DE
43 Cross Street, Manchester, M2 4JF
Sixth Floor Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Third Floor Front, 64 Cross Street, Manchester, M2 4JQ
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 201, 56 Cross Street, Manchester, M2 7AR
Basement And Ground Floor, 64 - 66 King Street, Manchester, M2 4ND
Third Floor Front, 49 King Street, Manchester, M2 7AY
64 Cross Street, Manchester, M2 4JQ

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