

## Planning

## Growth & Development

### Delegated officer report for planning application

|                                |                                                                                      |     |       |
|--------------------------------|--------------------------------------------------------------------------------------|-----|-------|
| <b>Application no.</b>         | 136808/LO/2023                                                                       |     |       |
| <b>Date registered valid:</b>  | 9 May 2023                                                                           |     |       |
| <b>Proposal:</b>               | Listed Building Consent for internal refurbishment of existing office accommodation. |     |       |
| <b>Address:</b>                | 16 Cross Street, Manchester, M2 7AE                                                  |     |       |
| <b>Ward(s):</b>                | Deansgate                                                                            |     | Ward  |
| <b>Applicant:</b>              | BVK Highstreet Retail Royal Exchange                                                 |     |       |
| <b>Agent (if any):</b>         | Mr Joseph Smith Avison Young                                                         |     |       |
| <b>Case officer:</b>           | Emily                                                                                |     | Booth |
|                                | Tel: 0161                                                                            | 234 | 4193  |
|                                | Email: emily.booth@manchester.gov.uk                                                 |     |       |
| <b>Recommendation:</b>         | Approve                                                                              |     |       |
| <b>Date of recommendation:</b> | 5 July 2023                                                                          |     |       |

## Application details

**Type of application:** Listed Building Consent

**Development type:** Listed building alteration

**Date of site visit:** 31 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: 31 May 2023      Expired: 21 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:** Grade II

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

**Tree Preservation Order:** Not applicable

## Description of area

The application relates to a property located at 6 Cross Street within the Grade II Listed Royal Exchange, which is a mixed use building that houses offices, a theatre, shops, bars, restaurants, banks, takeaways and cafes.

The Royal Exchange is bounded by Cross Street, Market Street, Exchange Street/St Ann's Square and Old Bank Street. St Ann's Square is a hard landscaped public square in Manchester City Centre that accommodates a Grade II Listed statue named Cobden's Statue and the Grade II Boer War Memorial and other non-listed sculptures and is frequently used for events including the Christmas Markets. Market Street and St Ann's Square are major shopping areas.

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. Trading ceased in 1968 and the building began use as a theatre in 1973.

Other listed buildings surrounding St Ann's Square include the Grade I listed St Ann's Church, the Grade II\* Listed 25 St Ann's Street and Grade II listed buildings at 16, 18 and 22 and 17 to 21 St Ann's Square. The site is also within St Ann's Square Conservation Area.

Surrounding uses include the Arndale Centre, St Ann's church, shops, hotels, residential accommodation, banks, offices, bars, restaurants, takeaways and cafés.

The parts of the building subject of this application are office on 2nd, 3rd, 4th and 5th floors in the South Offices part of the exchange. These parts of the building have suffered from inappropriate works including suspended ceilings and there are cornices and other features that require repairs. They are also dated in appearance and are without kitchen facilities with only bathroom facilities to wash cutlery etc.

Internal refurbishment to other dated offices within this part of the building was recently completed (application referenced: 124720/LO/2019).

### **Description of development**

Listed Building Consent is sought for:

- The strip out of non-original fabric
- The repainting of painted plastered surfaces
- The installation of suspended strip lights with colour matched surfaced mounted cables
- The repainting of all painted timber
- The installation of carpet tiles
- The installation of kitchens
- All services would be surface mounted with galvanised conduit or colour matched conduit
- All sockets would match the existing recently installed sockets

There are no external works proposed.

### **Consultations & Notification Responses**

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

### **Issues**

Impact on the Character and Appearance of the Listed Building

The main issues for consideration relate to the impact of the proposals on the on the character and appearance of the listed building. The main policies that relate to this proposal are:

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.

#### 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.
- not permit alterations to a listed building that would prevent the future use of any part of the building.

#### 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" (NPPF Paragraph 7). 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 192 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 189 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 194 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 196 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.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

The works would in general have a highly beneficial impact on the character of the listed building through the removal of inappropriate later additions and the reveal and repair of the existing original cornice and reinstatement of the original floor to ceiling heights.

The works would modernise the areas of the building subject of these works while revealing and reinstating original features.

The creation of a new doorway on the third-floor corridor would remove original fabric but would follow the design of original doors within the partition affected and would match the siting and appearance of an existing example of a doorway with adjacent smaller windows within that partition. The works would allow the provision of a kitchen on the third floor increasing the let ability of the accommodation.

Conditions are however required to agree the following:

A condition will require a watching brief to be carried out during the strip out works, which is needed as all areas that are currently concealed have not yet been investigated and any original features found are required to be exposed and reinstated where possible.

Conditions will also require the agreement of protection works and the agreement of finishes and making good works following the completion of the strip out works.

All works are deemed to be acceptable and it is considered that overall the works would have a beneficial impact on the character and appearance of the listed building increasing the let ability of the offices and improving their condition and without concealing original features. The only works that would cause less than substantial harm are the works to create the door, but the public benefit of creating a kitchen and provided more lettable office space would mean that these works are justified.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset 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 due to the public benefit.

## **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 about the information required to be submitted to support the application and to address issues.

### **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:

The site location plan referenced 426.PL.00 Rev P1 received by the City Council as Local Planning authority on 25 April 2023

The drawings referenced:

426.PL.82 Rev P3  
426.PL.83 Rev P3  
426.PL.84 Rev P3  
426.PL.85 Rev P3

received by the City Council as local planning authority on 4 July 2023

426.PL.02 Rev P1  
426.PL.03 Rev P2  
426.PL.05 Rev P1  
426.PL.06 Rev P1  
426.PL.08 Rev P1  
426.PL.11 Rev P1  
426.PL.12 Rev P1  
426.PL.13 Rev P1  
426.PL.14 Rev P1  
426.PL.52 Rev P2  
426.PL.53 Rev P2  
426.PL.54 Rev P2  
426.PL.55 Rev P2  
426.PL.56 Rev P1  
426.PL.57 Rev P1  
426.PL.58 Rev P2  
426.PL.59 Rev P1  
426.PL.60 Rev P2  
426.PL.61 Rev P2  
426.PL.62 Rev P2  
426.PL.63 Rev P2  
426.PL.64 Rev P2

received by the City Council as local planning authority on 25 April 2023

The Southern Offices Heritage + Access Statements Rev. P5 prepared by Hutchison Kivotos Architects received by the City Council as local planning authority on 4 July 2023  
The Method Statement prepared by Hutchison Kivotos Architects received by the City Council as local planning authority on 4 July 2023

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

3) Before the works hereby granted consent are commenced details of a watching brief for the strip out works shall be submitted to and approved in writing by the City Council as local planning authority. Details of the findings of the watching brief and the intended treatment, remedial measures and repairs shall then be submitted to and agreed in writing by the City Council as local planning authority prior to any fit out works and/or removal of historic fabric. The works comprising the strip out shall be limited to modern non-original and non-significant fabric and all items shall be very carefully removed so as not to cause harm to any surrounding original features or fabric. Any original features and historic surfaces shall be protected before and during these works. Features of interest including covings, skirtings, mouldings, panelling etc. shall remain in situ and be recorded. The watching brief and development shall be carried out in accordance with the approved plans and particulars.

Reason - In the interests of visual amenity, and because the proposed works affect 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 saved policy 19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

4) Full details of the method of support and protection of all historic fabric adjacent to the locations of approved works shall be submitted to and approved in writing by Manchester City Council as Local Planning Authority prior to the commencement of any works to the building. The approved method of support and protection shall be fully implemented prior to works commencing on site.

Reason - In the interests of visual amenity, and because the proposed works affect 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) Notwithstanding the information detailed within Condition 2 of this application, full details of internal finishes, including floor finishes, ceiling finishes and wall finishes to be informed by the findings of the strip out shall be submitted to and agreed in writing by the City Council as local planning authority prior to the commencement of any redecoration works.

