

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135102/LO/2022

Date registered valid: 21 December 2022

Proposal: Internal and external alterations including installation of louvres to front elevation associated with creation of restaurant /take away (Sui generis)

Address: 95 Oxford Street, Manchester, M1 6ET

Ward(s): Piccadilly Ward

Applicant: Mr Sean Hinde Trunk Restaurant Ltd

Agent (if any): Maria Marks WSP

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

Recommendation: Refuse

Date of recommendation: 15 February 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 27 January 2023

Standard consultations:

Printed: 4 January 2023 Expired: 25 January 2023

Neighbour notifications

Printed: 4 January 2023 Expired: 25 January 2023

Site notice

Posted: 9 January 2023 Expired: 30 January 2023

Press advert

Published: 10 January 2023 Expired: 31 January 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application relates to the Grade II Listed St James Buildings, which is a substantial eight storey building that was built in 1912 in the Edwardian Baroque style and designed by Charles Clegg and Son of Manchester and Fryer and Penman of Glasgow. It was designed as the headquarters of the Calico Printers Association Ltd. which was formed in 1899 and was a textile printing and merchant company.

St James Buildings is bounded by Oxford Street, The Rochdale Canal, the Grade II Listed Portland Buildings, and the grounds of Linley House. Oxford Street is a highly trafficked route from South Manchester into the City Centre, is a particularly busy bus route and experiences extremely high footfall.

The surrounding area contains a large number of listed buildings include the Grade II* Listed Churchgate House, the Grade II Listed Palace Theatre and the Grade II Listed Portland Buildings. The site is also within the Whitworth Street Conservation Area.

The building is currently used as a mixed-use building that predominantly houses offices, but also houses educational uses and has shops, bars, restaurants and cafes at the ground floor.

Surrounding uses include The Place Theatre, Oxford Road Train Station, residential accommodation, multi-storey car parking, offices, restaurants, hotels, cafes and shops.

The area subject of this application is a ground floor unit located at 95 Oxford Street. All of the ground floor units at the property comply with the signage strategy.

Description of development

Listed Building Consent is sought for the following works in relation to the use of the former flower shop as Cafe/Take Away:

- The installation of fume extraction equipment.
- The installation of two square louvres on the front elevation above the shop front either within the signage box or within the wall above.
- The boxing in of historic skirtings and plaster etc.
- The removal of the suspended ceiling if possible.
- The exposure of the original archway feature.
- The treatment of the existing floor to protect the remains of the historic tiles and add screed.
- The installation of partitions.
- The installation of kitchen equipment

An application for planning permission has also been submitted for the external alterations referenced 135101/FO/2022.

Consultations & Notification Responses

Publicity - The application was advertised as affecting a listed building and a conservation area and a site notice was displayed on site. No responses were received.

Issues

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

Policies DC14.1 (Shop Fronts and Related Signs) states that the City Council will ensure that the design of shop fronts is in keeping with the character of the area within which the building is located and that inappropriate features are not permitted.

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.
- 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 above national policy and legislation set requirements cannot be set to one side and it is particularly noted that this means decision-making regarding the historic environment is a case of balancing harm against public benefit as is the approach set out in the National Planning Policy Framework (NPPF).

The proposals would introduce incongruous features to the principal elevation of the building overlooking Oxford Street. Adding these ad hoc features to the consistently treated shop fronts disrupts this consistency with a feature that is not in keeping with the significance and appearance of this listed building.

Ideally, there would be a consistent solution for fume extraction at the property for the various ground floor occupiers. If this is not possible, in the absence of this the fume extraction needs to be hidden from view and separated from original or historic features.

The applicant has been advised of ways that the harm could be minimised or avoided but have not so far been able to comply with our advice by proposing any of the recommended solutions.

The proposal would result in less than substantial harm to the significance of this Grade II listed building due to the proposals to install louvres on the front elevation overlooking Oxford Street. However, it is considered that harm to this Grade II Listed building could be avoided by developing an alternative solution. It is also clear that no effort has been made to minimise the impact of the louvres.

The front of this property and the louvre location can be seen from both sides of Oxford Street and from the Rochdale Canal and canal towpath making them highly prominent features.

The other works generally seem to be acceptable subject to the submission of further information as part of a new application.

Insufficient evidence was submitted to fully demonstrate the level of harm that would be caused to the development site however, we have enough information to confirm that this is less than substantial harm. The drawings are basic, and some are inaccurate, and the heritage and design and access statement also failed to assess the proposals fully.

The proposals are also at the entrance to the Whitworth Street Conservation Area and within a highly prominent building and for the reasons described above would be prominent and incongruous features also causing harm to the Conservation Area.

Despite this, the information was enough to show that there would be less than substantial harm caused by the proposals as described above and this harm would affect the Grade II Listed building on which the equipment would be located, the adjoining Grade II Listed buildings and the Stevenson Square Conservation Area and was not justified by public benefit.

Pre application advice was not sought from the LPA and may have assisted in resolving the issues.

In view of the above, it is considered that due to the external louvres the proposals would cause less than substantial harm that has not been justified by public benefit and are contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990, Sections 7 and 12 of the National Planning Policy Framework, the Core Strategy for the City of Manchester, in particular

Polices SP1, CC9, EN3 and DM1 and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

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:

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included ongoing discussions about the information required to be submitted to support the application and the acceptability of the proposals. Unfortunately the issues with this application couldn't be resolved within the timescales allowed.

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

1) The proposed elevational alterations to the Grade II Listed building would fail to respond positively to the character and appearance of the building and local historic environment. The louvres would be located in a highly prominent position, relate poorly to the shop front and would be highly visible from the Rochdale Canal and towpath. The proposals would cause less than substantial harm to the listed building and affected the setting of the listed building in the street scene with the level of harm caused not being outweighed sufficiently by the public benefits of the scheme. The proposal is contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14.1, DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995) and NPPF.

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

Ground Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Sixth Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
J Sainsbury Plc, 51 Whitworth Street West, Manchester, M1 5EA
Fifth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
The Stage Door, 97 Oxford Street, Manchester, M1 6ET
Seventh Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
First Floor, St James Building, 79 Oxford Street, Manchester, M1 6PP
Window Display 5, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Third Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Ground Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
First Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Sixth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Basement Store, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Second Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Fourth Floor, St. James Building, 79 Oxford Street, Manchester, M1 6HT
St James Court, Oxford Street, Manchester, M1 6FQ
First Floor Suite 7, St James Court, Oxford Street, Manchester, M1 6FQ
First Floor Suite 2, St James Court, Oxford Street, Manchester, M1 6FQ
First Floor Suite 8-9, St James Court, Oxford Street, Manchester, M1 6FQ
Suite 1, St James Court, Oxford Street, Manchester, M1 6FQ
60 Oxford Street, Manchester, M1 5EE
Basement Office, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Fifth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6EQ
Window Display 4, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Window Display 1, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Window Display 2, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Eighth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
81 Oxford Street, Manchester, M1 6EG
Third Floor, St. James Building, 79 Oxford Street, Manchester, M1 6FQ
Window Display 3, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Second Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
91 - 93 Oxford Street, Manchester, M1 6ET
Upper Ground Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Ninth Floor, St James Buildings, 79 Oxford Street, Manchester, M1 6FQ
Fourth Floor, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Basement, Broadhurst House, 56 Oxford Street, Manchester, M1 6EU
Palace Theatre, Oxford Street, Manchester, M1 6FT

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 - Whitworth Street Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL

