MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	133301/FO/2022
Date registered valid:	23 March 2022
Proposal:	Fit out of an existing retail unit on ground and basement floors including a new shopfront
Address:	5 Exchange Street, Manchester, M2 7EE
Ward(s):	Deansgate Ward
Applicant:	Mr Tony Luck Hyphen Archi ltd Hyphen Architects, Charlecote Mews , Staple Gardens, London, W8 4HA
Agent (if any):	Mr Tony Luck Hyphen Arch Ltd 3 Charlecote Mews, Staple Gardens, Winchester, SO23 8SR
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	25 May 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 7 April 2022 Expired: 28 April 2022

Neighbour notifications
Printed: 7 April 2022 Expired: 28 April 2022

Site notice
Posted: 12 April 2022 Expired: 3 May 2022

Press advert
Published: 12 April 2022 Expired: 3 May 2022

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:

The application relates to 5 Exchange Street, Manchester which is part of the Royal Exchange which is a Grade II listed building situated in the St Ann's Square Conservation Area. This proposal would involve the Fit out of an existing retail unit on ground and basement floors including a new shopfront

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as affecting a Conservation Area and affecting a Listed Building. A site notice was displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity.

Highway Services - have made comments including the following

It is noted in submitted documents that the new entrance doors will be "over a significant ramped threshold approximately 40mm high". The proposed ramp must meet DDA guidelines presented in DFA2.

For the avoidance of doubt, all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

Detail is sought on proposed construction arrangements from a highways perspective covering proposals for delivery, storage and disposal / collection of materials.

Environmental Health - have recommended a condition and made a comment for the applications

DEMOLITION/CONSTRUCTION PHASE*

DEMOLITION/CONSTRUCTION MANAGEMENT PLAN
Prior to the commencement of development, a demolition / construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Measures to control noise and vibration;
A community consultation plan and;

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.
*The applicant should refer to our noise from building sites webpage for further information/guidance and also IAQM/EPUK Construction Guidance

**The applicant will need to provide a statement confirming the extent of the internal works, details of any noisy work,(such as any breaking out of any concrete, any breaking out work or impact to party walls or structurally adjoining features) machinery involved and their expected noise level, any work that will lead to vibration and the duration of the work.

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:
Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work

Greater Manchester Police - have made the following recommendations

The new glazing in external doors, should include at least one pane of laminated glass rated as P4A under EN 356.

The proposed roller shutters and doors should be certified to LPS1175.

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

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" (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 190 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 wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 advises that local planning authorities should require an applican tto 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 202 states that where a development proposal will lead to 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 creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

Access - Highways have pointed out that that the new entrance doors will be "over a significant ramped threshold approximately 40mm high". The proposed ramp must meet DDA guidelines presented in DFA2.

The current threshold has a "16mm lip" at the front. The proposed new threshold will have a 27mm lip at the front. Although the entrance to the shop won't be completely level it is not considered to be so bad as to be refused.

Highway Safety - Highways have stated that all external entrance doors (with the exception of fire doors) should be inwardly opening in order to prevent obstruction on the adjacent footway.

Detail is sought on proposed construction arrangements from a highways perspective covering proposals for delivery, storage and disposal / collection of materials.

Drawings submitted by the applicant indicate that the proposed doors will open inward.

Amenity - Environmental Health have recommended a condition for a Construction Management Plan which should include as a minimum

Measures to control noise and vibration;
A community consultation plan and;

A condition to control demolition/construction hours will be attached to this permission

Crime and Disorder - the applicant will be made aware of the comments of GMP via an informative

Visual Amenity

The existing shopfront has a poor quality light grey metal frame. The new shopfront framing in will be in much better quality, anodised bronze and glass infill similar to adjacent units in design, appearance and materiality. New exterior signage will sit on the stone fascia in line with signage on adjacent units. The size, scale and materiality of this fascia signage will be similar to the existing adjacent units.

There is a series of existing illuminated projecting signs to the units with the Royal Exchange building, fronting Exchange Street. The sign serving no. 5 will be retained with the graphic nfill changed to the new branding.

The applicant has submitted plans that accord with the Royal Exchange Signage and Shopfront strategy

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 polices 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

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. In the case of the application under consideration correspondence took place with the applicant relating to the impact of construction work on the amenities of the residents of nearby properties

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 91 of the Town and Country Planning Act 1990.

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

Drawings
Drawing entitled Shopfront 8095 A001 T8 received via the email from Tony Luck on 7th June 2022
Location Plan 8095 A 01 REV B both received by the City Council as local planning authority on 23rd March 2022

Documents
No5 Exchange Street Manchester Design and Access Statement Dated 21.03.22 Prepared by: Tony Luck, Hyphen Architects
No5 Exchange Street Manchester, Heritage Statement Dated 21.03.22 Prepared by: Tony Luck, Hyphen Architects both received by the City Council as local planning authority on 23rd March 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:
Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work

Reason - In the interests of the amenities of the occupiers of nearby properities in accordance with policieis SP1 and DM1 of the Core Strategy for the City of Manchester

4) Prior to the commencement of development, a demolition / construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

Measures to control noise and vibration;
A community consultation plan and;

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.
*The applicant should refer to our noise from building sites webpage for further information/guidance and also IAQM/EPUK Construction Guidance

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

FRENCH CONNECTION, 7 Exchange Street, Manchester, M2 7EE
Doctorcall Limited, Fifth Floor, Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA
Third And Fourth Floors, Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA
1 Exchange Street, Manchester, M2 7EE
Fourth Floor, Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA
Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA
Third Floor, Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA
Second Floor, Kings Court, 2 - 4 Exchange Street, Manchester, M2 7HA

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: CITY1