The works shall be carried out fully and only in accordance with the approved information.

Reason - In the interests of visual amenity, and because the proposed works affect 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) Notwithstanding the information detailed within Condition 2 of this application, a full survey and full details of all repair/making good works to internal plasterwork and woodwork shall be submitted to and approved in writing by the City Council as local planning authority within 3 months of the completion of the strip out works. These works shall be carried out fully and only in accordance with the approved information and shall be completed prior to the commencement of any redecoration works.

Reason - In the interests of visual amenity, and because the proposed works affect 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.

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

### **Heritage & Urban Design**

12B St Ann's Square, Manchester, M2 7HW  
15 Royal Exchange Arcade, Manchester, M2 7EA  
Acresfield, Exchange Street, Manchester, M2 7HA  
Barbour, 6 St Ann's Square, Manchester, M2 7HD  
Motel One, Commercial Buildings, 11 - 15 Cross Street, Manchester, M2 1WE  
Sainsbury Supermarket, 22 Cross Street, Manchester, M2 7AQ  
11 Royal Exchange Arcade, Manchester, M2 7EA  
15 Cross Street, Manchester, M2 1WE  
15 - 17 Old Bank Street, Manchester, M2 7PE  
Fifth Floor, 2 Old Bank Street, Manchester, M2 7PF  
Second Floor, 2 Old Bank Street, Manchester, M2 7PF  
First Floor, 15 St Ann's Square, Manchester, M2 7PW  
9 Old Bank Street, Manchester, M2 7PE  
16 - 18 Royal Exchange Arcade, Manchester, M2 7EA  
3 Cross Street, Manchester, M2 1WE  
Basement And Ground Floor, 7 - 9 Old Bank Street, Manchester, M2 7PE  
18 Cross Street, Manchester, M2 7AE  
7 - 9 Old Bank Street, Manchester, M2 7PE  
Basement And Ground Floor, 2 Old Bank Street, Manchester, M2 7PF  
Second Floor Rooms 27 To 37, 17 St Ann's Square, Manchester, M2 7EF  
Sub Basement, 1 - 5 St Ann's Square, Manchester, M2 7EF  
20 Royal Exchange Arcade, Manchester, M2 7EA  
9 Royal Exchange Arcade, Manchester, M2 7EA  
5 Royal Exchange Arcade, Manchester, M2 7EA  
7 Royal Exchange Arcade, Manchester, M2 7EA  
Fourth Floor, 2 Old Bank Street, Manchester, M2 7PF  
2 Old Bank Street, Manchester, M2 7PF  
Third Floor, 2 Old Bank Street, Manchester, M2 7PF  
31 Royal Exchange Arcade, Manchester, M2 7EA  
12 Royal Exchange Arcade, Manchester, M2 7EA  
10 Royal Exchange Arcade, Manchester, M2 7EA  
8 Royal Exchange Arcade, Manchester, M2 7EA  
6 Royal Exchange Arcade, Manchester, M2 7EA  
4 Royal Exchange Arcade, Manchester, M2 7EA  
3 Royal Exchange Arcade, Manchester, M2 7EA  
15 St Ann's Square, Manchester, M2 7PW  
19 Royal Exchange Arcade, Manchester, M2 7EA  
1 Royal Exchange Arcade, Manchester, M2 7EA  
14 Royal Exchange Arcade, Manchester, M2 7EA  
13 Old Bank Street, Manchester, M2 7PE  
5 Old Bank Street, Manchester, M2 7PE  
Watches Of Switzerland, 9 - 11 St Ann's Square, Manchester, M2 7EF  
Lululemon, 7 St Ann's Square, Manchester, M2 7EF  
MOSS BROS., 1 - 5 St Ann's Square, Manchester, M2 7EF  
12 - 14 Cross Street, Manchester, M2 7AE  
HSBC, 2 - 4 St Ann's Square, Manchester, M2 7HD

## **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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL