

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134087/FO/2022 and 134061/LO/2022

Date registered valid: 17 June 2022

Proposal: Change of use of part of ground floor to coffee pod / cloak room and ticketing check in (Sui Generis) located within free-standing internal pod structure and associated external alterations to create an external access hatch on the facade to at ground floor level of north west facade (walkway link to Miller Street from Sadlers Yard).

Listed Building Consent for the installation of a free standing pod, and associated external access hatch on the facade to at ground floor level of north west facade (walkway link to Miller Street from Sadlers Yard).

Address: New Century Hall , Mayes Street, Manchester , M60 4ES

Ward(s): Piccadilly Ward

Applicant: NOMA (GP) Ltd. C/o Agent

Agent (if any): Ms Frances Hampson Deloitte LLP New Century Hall , Mayes Street , Manchester, M60 4ES

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: 134087/FO/2022 : Approve
134061/LO/2022: Approve

Date of recommendations: 14-10-22

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 27 June 2022

Standard consultations:
Printed: 28 June 2022 Expired: 19 July 2022

Neighbour notifications

Printed: 28 June 2022 Expired: 19 July 2022

Site notice 134061/LO/2022

Posted: 27 June 2022 Expired: 18 July 2022

Press advert : 134087/FO/2022 and 134061/LO/2022

Published: 5 July 2022 Expired: 26 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to a building known as New Century Hall a Grade II listed and formed part of the Co-Operative Society's historic built estate within NOMA. The building is located adjacent to the Shudehill Conservation Area and is in close proximity to other listed structures including Hanover & E Block (Grade II), Old Bank (Grade II), Redfern Building (Grade II), New Century Hall (Grade II), Dantzig (Grade II), CIS Tower (Grade II) and Holyoake House (Grade 2).

The 'Site' is bounded by Dantzig Street to the east, Sadler's Yard to the south, and is adjoined by a link bridge to the Grade II listed New Century House to the west. New Century Hall is not located within a designated Conservation Area; however, it is located in close proximity to the boundary of the Shudehill Conservation Area.

The building comprises three principal floors of accommodation: a double-height first-floor concert hall, ground floor, and basement; and an upper mezzanine levels of accommodation serving the hall including the projector room and dressing rooms.

Application ref no 124348/FO/2019 and 124349/LO/2019 were approved in 2019 for planning and listed building consent associated with a Change of use from B1 (Offices), D1 (Non-Residential Institution) and D2 (Assembly and Leisure) use to mixed comprising A3 (restaurant and cafe), A4 (drinking establishment) (Ground floor), D1 non-residential (creative school) (basement) and D1 (flexible events and conference facilities) / D2 (music/performance space) (1st floor) (Sui Generis) and other ancillary uses and associated external alterations related to the reuse and refurbishment of the building including, creation of new openings to Sadler's Yard elevations; creation of new public realm (including a pedestrian connection between Sadler's Yard and Miller Street) installation of external plant and construction of a concrete screen along Miller Street. That consent has subsequently been amended by app ref no's 130703/JO/2021, 130704/JO/2021 ,132275/JO/2021 and 132281/JO/2021.

Description of area

The Site is surrounded by a mix of city centre uses, including the office-led, mixed-use development within the wider NOMA estate, residential apartments, public realm and landscaping at Sadler's Yard, 1 Angel Square and Angel Meadow. It is also in close proximity to two major public transport modes, Manchester Victoria Station to the south west and Shudehill Interchange to the south east. There are a number of temporary surface car parks in the area, which are future development plots within the NOMA Masterplan

Description of development

Listed building consent is sought for internal and external works comprising the insertion of a free-standing internal pod structure and associated external alterations to create an external access hatch on the facade to at ground floor level of north west facade (walkway link to Miller Street from Sadlers Yard).

Planning consent is sought for the external alterations detailed above and for a change of use of part of ground floor (the pod) to a coffee pod / cloak room and ticketing check in (Sui Generis).

The physical works to the building would comprise the following:

Internal - Erection of partition walls between the existing internal columns, to form an enclosed service area. The partition walls are in keeping with the Tenant Fit Out Guide submitted with the original planning and listed building consent application (124348/FO/2019 and. 124349/LO/2019). The partitioning to form the coffee pod area would sit on the ground floor slab (above the new vinyl flooring recently installed) and extend up to a height of approximately 2.4m from finished floor level. The partitioning would not be attached to the exposed concrete soffit and would not interfere with the ventilation services that have been installed as part of the recent Landlord's fit out. A number of small service penetrations through a new plasterboard partition will be required to facilitate the water/drainage pipework and electrical cables to service the coffee pod. These electrical and drainage connections would be taken from the existing water and drainage pipework within the adjacent riser.

External- Creation of 'hatch' by insertion of 2 opening windows within areas of existing glazing. The coffee pod would be located at the ground floor on the northwest façade of the building, facing into from the public walkway between Miller Street and Sadler's Yard.

The pod would be a multi-functional space operating as a Coffee Pod serving food & drinks during normal business hours, offering 'grab and go' service for passing customers through the walkway. When events are taking place within New Century Hall the space will be used as a cloak room & ticketing check in for guests.

Following consultation with the Head of Environmental Health the Hatch would operate as follows:

(a) Serving Food & Drinks : Monday-Sunday 7am till 5pm

(b) Cloak Room and Ticketing 6pm until 3am (event nights only)

The hatch would only be open between 07:00 and 17:00 and the hatch closed when music is playing inside..

Consultations & Notification Responses

Publicity - 134087/FO/2022 – The application was advertised in the local press as a public interest development and occupiers of adjacent buildings were notified about the application. No representations have been received.

134061/LO/2022 – The application was advertised in the local press as affecting a listed building and a site notice was displayed adjacent to the site. No representations have been received.

134087/FO/2022 – The application was advertised as a public interest development and occupiers of neighbouring developments were notified about the application. No representations have been received.

Head of Environmental Health – Have no objections subject to conditions in relation to the nature and hours of operation of the Hatch. They note that the acoustic performance of the Hatch has been covered in the current condition discharge application CDN/22/0447.

Head of Highways – Has no objections

Issues

National Planning Policy Framework

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.

The following Policies are of relevance to this application:

Section 16 Conserving and enhancing the historic environment – which 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.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to sustainable harm, total loss or less than substantial harm to its significance. The following paragraphs need to be considered in the context of this application:

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197 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.

199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. 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, where appropriate, securing its optimum viable use.

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy SP1 (Spatial Principles), - which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including: -

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- provide good access to sustainable transport provision.

Policy CC9 (Design and Heritage) - which states that the design of new buildings will need to be of the highest standard in terms of appearance and

function and seeks to preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Policy EN 3 Heritage – which states that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

Policy DM1 (Development Management) – Which states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: -

which says that in determining applications consideration should be given to amongst others, the effects on amenity, including privacy light, noise.

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage. Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

And that for new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment.

Policy T2 (Accessible Areas of opportunity and need)- which states that the Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC26.1 Development and Noise - which details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

DC26.5 Development and Noise – which states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate

DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

Sections 16, 66 and 72 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 in the case of the proposed demolition, to section 12 (Conserving and Enhancing the Historic Environment).

Principle of the Proposed Use

The unit that is the subject of this application is located within a part of the City where this type of use would normally be acceptable in principle and the proposal would occupy vacant floorspace within a key regeneration areas.

The Pod would add to the range of services for residents and office occupiers within the NOMA neighbourhood providing ground floor activity to animate the walkway the principle benefit of which would be delivered earlier in the morning before the adjacent ground floor Food and Drink uses are operating at higher capacity and providing that activity. This would provide placemaking activation within the NOMA estate particularly based around Sadlers Yard linking to emerging office development around Angel Square.

In view of the above it is considered that the proposal has the potential to add to the area's vibrancy and contribute to the character of the emerging NOMA Area. The proposals are therefore considered to be in accordance with Core Strategy policies CC1, SP1, CC7, T2 and DM1 and saves UDP policies DC10.1, 10.2 10.3 and 10.4 and DC26.

