

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136078/FO/2023
Date registered valid: 10 May 2023
Proposal: Retention of powder coated aluminium cladding sheets installed to part of the High Street elevation of the Arndale Centre.
Address: Unit MSCU12 Arndale Centre, Manchester
Ward(s): Piccadilly Ward

Applicant: Sportsdirect.com Retail Limited
Agent (if any): Mrs Katherine Sneedden Jigsaw Planning
Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25 October 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 16 May 2023

Standard consultations:

Printed: 15 May 2023 Expired: 5 June 2023

Neighbour notifications

Printed: 15 May 2023 Expired: 5 June 2023

Site notice

Posted: 16 May 2023 Expired: 6 June 2023

Press advert

Published: 23 May 2023 Expired: 6 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site comprises part of the site formerly occupied by the former British Home Store which faces onto Market Street and High Street. The proposals relate to the ground floor shopfront. The unit forms part of the Manchester Arndale, a multi-storey shopping centre located within the Retail Core of Manchester City Centre. There is an adjoining fire escape serving the wider shopping centre.

The building isn't listed, and the site isn't in a Conservation Area, but it is in a prominent location on High Street and is adjacent to the Smithfield and Upper King Street Conservation Areas. It is also within the setting of the Grade II Listed former Debenhams department store.

The unit subject of this application is not in an area of the shopping area that was included in the redevelopment works carried out following the 1996 bomb damage. It retains the 1970's beige tiled upper levels and has poor quality grey cladding on the ground floor shopfront that has been recently implemented. There are other poor quality and inconsistent shop fronts on this part of the building. There is a flat roof at second-floor level.

The premises affects:

- a. The Smithfield Conservation Area within which is directly adjacent.
- b. The settings of the above Grade II listed building.

- c. The settings of nearby buildings on High Street and at the corner of High Street and Market Street which, although not listed, could be considered to be 'non-designated heritage assets.'

Recent Relevant Planning History -

Application referenced 132665/FO/2022 for a new shopfront to Market Street and High Street elevations of the shop at the corner of Market Street and High Street was approved in March 2022

Application referenced 133229/FO/2022 for external alterations including replacement of existing shopfront to 1A High Street and repositioning of fire escape doors was approved in July 2021

Application referenced 126864/FO/2020 for external alterations to remove the existing canopy and replace with new fascia panel was approved July 2020.

Application referenced 133399/FO/2022 for the alterations to the High Street elevation of the building was withdrawn in October 2022.

Application referenced 133400/AO/2022 for the display of 1no. high level illuminated box sign and 2no. illuminated box type shop front signs was withdrawn in October 2022.

Application referenced 133401/FO/2022 was approved in October 2022 and allowed the installation of externally mounted equipment on the second-floor flat roof along with a screen.

Application referenced 135691/AO/2022 was refused in January 2023, but the erection of 2 internally illuminated fascia box signs was allowed at appeal APP/B4215/Z/23/3319047.

Description of development

Planning permission is sought for the retention of cladding that has been installed on part of the High Street elevation of the building below the fascia cladding. The cladding is 4mm thick aluminium sheets jointed and formed to the shape of the building features and powder coated in grey (RAL 7016).

Consultations & Notification Responses

Highway Services - Advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

Transport For Greater Manchester - Advised the following:

There is no objection to this application and whilst the development proposals are unlikely to affect Metrolink operations the site does adjoin the Highway in which Metrolink operates and therefore we would like the applicant to be advised of the details of working safely near Metrolink

Publicity - The application was advertised in the local press as affecting a listed building, a site notice was displayed on site and letters were sent to surrounding residents - No replies have been received.

Issues

Issues and Policy

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

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. This policy also advised on disabled access and measures to reduce crime.

The Unitary Development Plan for the City of Manchester

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.

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.

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 197 states that in determining planning applications, local planning authorities 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 and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 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 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.

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 -

The cladding matches the quality of the cladding installed at the adjoining units and above the unit subject of this application. It is 4mm thick aluminium sheets jointed and formed to the shape of the building features and powder coated in grey (RAL 7016). The colour of one of the units is different, but the grey colour is the most dominant colour choice meaning that the colour matches a majority of the cladding installed.

