MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 138607/FO/2023 and 138608/LO/2023 |
| **Date registered valid:** | 13 December 2023 |
| **Proposal:** | External alterations to the front elevation and rear elevation to create three separate retail units.<br><br>Internal alterations to subdivide the property into three separate retail units and internal and external alterations to the front elevation and rear elevation. |
| **Address:** | 35 King Street, Manchester, M2 7AT |
| **Ward(s):** | Deansgate Ward |
| **Applicant:** | Strathclyde Pension Fund c/o DTZ Investors |
| **Agent (if any):** | Miss Katie Parfett Savills (UK) Limited |
| **Case officer:** | Emily Booth<br>Tel: 0161 234 4193<br>Email: emily.booth@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | 7 February 2024 |

**Application details**

**Type of application:** Full Application Consent and Listed Building Consent

**Development type:** Minor Other

**Date of site visit:** 15 November 2023

**Standard consultations:**
Printed: 20 December 2023 Expired: 13 January 2024

**Neighbour notifications**
Printed: 20 December 2023 Expired: 13 January 2024

**Site notice**
Posted: 20 December 2023 Expired: 13 January 2024

**Press advert**
No press advert had been published.

**Departure from Development Plan:** No

**Environmental Statement:** Not required.

**Description of site/building**

**Listed building:** Grade II

**Conservation area:** St Anns Square Conservation Area 1970

**Tree Preservation Order:** Not applicable

**Description of area**

This application relates to a Grade II Listed Building that was constructed as a Georgian town in the mid-18th century for Dr Peter Waring and converted into a bank c.1788 and most recently used as commercial premises and offices. It is located within the St Anns Square Conservation Area and is within the immediate setting of a number of listed buildings, including the Grade I listed St Ann's Church, the Grade II listed 33 King Street, 48 King Street, 54-65 King Street, 62 King Street, the Old Exchange and the Eagle House.

Despite considerable internal alterations and rear and side extensions, the asset is considered to be of high historic, architectural, aesthetic and townscape interest, continuing to make a major positive contribution to the character and streetscene of the conservation area and the setting of the neighbouring listed buildings.

The building is within the central shopping and business area of the City Centre and surrounding uses include shops, offices, residential accommodation, bars, restaurants and entertainment venues.

**Description of development**

The proposed works are as follows:

- The strip out of the existing lightweight partitions to the ground floor,
- The removal of a non-original steel staircase from Unit 3 that serves ground floor to first floor,
- The removal of part of the floor within the non-original Unit 1 for the provision of staircase between basement and ground floor,
- The installation of blockwork walls to separate the three demises,
- The infilling of the hole within the concrete floor at first floor level following removal of staircase,
- The installation of two glazed door sets to the front elevation of Units 1 & 3,
- The installation of a new electrical supply to Unit 1 and new water supply to all units,
- The extension of the existing soil pipes from the basement of Unit 3 to provide pop ups to facilitate future fit outs to Units 1 & 2,
- The strip out of existing M&E installations to Units 1 & 3, and
- Installation of fire alarm and basic lighting to Units 1 & 3.

These works would allow the subdivision of the property into 3 separate units, which would separate the original areas from the non-original areas to each side. They are preparatory works for the future fit out of the properties.

**Consultations & Notification Responses**

Highway Services - Confirmed no comments on the proposed doors and requested further information on refuse storage and servicing.

Environmental Health - Recommended conditions to require the agreement of fume extraction proposals, of a scheme to acoustically insulate the use, a scheme to insulate externally mounted equipment, a construction management plan and a scheme for the storage and collection of waste.

Greater Manchester Police - Recommended the following measures:

- CCTV to cover the store and the entrances and a provision to install an intruder alarm should be provided to each unit.
- Any alterations to the building are to be to the Secured By Design standards.

Publicity

138608/LO/2023 - The application was advertised in the local press as an application for Listed Building Consent, a site notice was displayed on site and letters were sent to surrounding occupiers.

138495/FO/2023 - A site notice was displayed on site and letters were sent to surrounding occupiers.

One neutral comment has been submitted in relation to both applications and is summarised as follows:

The premises in question will be having work done and hopefully will be occupied soon, which is great. There are concerns regarding pest control in relation to the proposed works given the close proximity to the other premises on St Ann's Alley, which has had major pest issues and migrations of rats into the premises using the sewer which runs along the alley. Sought confirmation on the plan is to deal with this and to prevent surrounding businesses incurring issues and costs.

**Issues**

Issues and Policy

The Adopted Core Strategy for the City of Manchester

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 CC4 (Visitors, Tourism and Leisure) advises that development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

CC10 (A Place for Everyone) states that development that promotes high standards of accessibility to buildings and across spaces in the City Centre.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

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 DC14 (Shopfronts and Related Signs) advises on shop front works.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

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.

Saved Policy DC26 (Development and Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City.

Places for Everyone -

The Places for Everyone Plan is a Joint Development Plan Document, which provides 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.

Policy JP-P 1 (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-P 2 (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 196 states that in determining planning applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

(c) the desirability of new development making a positive contribution to local character and distinctiveness; and

(d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 203 states that in determining applications, local planning authorities should take account of:

(a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

(b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

(c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 207 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 208 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.

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.

Visual Amenity and the impact on the Character and Appearance of the Heritage Assets affected -

The works to the modern portion of the site are acceptable as they have negligible impact on the special significance of the asset under consideration. The proposed additional external doors would be in keeping with the modern glazing that would surround them.

A method statement would be required by condition to minimise the harm of fixings into the original fabric due to the separation partitions.

Full details will be required of the location and appearance of the grille. This would need to be located and designed in order to preserve or enhance the existing streetscene of the conservation area, in the immediate setting of the Grade I listed St Ann's Church.

Full details including a method statement will be required by condition to agree the detail of any making good work due to the removal of the stair and partition, the fixings associated with the proposed block work partitions, the vent, the design of the external grille and the location of the openings to be created for future air-conditioning accommodation.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above-described works and are consistent with paragraphs 203 and 208 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The public benefits of the proposals are that the premises would be re-occupied and that there would be better understanding of the original site as the modern fabric would be separated from the original fabric.

Residential Amenity and the amenity of surrounding occupiers -

The planning application is for the installation of doors on the front elevation therefore the conditions recommended by the City Council's Environmental Health Service are not relevant to this proposal and will not be applied to the application.

The use of the premises was Class A1 and is now Class E.

Highway Impacts -

The City Council's Highway services have confirmed that there are no objections to the proposed additional entrances.

The further information requested on refuse and site servicing is not relevant to this application as it does not include a change of use.

Disabled Access -

Level access would be available through both new doors and is currently available at the rear of the building for the centre unit. The main entrance to the central unit is stepped and these steps are original features of the listed building, which are all the more significant given all the previous harmful alterations to the building.

Access to the two side units would be improved and access to the central unit would be as existing. All units would benefit from level access whilst retaining a significant feature of the listed building.

Conclusion -

The works would be consistent with national and local planning policy, and would promote a quality neighbourhood, economic development and would allow needed maintenance of the heritage asset to take place.

Comments have been received and have been addressed above however, it is considered that the proposal is in accordance with the City of Manchester's planning policies and regeneration priorities including the Adopted Core Strategy, the relevant Strategic Regeneration Frameworks

and the Community Strategy, as well as the national planning policies contained within the National Planning Policy Framework and should be approved.

Other comments in relation to pest control are not a planning consideration, but the person that made the comments has been advised who to contact to discuss this.

**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 polices 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 advice about the information required to be submitted to support the application and to address issues. This has led to an acceptable proposal.

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

**138607/FO/2023:**

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 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall have been carried out in accordance with the following drawings and documents:

The location plan referenced P02 received by the City Council as local planning authority on 20 November 2023

The drawings referenced:

P16 Rev R1

received by the City Council as local planning authority on 6 February 2023

P17
P18
P19
P20

received by the City Council as local planning authority on 13 December 2023

P09
P10
P11
P12
P13
P14
P15

received by the City Council as local planning authority on 20 November 2023

The Design and Access Statement prepared by Savills received by the City Council as local planning authority on 20 November 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, SP1 CC9 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan.

3) Full and final details of the external manifestation (finish, materials, size and design) and exact location of the proposed grille to the rear of the building shall be submitted to and approved in writing by the City Council as local planning authority prior to any internal or external works to the rear elevation of the building. The grille shall then be installed fully and only in accordance with the approved details.

Reason - In the interests of ensuring the correct rebuilding of the wall and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Detailed large scale elevation and cross section drawings demonstrating full details of the two proposed doors including the junctions with the existing glazing shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of any works to the front elevation of the building. The doors shall be installed only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) The following measures shall be incorporated within the development:

- CCTV to cover the entrances.
- The installation of an intruder alarm within each unit.
- The doors shall be to Secured By Design standards.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

**Informatives**

1) For the avoidance of doubt, the approval of this application does not grant or imply grant of planning permission of the installation of externally mounted equipment.

**138608/LO/2023**

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 have been carried out in accordance with the following drawings and documents:

The location plan referenced P02 received by the City Council as local planning authority on 20 November 2023

The drawings referenced:

P16 Rev R1

received by the City Council as local planning authority on 6 February 2023

P17
P18
P19
P20

received by the City Council as local planning authority on 13 December 2023

P09
P10
P11
P12
P13
P14
P15

received by the City Council as local planning authority on 20 November 2023

The Design and Access Statement prepared by Savills received by the City Council as local planning authority on 20 November 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, SP1 CC9 and DM1 of the Core Strategy, saved policies DC19.1 of the Unitary Development Plan.

3) Prior to the removal of any internal fabric and/or the blocking up of existing doorways a detailed architectural method statement for the works to remove the staircase and to remove the stud partition and any related making good works and to block up existing openings including any fixings or keying-in into original/historic fabric shall be submitted to and approved in writing by the City Council as local planning authority. These works shall then be carried out only in accordance with the approved method statement.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Full and final details of the water supply including the location and impact of the proposed new incoming water supply to Unit 2, a clear photograph of the area and fabric affected, details of any penetrations and internal manifestation of the proposed services shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the water supply. The works shall then be carried out only in accordance with the approved method.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Full and final details of the external manifestation (finish, materials, size and design) and exact location of the proposed grille to the rear of the building shall be submitted to and approved in writing by the City Council as local planning authority prior to any internal or external works to the rear elevation of the building. The grille shall then be installed fully and only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

6) Detailed large scale elevation and cross section drawings demonstrating full details of the two proposed doors including the junctions with the existing glazing shall be submitted to and approved in writing by the City Council as local planning authority prior to the commencement of any works to the front elevation of the building. The doors shall be installed only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

7) CCTV equipment shall not be installed unless and until full details of the appearance of the cameras and details of any associated cabling have been submitted to and approved in writing by the City Council as local planning authority. The equipment shall then be installed only in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a building that is within the curtilage of a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

**Informatives**

1) For the avoidance of doubt, the approval of this application does not grant or imply grant of planning permission of the installation of externally mounted equipment.

**Appendix 1 – List of consultees & neighbours notified**

Highway Services
Environmental Health
Greater Manchester Police

Third Floor, 37 King Street, Manchester, M2 7AT
54 King Street, Manchester, M2 4LY
56 King Street, Manchester, M2 4LY
3 St Ann's Alley, Manchester, M2 6AJ
Advertising Right Out Side 56, King Street, Manchester, M2 3NQ
Advertiing Right BTinlink Outside 48, King Street, Manchester, M2 4LG
Third Floor, 39 South King Street, Manchester, M2 6DE
Second Floor, 39 South King Street, Manchester, M2 6DE
First Floor, 39 South King Street, Manchester, M2 6DE
Ground Floor, 39 - 43 King Street, Manchester, M2 7AT
Rear Part Ground First Second And Third Floors, 33 King Street, Manchester, M2 6AA
39 - 43 King Street, Manchester, M2 7AT
Basement, 37 King Street, Manchester, M2 7AT
62 King Street, Manchester, M2 4ND
52 King Street, Manchester, M2 4LY
St Anns Church, St Ann Street, Manchester, M2 7LF
37 King Street, Manchester, M2 7AT
Basement To First Floor, 33 King Street, Manchester, M2 6AA
39 South King Street, Manchester, M2 6DE
33 King Street, Manchester, M2 6AA
60 King Street, Manchester, M2 4LZ
58 King Street, Manchester, M2 4LY
50 King Street, Manchester, M2 4LY
48 King Street, Manchester, M2 4LG
COS, 30 St Ann Street, Manchester, M2 7LF

**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