

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136584/LO/2023

Date registered valid: 17 April 2023

Proposal: Listed Building Consent for the installation of an internal screen to shop front

Address: 4-6 Cross Street, Manchester, M2 7AE

Ward(s): Deansgate Ward

Applicant: Insomnia UK Ltd

Agent (if any): Mr Dan Perry AWW

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 June 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 6 June 2023

Standard consultations:

Printed: 11 May 2023 Expired: 1 June 2023

Neighbour notifications

Printed: 11 May 2023 Expired: 1 June 2023

Site notice

Posted: 16 May 2023 Expired: 6 June 2023

Press advert

Published: 16 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 unit subject of this application is located at 6 Cross Street. It has a full glazed shop front that complies with the shop front strategy for the building. The premises is currently vacant and was previously used as a bank. The damage caused to the ceiling during the use as a bank has been fully repaired. The beams and cornices are the only remaining features of this unit.

Description of development

Listed Building Consent is sought for the display of a branded screening structure with a perforated pattern to be installed within the shop front window display to screen the equipment. This screen would be constructed in anodised aluminium to match the shop front framing at the property.

Listed Building Consent (135613/LO/2022) referenced Advertisement Consent (134334/AO/2022) were previously approved for external signage at this property on 20 January 2023 and 13 September 2022.

The internal fit out (excluding this display) were approved on 10 February 2022 and referenced 135612/LO/2022.

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 and a site notice was displayed on site and letters were sent to surrounding occupiers. No responses were received.

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 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.

The Unitary Development Plan for the City of Manchester

Saved Policy DC14 (Shopfronts and Related Signs) confirms acceptable 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;

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.

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

The proposed screen would match the existing high-quality materials used on the building and would have an appropriate and high quality appearance. It is the result of a significant amount of negotiations and has resulted in an interesting and bespoke proposal. The screen would allow view into the space and the kitchen area while screening the equipment.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset due to the fixings, the nature of the display and prevention of full views 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. The benefits of the proposals are that the proposal would contribute to the future of the building by making use of a vacant unit within a listed building and would assist in the success of the business occupying it.

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 significant negotiation and ongoing advice about the information required to be submitted to support the application and to address issues. This has led to the proposal of an acceptable amendment to the building.

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 location plan referenced 4591 AWW XX XX DR A 02101 Rev P04 received by the City Council as local planning authority on 8 February 2023

The drawings referenced:

4951 AWW XX 00 DR A 02102 Rev P04

4951 AWW XX 00 DR A 02202 Rev P04

received by the City Council as local planning authority on 24 March 2023

4951 AWW XX 00 DR A 02354 Rev P04

received by the City Council as local planning authority on 17 April 2023

4951 AWW XX 00 DR A 02303 Rev P04

4951 AWW XX 00 DR A 02353 Rev P04

received by the City Council as local planning authority on 7 June 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, CC9, SP1 and DM1 of the Manchester Core Strategy, saved policies DC14, DC18.1 and DC19.1 of the Unitary Development Plan.

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

Motel One, Commercial Buildings, 11 - 15 Cross Street, Manchester, M2 1WE

15 - 17 Old Bank Street, Manchester, M2 7PE

16 Market Street, Manchester, M1 1PT

1 Cross Street, Manchester, M2 1HX

3 Cross Street, Manchester, M2 1WE

18 Cross Street, Manchester, M2 7AE

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 - 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