

| Application Number | Date of Appln | Committee Date | Ward |
|---------------------------|----------------------|-----------------------|----------------|
| 118398/FO/2017 | 22nd Jan 2018 | 28th Jun 2018 | Deansgate Ward |
| 118399/LO/2017 | | | |

Proposal Creation of 1 x basement unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments), B1 (offices) and 1 x ground floor unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments) with offices (Class B1) above (floors 1 to 5) following refurbishment of building to include internal demolition works, excavation works to create a level basement, construction of replacement floors and associated internal structure, mansard roof extension, roof-top plant, refurbishment of the facade and windows and exposure / reinstatement of original shop frontage (77a Mosley Street) and associated works

Listed Building Consent for internal and external works associated with the Creation of 1 x basement unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments), B1 (offices) and 1 x ground floor unit for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments) with offices (Class B1) above (floors 1 to 5) following refurbishment of building to include internal demolition works, excavation works to create a level basement, construction of replacement floors and associated internal structure, mansard roof extension, roof-top plant, refurbishment of the facade and windows and exposure / reinstatement of original shop frontage (77a Mosley Street) and associated works

Location 79 Mosley Street, Manchester, M2 3LQ

Applicant , BBRE (79 Mosley Street) Ltd, C/o Agent,

Agent Mrs Diane Ellis, Zerum, 4 Jordan Street, Manchester, M15 4PY

Background

The site is located within St Peter's Square and the Civic Quarter. The Square has become a major entry point and destination to and within the city centre since the creation of the metrolink interchange and it plays an important role in defining the image and perception of the City.

The Civic Quarter is a major regeneration priority and has seen a significant amount of development in recent years. Two major office buildings have been constructed at One St Peter's Square (270,000 sq. ft.) and Two St Peter's Square (160,000 sq. ft.), together with the refurbishment of the Town Hall Complex, including the Extension and Central Library. The Square has been, re-defined, re-structured and transformed with the relocation of the Cenotaph and new hard and soft landscaping. This investment has extended the Central Business District and provides modern office accommodation which has been occupied by companies such as KPMG, Ernst & Young, The Department of Works and Pensions (DWP), Addleshaw Goodard, DLA, Mazaars and WeWork. The majority of these companies have moved from other

parts of the city, underlining the attraction of this area to office occupiers. It has achieved rents equivalent to Spinningfields.

Two substantial projects are under construction to the rear of the site for a 20 storey building containing a 328 bedroom hotel and a 262 bedroom apart-hotel at No3 St Peters Sq and a 14 storey office building on the former site of the Odeon Cinema known as Landmark. The area on the opposite side of the Town Hall around Albert Square and Brazzenose Street is undergoing a similar levels of regeneration with major refurbishments at Commercial Union House and Heron House and major new office developments at 123 Deansgate and Brazennose House. The public realm will also be transformed as part of this process.

The majority of office buildings on Mosley Street have been refurbished and that process has included the introduction of cafes and restaurants on the ground floors of those buildings.

79 Mosley Street represents the last remaining building surrounding St Peter's Square requiring investment. It has been vacant for around 10 years despite its prominent position at the corner of Princess Street and Mosley Street.

The owners purchased it in June 2015 and are the latest in a series of owners who have acquired it to bring it back into full, active use. Previous owners have assessed options but none have resulted in a planning application being submitted. It is relatively unusual for a building to change hands so often in a short space of time and Officers believe that this reflects the difficulties of producing a viable solution for the building.

Description of site/building

The application site includes addresses at 77- 79 Mosley Street and 14/16 Princess Street but for the purposes of this Report will be referred to as 79 Mosley Street. The building is five-storeys and has a sub-ground/ basement level at 77-79 Mosley Street and 14-16 Princess Street. It is Grade II Listed, within the George Street Conservation Area and adjacent to the Albert Square Conservation Area. The building has elevations to Mosley Street, Back George Street and Princess Street.

There are a number of listed buildings nearby including, Manchester Town Hall (Grade I) and Town Hall Extension (Grade II*), Manchester Central Library (Grade II*), the City Art Gallery (Grade I) and Athenaeum (Grade II*) and Princess Buildings (18-24 Princess Street) (Grade II).

79 Mosley Street is characteristic of the Conservation Area in terms of its former use, scale, form and design, as well as for its group value through a shared historical context with the warehouses on Princess Street.

The building is likely to have been speculatively constructed around 1870 by an unknown architect, and combined both warehouse, office and shop accommodation in one building, taking advantage of the three most lucrative areas of commerce during the last quarter of the 19th Century. It is built of red brick and decorated with moulded sandstone window surrounds, sill courses with a balustrade parapet at roof

level in front of a pitched slate roof. The internal layout is complex and comprises a multi-level ground floor, numerous building entrances, two internal staircases, a central lightwell and each floor is divided into separate rooms. The layout relates to the original uses and has since been modified and adapted on numerous occasions.

Externally the building is loosely Italianate in style, with both principle elevations, fronting Princess Street and Mosley Street, being in red brick and decorated with moulded cream stone window surrounds, sill courses and a balustrade parapet at roof level. The window arrangement and decoration across the principle elevations alternate as the building rises to third floor level.

The basement level is constructed of rock-formed rustication in stone. The ground floor level contains segmental headed windows, set within deep moulded stone surrounds and oversized keystones. The first floor level windows are contained within flat-headed window openings, each with eared stone surrounds. The second floor level windows are set within segmental stone surrounds, each with overhanging pediments, the second floor contains seven stone balcony's, looking out onto Princess and Mosley Street. The third floor level windows are set within flat-headed openings, with projecting central keystones to each. The elevations are surmounted by a deep stone and brick bracketed eaves course, which terminates by a continual stone balustrade at roof level.

The office accommodation was arranged on the upper floors of the 79 Mosley Street elevation with floors split into two main open-plan rooms and designed to be accessed independently via the Mosley Street entrance. This allowed the ground floor corner shop at 77 Mosley Street to be occupied independently.

The warehouse space was designed to let on a floor-by-floor basis accessed from a double entrance doorway at No. 16 Princess Street via a small vestibule and highly decorative cast-iron staircase. The staircase hall contains early 20th Century sash windows, which obscure the view into the central light well/courtyard. The ground and upper floors are all designed in the same manner, with a single, open-plan warehouse floor, each containing rows of simple cast iron columns, designed to allow for the weight of stored goods on each floor above. All floors within the warehouse building were functionally designed and decorated, and have since been altered removing any early fixtures, fittings or decorative schemes, with only the cast-iron columns and hoist structure retaining.

The ground floor of No. 77 forms the curved corner of the building, and originally would have been a speculative shop unit with decorative cast iron columns and shop front. The shop, which included the adjoining No. 77a, was since the 1880's occupied by Macbeth Brothers Tailors. When originally built, the two ground floor shops were only accessed from street level, these were later joined into the office entrance (No 79 Mosley St) and the former warehouse floor (No 16 Princess St).

In 1955 the Huddersfield Building Society took over the corner shop at No. 77 and redesigned the exterior and interior of the shop in an Art Deco style, a style, although typically associated with the 1930s, was still being used following the end of the Second World War. The new internal arrangement saw a door opening between No. 77 and No. 77a being blocked, and the Macbeth Brothers Tailors concentrating their

business in the adjoining No.77a and the basement rooms beneath both shops, for which they used as fitting and tailoring rooms. The redesign and reconfiguration of the new building society premises saw the original Victorian shop front being replaced by a high quality polished green granite square columns and downstands, designed in the Art Deco Style. As part of this work, the basement windows were blocked. Within this retail unit, a good example of a high quality 1950s interior decoration scheme is retained.

The rear elevation, fronting Back George Street has flat rubbed brick window arches and one-over-one sash windows. The centre of the elevation contains a filled-in hoist from first to third floor level. This recessed hoist serviced the warehouse floors of No. 16 Princess Street, and was probably filled in and incorporated into the warehouse floors during the 1930's.

The building has a high level of architectural decoration and design. Its architectural merit and group value and its setting within a densely-packed area of similarly dated buildings, enhances the buildings significance and provides a high streetscape value. Its historical, evidential, and aesthetic values are primarily related to it being a well preserved and a good example of a speculative, combined Victorian warehouse, commercial and office development, in an area of Manchester which formed the late Victorian commercial heart of the city. Internally, the building at upper floor levels has a somewhat lesser significance, with significant areas relating to the survival of the original, largely open-plan warehouse and office floors, which for the main part retain their original plan form. The area of highest significance is its external elevations – particularly the articulation of the different units/ entrances that allow for an understanding and appreciation of how the building was originally used.

Another area of high significance is the location and survival of the original decorative cast-iron staircase at No. 16 Princess Street. The original staircase serving the original office floors of No. 79 Mosley Street, has suffered from substantial alterations and is now considered to be of low significance, however the location of this staircase is considered to yield a high significance, due to its original plan form.

Description of the Area

The area around the site contains a variety of uses including offices, hotels, residential, bars and restaurants and civic uses. A tram interchange within St Peter's Square is a major arrival point in the City.

The George Street Conservation Area includes buildings of between three and seven storeys, red/orange brick with sandstone dressings, vertically proportioned window openings with deep reveals, emphasis on the corner of buildings, and a varied skyline.

Description of development

Planning and Listed Building consent are sought to carry out the complete demolition of the internal structure, party wall with 2 St Peter's Square and roof with excavation to create a level basement and the construction of replacement floors and internal walls and circulation space. A mansard roof extension would be constructed

with roof-top plant to create an additional floor of accommodation. The facade and windows would be refurbished and the original shop frontage to 77a Mosley Street would be exposed and reinstated. The basement and ground floor would be used for A1 (retail), A3 (restaurants/cafes), A4 (drinking establishments) or B1 (offices) with offices on floors 1 to 5. The current GIA is 2778sqm/29897sqft. The proposed GIA is 3204sqm/34488sqft. The building design primarily accommodates over 1765sqm/19,000sqft (NIA) of office accommodation. Ground and basement floor leisure units provide 733sqm/7900sqft (GIA) of accommodation.

The extension would be set back from the existing stone balustrade and No. 2 St. Peter's Square consideration with the existing gutter line maintained. This gutter line would form an access strip that will encompass the perimeter of the mansard structure enabling future maintenance

The upper floors would be open plan but could be split into two tenancies. The ceiling heights would vary from floor to floor but new floor levels would relate to the existing windows.

Works to the retained facades would be conservation led, on the basis of the following principles:

- Elements of significance would be restored;
- Detrimental additions and alterations will be removed including Existing minor entrances on Princess and Back George Street that were added during the life of the building are to be removed and replaced with windows, in line with the original facade.
- New floors would align with the existing floor levels;
- The level change along Princess Street, critical to understanding the uses and setting of the building, would be retained;
- The 1950's Huddersfield Building Society shop-front would be retained and refurbished;
- The 1970's shop-front to no. 77a Mosley Street will be removed and the concealed existing shop front will be restored and refurbished;
- Brickwork and stonework will be cleaned, repaired and restored;
- New windows matching the originals will be provided.

The three existing principal entrances would be re-used. 79 Mosley Street would provide access to the offices on the upper floor and the office at basement level. A lobbied reception would provide access to the lifts, stairs and cycle store. The prominent entrance on the corner of Princess Street and the Square would provide access to the ground floor leisure unit. This unit would have a split level and respond to Historic England concerns about the importance of the building's split level. The entrance on Princess Street would provide access to the basement unit.

The retained façades would be supported by internal structures to minimise external disruption to the facades. All windows would be removed to allow the internal support system to be installed. The windows would be re-furbished and reinstated, as part of the conservation and heritage strategy.

Other back of house facilities would be provided within the ground floor including a refuse store and cycle storage room (for 17 bikes), together with lockers and a drying room;

Waste would be split into the following bins and would be collected weekly:

Blue - Pulpable material (recycled) - paper, cardboard, tetrapak etc
Brown - Co-mingled material (recycled) - glass, cans, tins, plastic etc
Green - Organic waste (recycled) - food stuffs etc
Black General waste (non-recycled) - all non-recyclable

The total number of bins serving the development have been calculated from guidance provided in City Council document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014).

The refuse store would be accessed off Back George Street and contain seven 1,100 litre bins. This is based upon three collections a week. Of these, three would be for general waste, three for mixed recycling and one for food waste.

Users of commercial units are not yet known and therefore a condition requiring full details to be submitted and approved prior to their occupation is recommended. The details would include:-

- Details of fume extraction;
- Hours of opening;
- An Operating Schedule including the prevention of crime and disorder, prevention of public nuisance, and management of smokers;
- Details of a dispersal procedure; and
- An acoustic study identifying ambient noise levels during daytime, night time and weekends along with an indication of maximum internal noise levels proposed to protect amenity and prevent noise egress, details of the acoustic glazing and any enhanced acoustic attenuation required, in addition to details of any acoustic mitigation required to protect amenity from proposed plant.

All equipment associated with fume extraction would be within dedicated internal risers to roof level. Tenants would provide specific detail regarding the plant, including any flues/ grilles, to be installed along with technical specifications, including noise levels and any attenuation

The development would allow be fully accessible with thresholds on the main entrances lowered to provide level access to all entrances.

In support of the application the applicants have stated the following:

- An assessment of the harm caused to the designated heritage asset has been undertaken by Stephen Levrant Heritage Architecture. It states that the development would cause substantial harm. However, they consider that the benefits of the proposal, and the other material considerations set

out in response to the criteria in the NPPF in terms of undertaking a balancing exercise where heritage harm is predicted (paragraphs 133 and 134) are, in this instance, sufficient to outweigh the harm caused to the heritage asset and address sections 66 and 72 of the Listed Buildings Act (1990) and that the development is in accordance with these policies.

- The applicant, Boulton Brooks Real Estate (BBRE), is an entrepreneurial family-owned company with a track record spanning over 27 years, having transacted over £5 billion in the UK and Europe. BBRE have delivered successful development projects and are committed to delivering high quality accommodation, including investing in Manchester. BBRE often take a long-term view on investments, which is relevant in relation to the development of this site. They are committed to the development of this site, which will leave a lasting legacy of outstanding quality for the benefit of future generations. They are committed to delivering the Councils regeneration objectives for the area and intent on delivering a building of quality in line with the aspirations of the City.
- BBRE are also sensitive to the architectural design and character of existing buildings, whether they are listed or not. In pursuing refurbishment options it seeks to work with the strengths and features of the particular building. An example of this is the understated fossilised limestone façade of 75 Mosley Street which BBRE is retaining and refurbishing as part of that development.
- The property has been vacant for many years and has changed ownership several times during which time the spaces have been remarketed in their current condition without success. Previous owners have not been able to deliver a viable scheme and since acquiring the building, the applicant has been exploring options to bring the ways to bring it back into active use.
- Pre-application discussions have taken place over a two-year period with MCC and Historic England. This has challenged the options process to ensure its robustness and comments received have helped to develop and shape the scheme.
- The proposal would respond to the physical context of the building and respect the character of the local area in which it is situated. In summary it would:
 - provide contemporary workspace for forward thinking occupiers;
 - provide flexible floorplates to maximise occupier potential;
 - maximise views of the adjacent Town Hall and St. Peter's Square;
 - reposition the asset in the market by providing a new, unique identity;
 - reflect the building's external character internally through the new structural elements and building finishes;
 - maximise natural light provisions and floor space efficiencies on each floor;
 - produce a new workspace environment that stands apart from typical Manchester office schemes; and provide access into and throughout the building for all regardless of ability.

There are numerous public benefits flowing from the proposed development, as follows:

- securing the long-term future of a listed building; bringing a long-term vacant building back into active use;
- enabling the restoration of key features of the listed building;
- revealing and restoring an original cast-iron shopfront and provide an attractive addition to St Peter's Square which would contrast with the modern office buildings;
- improving the quality of the local environment through the improvements to the building's exterior and complete the regeneration works to St Peter's Square;
- providing equal access arrangements for all into and throughout the building;
- providing modern employment space for around 220 people and provide approximately 40 additional jobs in the commercial units; and increase activity at street level through the creation of an 'active' ground floor unit providing overlooking, natural surveillance and increasing feelings of security;
- location in a highly accessible location would reduce the need to travel by private car;
- the proposed uses would support the City's economic performance;
- the development would ensure the sustainable use of natural resources;

The building's complex layout, and its general condition, mean that a significant internal and external refurbishment, coupled with some structural alterations, would be required as a minimum to bring it fully back into use. The building presents constraints which reduce its attractiveness to occupiers in its current layout. In summary, these include:-

Ground Floor

1. Level changes and masonry partition between the front and rear of the building which restricts the usefulness of this area to retail/leisure occupiers;
2. Masonry partition limits size and frontage of potential retail/leisure unit on St Peter's Square;
3. Office entrance lobby with a number of steps, preventing office occupiers from providing accessible premises;
4. No space for staffed reception;
5. Insufficient lift provision for the expectations of office occupiers;
6. Dense column grid to rear restricts the usefulness of this area to certain retail/leisure occupiers;
7. Escape route from stair prevents the ground floor being let as a single unit;
8. Narrow plan between lightwell and elevation restricts the usefulness of this area to retail/leisure occupiers

Typical Upper Floor

9. Masonry wall and narrow plan between lightwell and elevation restricts the usefulness of this area to office occupiers, and restricts front to back connectivity, limiting the attractiveness of the floorplate for a single occupier;

10. Masonry wall and chimney breast restricts the usefulness of this area to office occupiers, and restricts connectivity and open plan working, limiting the attractiveness of the floorplate;
11. Insufficient WC provision, masonry walls and chimney breasts create small spaces of limited use to office occupiers; and
12. Dense column grid to rear restricts usefulness of this area for office occupiers, and restricts desking layout.

Paragraph 15 of the NPPG (National Planning Practice Guidance) provides guidance on the optimum viable use of heritage assets. In this case there are theoretically a number of uses that the building could be used for, such as offices, hotel and residential and 9 alternative options across a range of uses and building configurations and levels of intervention to the building have been explored. As described above, the layout and constraints of this building mean that using the building for such uses would require alterations and subsequent loss of heritage to varying degrees. The work undertaken by the project team demonstrates that in order to bring forward a viable use, the proposed level of intervention to the building's structure and features are required in order to overcome the current constraints to its viable reuse as detailed above and to create a space that is attractive to future occupiers ending the current protracted period of vacancy which is putting the listed building at risk.