The cladding has been poorly installed with many faults such as misaligned panels, poor jointing, loose and missing skirtings, poor quality mastic, dents, and stains.

A strategy for repairs and corrections has been negotiated and submitted and will be required to be implemented within 4 months of the date of the determination of this application by condition.

A condition will also require further details of certain items to be agreed.

It is considered that provided that the repairs to the cladding are implemented and approved they would not cause harm to the affected heritage assets and are consistent with paragraphs 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement.

In view of the above the proposals would be consistent with Sections 12 and 16 of the National Planning Policy Framework, Core Strategy Policies DM1, SP1, CC9, EN3 and EN1, saved UDP policies DC18.1 and DC19.1 and Policy JP-P 1 of Places for Everyone.

Highway Impacts -

Highway Services have confirmed that they have no objection.

In view of the above the proposals would be consistent with policies SP1, T1, T2, CC4, CC10 and DM1 of the Core Strategy for the City of Manchester and Policy JP-P 1 of Places for Everyone.

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 a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. All such issues have been resolved due to the discussions within the applicant and the conditions.

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

1) a) All repairs and corrections to the retained cladding subject of this application shall be completed within four months of the date of this decision fully in accordance with the Photo Repair Schedule dated 04.07.23 - Manchester Arndale SD/USC.

b) Full written details of the completed works and annotated photos showing the resulting appearance shall be submitted to and approved in writing by the City Council as local planning authority with six months of the date of this decision.

Reason - To ensure that the development is carried out in accordance with the approved plans and within a timely manner and to ensure that the harm caused to surrounding heritage assets and the street scene is removed. Pursuant to policies SP1, CC1, CC4, EN1 and DM1 of the Core Strategy, saved policies DC18.1 and DC19.1 of the Unitary Development Plan and Sections and 12 of the National Planning Policy Framework.

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

The location plan referenced CPS 20 077 001 received by the City Council as local planning authority on 26 January 2023

The following drawings referenced:

CPS 20 077 110 Rev F
CPS 20 077 111 Rev I

received by the City Council as local planning authority on 9 August 2023

Photo Repair Schedule dated 04.07.23 - Manchester Arndale SD/USC received by the City Council as local planning authority on 28 July 2023

The Alusignpanel Material Safety Data Sheet received by the City Council as local planning authority on 24 February 2023

The letter from Jigsaw Planning date 26 January 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC9, EN1, EN3 and DM1 of the Core Strategy, saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

3) Notwithstanding the information detailed within Condition 2 of this application full and final details of the following items shall be submitted to and approved in writing by Manchester City Council as Local Planning Authority within two months of the date of this decision:

- a) the colour and specification of the proposed sealant.
- b) the colour and specification of the proposed mastic.
- c) a sample and specification of the re-spray works and the skirting to ensure a colour match.
- d) a sample of the skirting to ensure a colour match and robustness.

The works shall be carried out only as agreed in accordance with the approved details.

Reason - In the interests of visual amenity 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) The site adjoins the Highway in which Metrolink operates and therefore the applicant should be advised that the details of working safely near Metrolink can be found on the Metrolink Website at; <https://www.tfgm.com/public-transport/tram/working-safely>.

2) The applicant should be advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk

3) If the cladding extends over the highway in excess of 350mm then a Projection Over License will be required. This will be funded at the applicant's expense and is obtainable via Contact Manchester on 0161 234 5004.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Transport For Greater Manchester

Sixth Floor, 34 High Street, Manchester, M4 1QB
Fifth Floor, 34 High Street, Manchester, M4 1QB
Fourth Floor, 34 High Street, Manchester, M4 1QB
Third Floor, 34 High Street, Manchester, M4 1QB
Manchester Dental Practice, First Floor, 34 High Street, Manchester, M4 1QB
Poppleton And Appleby Ltd, 34 High Street, Manchester, M4 1QB
1A High Street, Manchester, M4 1QB
Ground Floor And Basement, 24 High Street, Manchester, M4 1QB
34 High Street, Manchester, M4 1AH
24 High Street, Manchester, M4 1QB

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
Area Team Boundary - Name: CENTRAL