

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138873/LO/2023
Date registered valid: 19 January 2024
Proposal: Installation of air conditioning unit within car park area.
Address: 20 Royal Exchange Arcade, Manchester, M2 7EA
Ward(s): Deansgate Ward

Applicant: Mr Thanasis Michael Michaels Coffee House
Agent (if any): Miss Deborah Sloan Concept Air Conditioning & Refrigeration Ltd
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 20/02/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 18 January 2024 Expired: 8 February 2024

Neighbour notifications

Printed: 22 January 2024 Expired: 12 February 2024

Site notice

Posted: 29 January 2024 Expired: 19 February 2024

Press advert

Published: 30 January 2024 Expired: 13 February 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to Unit 20 of the Royal Exchange Arcade. The unit is located at ground floor, being accessed from the arcade's entrance off of Cross Street and lies in a Class E café use. The Royal Exchange Arcade itself is a Grade II listed building formed of multiple commercial units, including a theatre. The current building is the third version of the Royal Exchange built between 1867 and 1874 and extended between 1914 and 1931. The building was further modified following the damage caused by the IRA bomb in 1996. It is four storeys, plus two attic storeys in height. The roof is slate and has three glass domes, a baroque turret is in the Northwest corner and domes are located in the other corners. There is also a balustraded parapet and mansard roof. The elevations are highly detailed and include channelled rusticated piers, Corinthian columns, arched windows, entablature, modillioned cornice and grand entrances. The original Royal Exchange was a trade exchange for Lancashire's cotton industry. The premises also features a subterranean car park space accessed from Old Bank Street.

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre and Primary Shopping Area and is thus characterised by a high number of properties that lie within commercial use. The area to the north and east of the application is visually dominated by the contemporary architecture of the Manchester Arndale. The area to the south and west conversely however is characterised by a high number of listed buildings, with said area forming that of the St Anns and Upper King Street Conservation Areas.

Description of development

The application seeks listed building consent for the installation of an air conditioning unit.

The proposed unit would consist of a ceiling cassette that would discharge cool air into the commercial unit and an external intake air conditioning unit. The ceiling cassette would be situated in the place of an existing ceiling light, with the majority of the cassette being situated within the unit's dropped ceiling. Trunking would then travel from the cassette unit within the dropped ceiling to the intake air conditioning unit which would be situated within the basement car park of the property.

Planning History

120320/FO/2018 – Additional outdoor seating on pavement to side of business, including 2 tables and 4 chairs – Approved September 2018.

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 CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

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

- Policy DC19 – Listed Buildings

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.

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. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Impact upon the Heritage Asset

The application site is located within the Royal Exchange, a Grade II listed building. The listed building is noteworthy for its opulent classical detailing, with the property occupying a prominent position in the St Ann's Square Conservation Area. It is located in the setting of a number of Grade I, Grade II* and Grade II listed assets, including the Grade I listed St Ann's Church positioned at the core of the Conservation Area. The proposed works are internal and thus the only asset affected would be the Grade II listed Royal Exchange, with no impact on the conservation area or other listed buildings in its setting.

The principle of the development is supported due to how the proposal would bring about a benefit for the internal environment of the commercial unit. The proposed trunking and air conditioning unit would be hidden from view, with them being located behind the false ceiling and within the basement respectively. Furthermore, the proposed cassette unit would be partially set within the false ceiling and would thus not protrude significantly into the unit itself.

On this basis, it is considered the proposal would result in a negligible level of harm to be caused to the significance of the listed building which would be outweighed by the benefits that would be brought about via the improved environment of the commercial unit. Therefore, whilst the proposal would not meet the statutory test to preserve as put forward under Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, the public benefit that would be brought about via the carrying out of the works would outweigh the recognised harm. As such, the proposal is considered to accord with policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995),

Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to have a neutral impact on the historical significance of the Grade II listed building in accordance with policies SP1, CC1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC19.1 and DC26 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application is 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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

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 MCH-ACV-XX-XX-DR-T-PG.113009-P01: Royal Exchange Arcade Site Plan (Received 19/01/2024)
- o MCH-ACV-XX-XX-DR-I-PG.113.008-P02: Ground Floor & Basement Plans & Sections / Elevations AA - BB - CC (Received 14/02/2024)
- o Proposed Indicative AC Layout (Includes proposed ceiling plan; Received 16/01/2024)

Reason - Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

3) No materials shall be used on listed building other than those referred to on the approved plans / supporting documentation.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity and preserving the historical significance of the listed building in accordance with policies SP1, CC9, EN3 and DM1 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Advertising Right JC Decaux Outside 1, Cross Street, Manchester, M2 1HX
8 - 10 Cross Street, Manchester, M2 7AE
15 - 17 Old Bank Street, Manchester, M2 7PE
18 Cross Street, Manchester, M2 7AE
Sainsbury Supermarket, 22 Cross Street, Manchester, M2 7AQ
1 Cross Street, Manchester, M2 1HX
3 Cross Street, Manchester, M2 1WE
14 Market Street, Manchester, M1 1PT
8 New Market, Manchester, M2 1WB
15 Cross Street, Manchester, M2 1WE
Motel One, Commercial Buildings, 11 - 15 Cross Street, Manchester, M2 1WE
16 Market Street, Manchester, M1 1PT
28 Market Street, Manchester, M1 1PW
30 Market Street, Manchester, M1 1PW
26 Market Street, Manchester, M1 1PW

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