Consultations & Notification Responses

Publicity – The occupiers of adjacent premises were notified and the planning application was advertised in the local press as affecting a conservation area and a listed building and the listed building application as affecting a listed building. Site notices were placed adjacent to the site and one representation has been received which whilst overall is supportive of the proposals requests clarification in relation to an understanding the detail of construction and operational issues and makes specific suggestions about the wording of some conditions that should be attached to any consent granted. The comment are summarised below:

Party Wall Demolition

The submission does not contain a clear description of works proposed to the party wall, and therefore it is difficult to understand the implications this will have on Two St. Peter's Square. This needs to be clarified and understood prior to determination. The need for a Party Wall agreement is noted and early engagement on this matter is requested

Construction Management

Early and regular engagement between the contractor, the applicant, the building manager of adjacent properties, has been requested to formalise a construction management plan to minimise impact on the operation of the building. Wording for a condition relating to the Construction Management Plan has been suggested to include engagement with adjacent land /building owners.

Roof Plant

Concerns are raised about the location of the roof plant and how this will impact on visibility from adjacent office accommodation and a reduction of height is requested.

Acoustic Insulation

Concerns are raised about the cumulative impact of plant noise on adjacent buildings and any consideration of this needs to be controlled through an appropriately worded condition which ensures that such impact is properly assessed and appropriately controlled. Engagement on this with adjacent building occupiers / owners is requested.

Plant Screening

Given the potential impact on letting opportunities in adjacent buildings due to the visibility of plant its screening to minimise visual impact is requested. Approval of details for this screening should be required by a planning condition to minimise any visual (and acoustic) impact. This should be facilitated through engagement with adjacent building owners / occupiers. DAM and/or their appointed agents to agree these details.

Servicing

Any servicing strategy needs to be devised with consideration of other buildings which use Back George Street, due to its narrow and restrictive nature and a condition should be attached to any consent granted to this effect. This should be achieved through dialogue with the owners / occupiers of adjacent buildings.

Manchester Conservation Areas and Historic Buildings Panel - advised that the building was listed as part of a row of along Princess Street and this is the key elevation. They were pleased that the corner façade and the windows were being retained. They were concerned that the only solution being put forward was the demolition of the core but understood the constraints of building, with the interior construction including split ground floor levels, lightwells and numerous columns. They considered that the buildings siting within an area containing Grade A office, provides a dilemma on how to successfully re use it.

They queried the significance and historical importance of the interior of the building and questioned the removal of an intact roof and a large area of the external historic fabric. They do not generally support façade retention proposals, but recognised that this scheme balanced the retention of an important piece of streetscape and would deliver a viable scheme. They did not believe that this is the best option but felt a pragmatic approach would ensure the long term viability of the building. They felt the proposal would cause harm and questioned whether it would be outweighed by the public benefits. They had some concerns that the building had only been marketed since last July and whether this was a long enough period of time.

They noted that the mansard roof would be relatively innocuous but were disappointed that it would block daylight through the roof balustrade. They requested that the central glazing bar should be reinstalled to the windows as part of any agreed fenestration refurbishment scheme. They also asked that an archaeological record of the building should be carried out if any demolition works are agreed.

Historic England – have objected on heritage grounds. They and the applicant have concluded that the proposal would result in substantial harm to this listed building. Any harm or loss requires clear and convincing justification and the requirements of the National Planning Policy Framework, in particular paragraph 133, will need to be satisfied. They consider that this has not been fulfilled.

They note that the number of intensive major warehouse conversions of recent decades has resulted in many of 79 Mosley Street's contemporaries losing almost all their original internal features and floor layouts. The building is now a rather rare survival of its type. It is significant for its decorative facades and largely unaltered internal form and architectural detailing, which expresses the hierarchy of uses within.

They note that the proposal creates office accommodation through façade retention, with a single storey rooftop extension. The party wall to No. 2 St Peter's Square would also be demolished and no internal features would be retained. They consider that the total removal of a significant floor layout and historically important historical features causes substantial harm and they note that the applicant's heritage assessment comes to the same conclusion.

Paragraph 132 of the NPPF states that great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Paragraph 133 goes on to state that where a proposal leads to substantial harm, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or that all of the following apply:

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

Historic England go on to address these criteria in turn:

Substantial harm or loss is necessary to achieve substantial public benefits

The local authority would need to be satisfied that this proposal - which would result in the removal of all internal features - is necessary, and that there is no other reasonable means of delivering similar public benefits through, for example, a different design solution that accommodates at least some internal features of historic interest. These might include the historic staircase, the cast iron columns and the decorative plasterwork.

It is for the local authority to consider the public benefits arising from proposal. However, we would advise that for the alleged public benefits to be considered to be

substantial, and to outweigh the proposed harm caused, the local authority would need to be satisfied that they would extend beyond the commonly expected benefits of any redevelopment scheme.

Alternatively, they set out the four criteria that would all need to be satisfied to justify the proposal.

The nature of the heritage asset prevents all reasonable uses of the site.

They query whether it could be said that the nature of the heritage asset prevents all reasonable uses of the site. The information submitted by the applicant demonstrates that the building is capable of being physically adapted to accommodate a variety of uses without the wholesale loss of the structure behind the frontage. They state that throughout negotiations they have shown a willingness to consider a range of changes in order to facilitate different uses, overcoming some of the more challenging aspects of the existing building, such as the internal floor layout. They are confident that this would be achievable whilst retaining the building's core significance. The argument presented by the applicant appears to be more focused on the viability of those end uses, rather than the nature of the heritage asset itself.

No viable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

Given their concerns about the viability appraisal's findings that a property in this very central part of Manchester is not viable they commissioned their own independent assessment of the financial appraisal. Based on this report and their own observations, they raise the following key points, which are expanded on below:

1. The site was only marketed on a leasehold basis
2. The building would most likely let if speculatively refurbished in accordance with Option 1
3. The viability of the preferred scheme (Option 7) is itself marginal.

They are not convinced that the site has been appropriately marketed. In particular, they would point out that the property was marketed as let space and not as freehold. To truly test whether the heritage asset has a use that can be found in the medium term, they would expect to see the freehold (or at least a long leasehold, i.e. 125 years) offered at a price that reflected the condition of the building and planning constraints. In addition, they note that the property was only marketed for a relatively short period of time (nine months).

They note that the property was presented as if it would be repaired and let in its existing layout with smaller amendments and that this requires the interested party to have a vision of the space after repairs, which is not always easy. If the spaces had been refurbished speculatively in accordance with Option 1, it might well have let to a number of smaller businesses, as demonstrated by a number of refurbishments in nearby historic buildings.

They point out that it is important to note the viability of the preferred scheme is marginal and is therefore in itself a risky investment. Bearing this in mind, and the

fact the harm caused to the listed building would be substantial, they believe that a patient approach to see what could come forward may result in a better use for the site which would achieve the three dimensions to sustainable development. They advise that the local authority needs to be clear on whether the market will rise further to the point of making a more sensitive scheme - one which retains more of the historic fabric - viable in the medium term. To come to such a conclusion, in their opinion the local authority will need to carry out its own financial assessment of the scheme.

Conservation grant funding or some form of charitable or public ownership is demonstrably not possible.

They accept that conversion and repairs might be difficult to achieve without grant funding. However, it is not clear that the applicant has explored the different sources of funding, something they would expect to be demonstrated as part of meeting this test.

The harm or loss is outweighed by bringing the site back into use.

Whilst noting that there are some heritage benefits in the repair of the exterior of the building, particularly in relation to the way it relates to the conservation area, these are considered marginal compared to a scheme which causes substantial harm to the heritage asset as a whole. The local planning authority would need to be satisfied that there are no other ways of achieving these benefits without causing the amount of harm proposed.

They advise that the local authority will need to consider whether the proposals are necessary and if the alleged public benefits are substantial. Alternatively, it will need to consider whether the four criteria of paragraph 133 have been met. To do this, the local authority will need to carefully consider the financial appraisal that has been submitted and carry out its own assessment as to its validity. Their view is that the requirements of paragraph 133 have not been fulfilled and a patient approach to see what could come forward may result in a better use for the site to achieve the three dimensions to sustainable development.

It is stated that local planning authorities have special duties with regard to listed buildings and conservation areas under s 16, s66 and 72 of the 1990 Act. Account should also be given to the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (NPPF 131). Any harmful alteration would require clear and convincing justification (NPPF 132).

Historic England have provided further advice on what they consider to be appropriate marketing referring the applicant to the following documents:

- Managing Significance in Decision-Taking in the Historic Environment (Historic Environment Good Practise Advice in Planning 2); and
- Enabling Development and the Conservation of Significant Places.

Officers have subsequently sought clarification on some of these points and Historic England have confirmed that the features of special interest are formal letter- cast iron columns with acanthus mouldings, some decorative plasterwork in the public entrances, an elaborate cast iron staircase and a historically relatively well retained floor layout

They state that they have promoted a solution which would retain the majority of the historic floor layout with a degree of alteration, for instance the loss of the light well to enlarge office floor plates and a roof top extension which, if designed in a contextual and sensible way, would not have a harmful impact on the special interest of the building. They state that there are examples within the Princess Street conservation area of rooftop extensions from different periods which do not necessarily detract from the character of the conservation area.

The marketing should be at a price that properly reflects the condition of the building and all relevant planning consents. The marketing should be carried out by a reputable firm of chartered surveyors/estate agents with relevant local knowledge for an appropriate period, in this case a minimum of 6 months but, if realistic offers come in earlier, then the exercise can be shortened as the case is proven or if the applicant does actually decide to sell which can sometimes happen.

They consider that it is important that the marketing test is done in good faith as there are many subtle ways to deter prospective interested parties which is not within the spirit of the NPPF. It would not be appropriate as part of this exercise to pre-empt any conclusions from potential interested parties based on previous planning history or condition of the building-this would go against the point of the test. The previous purchase price is not relevant as part of this exercise.