Residential Amenity / Hours of operation

The Head of Environmental Health has made recommendations about the hours of operation of each use and how any noise break out from the Venue through the Pod would be managed and

these have been taken on board in revisions of the submitted scheme or would be controlled via condition. This will ensure that any disturbance from such activity is confined to acceptable hours of the day.

Given the above it is considered that on balance and subject to conditions, controlling the acoustic insulation of the premises, the hours of operation of each use the proposals would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5.

Design Issues and impact on the Character and Fabric of the Listed Building and Conservation Area

– It is noted that the transom required to facilitate the hatch was already installed as part of the original installation of the new curtain walling and as such there will be no disruption to these details. The design of the coffee pod has been designed to be free standing in order to require minimal intervention is required to the existing material of the external façade and interior structure of the building. The partition walls required chosen to blend in with and complement the building and previous fit out works and are in accordance with the tenant fit out guide. The fixing methods have been carefully chosen so as to require the most minimal level of intervention in the building. A number of small service penetrations through a new plasterboard partition will be required to facilitate the water/drainage pipework and electrical cables to service the coffee pod. These electrical and drainage connections would be taken from the existing water and drainage pipework within the adjacent riser. The 'hatch' would be installed in recently inserted modern curtain walling (installed as part of the wider building refurbishment) with a frame in a colour to match to ensure that it is visually recessive and read as an integral element of the wider façade when closed. As neither the Pod, nor the hatch would be visible from external points around the building, both due to scale, and location within a relatively hidden external facade, it is considered they will have no impact on the setting of the neighbouring Listed buildings, including CIS Tower and would not greatly harm the significance of New Century Hall.

Any harm would be less than substantial and easily reversible. Given the level of harm paragraph 202 of the NPPF requires that the impact of the development should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme including securing its optimum viable use which can include heritage benefits.

The small level of harm would be outweighed by the benefits of increasing the activity at ground floor level in the building during daytime hours and contributing to increasing footfall into the building through attracting passing trade. This will be key to the commercial success of New Century Hall following refurbishment. In addition, this will encourage more people to visit and appreciate this recently refurbished Grade II Listed asset, as the music hall will be opened up for public performances, allowing for both appreciation of the listed asset, and enjoyment of the live music experience in keeping with the original use of the building.

In the context of the NPPF and Sections 66 of the Act, it is considered that the scheme strikes the right balance between the impact of the changes on the significance of the building, and setting of adjacent listed buildings and the public benefits weighed against the level of harm.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving New Century Hall or any features of special architectural or historic interest which it possess and the setting of adjacent listed buildings as required by virtue of S66 of the Listed Buildings Act, the less than substantial would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 197, 199 and 202 of the NPPF and that in view of this, it is considered that the proposed development would on balance be consistent with sections 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 and of the Core Strategy and saved UDP policies and 19.1

Highway Safety – The Head of Highways has no objections considering that the public walkway is sufficiently wide to accommodate the external hatch facility to the coffee pod/cloak/ticketing although they require that any shutters provided, should be fixed in position so that they will not obstruct passing pedestrians. This has been confirmed by the submitted management strategy which sets out how any potential impact on passing pedestrians would be safely managed and the operation of that strategy would be a condition of any consent granted.

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: 134087/FO/2022 : Approve
134061/LO/2022 : Approve

Article 35 Declaration

In assessing the merits of the planning application, officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance this has included advice about the information required to be submitted to support the application and discussions regarding amendments to the proposals

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

134087/FO/2022 and 134061/LO/2022

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Redfern Building, 30 Hanover Street, Manchester, M4 4AH
Sadlers Cat, 40 Hanover Street, Manchester, M4 4AH
CIS Building, Miller Street, Manchester, M60 0AL
Second Floor, Holyoake House, Hanover Street, Manchester, M60 0AS
Basement, Holyoake House, Hanover Street, Manchester, M60 0AS
New Century House, Corporation Street, Manchester, M4 2BZ
Holyoake House, Hanover Street, Manchester, M4 4AH

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) 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