The property should be offered to the market on line and by way of the agent sending out emails to their client base plus all the normal marketing avenues. The brochure should be informative and attractive (i.e. good images) and not downplay or seek to deter interested parties. It would of course have to comply with the relevant Estate Agency rules re marketing.

It is important that a careful record is kept by the agent of all marketing for us and the LPA to review, i.e. number of inspections and, if the property is not suitable for the applicant, reasons why. In other words sufficient information so as to be able for them and the LPA to decide whether or not what is being proposed is indeed the only way forward.

They have offered to review and agree any marketing strategy brief that the applicant would like to send to them.

Victorian Society – Have objected strongly to the proposals. They note that the significance of the Mosley Street site lies both in its external architectural treatment and in its internal layout which combines warehouse and office use. The building is an unusually intact survivor of one of Manchester's key 19th-century commercial building types, which has suffered further significant erosion through modern conversion schemes.

The proposal involves the loss of the full interior and the retention of only the Mosley Street and Princess Street façades, and will result in substantial harm to the significance of the Grade II-listed building. It is notable that this exceptional level of harm has also been identified by Historic England in their response to these proposals, dated 29 March.

NPPF paragraph 132 states:

‘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.’ [Their emphasis]

It states further:

‘As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.’ [Their emphasis]

Given, in their view, that the scheme clearly does not result in substantial public benefits that can only be achieved from these specific proposals that would result in substantial harm to the site, they advise that the criteria in the second part of Para. 133 should be applied here.

Reviewing the scheme documentation against the full set of criteria, they do not find that they have been satisfied.

Specifically, they consider:

- the relatively unconstrained and flexible nature of the building would not prevent any reasonable use being found for the site;
- a viable use for the site could be found in such a prominent city centre location that would be consistent with its conservation if marketed appropriately;
- no evidence has been supplied to demonstrate that conservation via grant-funding or charitable or public ownership would not be possible; and
- the substantial harm caused would not be outweighed by the benefit of bringing the building back into use.

Accordingly, they consider that the proposals would not meet the relevant national policy tests. They further conclude that, given this position and the internal rather than external nature of this harm, the proposals would also fail to meet the statutory test of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This states:

‘In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority [...] shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ [Also their emphasis]

They urge Manchester City Council to refuse these unjustifiably harmful applications. They urge the applicant to revise the scheme in view of the above comments, and to seek to retain the building interior in any revised scheme.

The Head of Neighbourhood Services (Highway Services) – Has raised some concerns about how the building could be serviced during the time that adjacent developments are being constructed on site.

Head of Regulatory and Enforcement Services (Environmental Health)- Has no objections and has recommended conditions relating to the storage and disposal of refuse, acoustic insulation of the accommodation, acoustic insulation of associated plant and equipment, fume extraction and the hours during which deliveries can take place. Advice has also been given about appropriate working hours during construction.

Head of Regulatory and Enforcement Services (Contaminated Land) - Has no objections subject to a condition requiring a full site investigation in respect of potential contaminated land issues and the need to submit details of appropriate remedial measures be attached to any consent granted.

Greater Manchester Ecology Unit – Have no objections subject to a condition relating to the provision of nesting boxes and a requirement for further survey work in relation to bats.

Head of Growth and Neighbourhood Services (Travel Change Team City Policy)
- No comments received.

Greater Manchester Archaeological Unit – Have no objections but have recommended a condition relating to the need for an archaeological survey.

Greater Manchester Police (Design for Security) – Have no objections subject to the recommendations of the Crime Impact Assessment being implemented.

Transport for Greater Manchester – Have no objections subject to a condition requiring the submission and agreement of a Travel plan within 6 months of occupation being attached to any consent granted.

United Utilities - Have no objection but have made comments in relation to drainage and water supply (which have been passed to the applicant) and have recommended that specific conditions are included in any planning permission granted to ensure that no surface water is discharged either directly or indirectly to the combined sewer network and that the site must be drained on a separate system, with only foul drainage connected into the foul sewer.

ISSUES

Local Development Framework

The principal document within the framework is The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") which was adopted on 11 July 2012 and is the key document in Manchester's Local Development Framework. It sets out the long term strategic planning policies for Manchester's future development.

The proposals are considered to be consistent with the following Core Strategy Policies SP1, EC1, EC2, CC1, CC2, CC5, CC6, CC7, CC8, CC9, CC10, T1, T2, EN3,

EN4, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19 and DM1 for the reasons set out below.

Saved UDP Policies

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The proposal is considered to be consistent with the following saved UDP policies DC18, DC19.1, DC20 and DC26 for the reasons set out below.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The adopted Core Strategy contains a number of Strategic Spatial Objectives that form the basis of its policies:

SO1. Spatial Principles - provides a framework within which the sustainable development of the City can contribute to halting climate change. This development would be in a highly accessible location and reduce the need to travel by private car.

SO2. Economy - supports further significant improvement of the City's economic performance and seeks to spread the benefits of growth across the City to reduce economic, environmental and social disparities, and to help create inclusive sustainable communities. The scheme would provide new jobs during construction and employment opportunities in a highly accessible location.

S05. Transport - seeks to improve physical connectivity, through sustainable transport networks, to enhance function and competitiveness and provide access to jobs, education, services, retail, leisure and recreation. This development would be in a highly accessible location, close to all modes of public transport and would reduce the need to travel by private car and make the most effective use of public transport.

S06. Environment - the development would be consistent with the aim of seeking to protect and enhance both the natural and built environment of the City and ensure the sustainable use of natural resources in order to:

- mitigate and adapt to climate change;
- support biodiversity and wildlife;
- improve air, water and land quality; and
- improve recreational opportunities;
- and ensure that the City is inclusive and attractive to residents, workers, investors and visitors.

Relevant National Policy

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development. The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraph 12 states that:

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The proposal is consistent with sections 1, 2, 4, 7, 10, 11 and 12 of the NPPF for the reasons outlined below.

NPPF Section 1 - Building a strong and competitive economy and Core Strategy Policy SP 1 (Spatial Principles), CC1 (Primary Economic Development Focus - City Centre and Fringe), CC8 (Change and Renewal) EC1 (Employment and Economic Growth in Manchester) and EC2 (Existing Employment Space)– The proposal would modernise employment space and rejuvenate a long vacant building delivering high quality office space. It would need the demands of occupiers seeking a location in the commercial core with excellent transport links. It is a prominent site on a key junction of St Peter's Square with Princess Street adjacent to one of the City's key transport hubs. This would represent the last phase of the regeneration of St Peter's Square which is a key driver of economic growth in the City Region. The harm that would be caused to the listed building, which is discussed in other sections of this report, would provide a high-quality office spaces for which there is a shortage and proven demand within the City Centre.

The development would be highly sustainable and consistent with the aim of bringing forward economic and commercial development within the Regional Centre, in a location which would reduce the need to travel. The proposal would support the City's economic performance and redevelop a site within a key location for employment growth (as identified in the Core Strategy) contributing to a requirement for the minimum of 200 ha of employment land that has to be delivered in City between 2010 and 2027, on a highly accessible site . This would help to spread the benefits of growth across the City and help to reduce economic, environmental and social disparities, creating inclusive sustainable communities by creating employment during construction and permanent employment in the offices and retail units on completion. The development would complement recent developments within St Peter's Square and help to create a neighbourhood where people would choose to be. It would enhance the built and natural environment and contribute to the creation of a well designed place that would enhance and create character.

As the site is well connected to the City's transport infrastructure and would encourage and facilitate walking, cycling and public transport use.

The design would use the site efficiently and enhance the sense of place. It considers the needs of users and employees of the site in terms the availability of transport modes and the reduction of opportunities for crime.

NPPF Section 2 (Ensuring the Vitality of Town Centres) and Core Strategy Policies SP 1 (Spatial Principles) and CC4 (Visitors, Culture and Leisure) - The Regional Centre should be the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. The proposal would promote a competitive city centre environment and encourage economic activity in an appropriate location. It would contribute to the creation of a neighbourhood which

would attract and retain a diverse labour market in a well-connected location and therefore would assist in the promotion of sustained economic growth.

NPPF Section 4 (Promoting Sustainable Transport), Core Strategy Policies CC5 (Transport), T1 Sustainable Transport and T2 Accessible Areas of Opportunity and Need - The site is highly accessible, close to Oxford Road and Deansgate Stations and adjacent to the St Peter's Square Metrolink Interchange along with Metroshuttle routes and therefore should exploit opportunities for the use of sustainable transport modes. A Travel Plan would facilitate sustainable patterns of transport use and its location would minimise journey lengths for employment, shopping, leisure, education and other activities. The proposal would contribute to wider sustainability and health objectives and give people a real choice about how they travel and help to connect residents to jobs, local facilities and open space. It would help to improve air quality and should encourage modal shift away from car travel to more sustainable alternatives. The development would also include improvements to pedestrian routes and the pedestrian environment which would prioritise pedestrian and disabled people, cyclists and public transport.

NPPF Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment), Core Strategy Policies EN1 (Design Principles and Strategic Character Areas), CC6 (City Centre High Density Development), CC9 (Design and Heritage), EN3 (Heritage) and saved UDP Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) - The development would be of a high quality and help to raise the standard of the streetscape. It would contribute positively to sustainability and place making and would bring significant regeneration benefits.

Whilst the proposals would result in substantial harm to the listed building in terms of the loss of original fabric, this needs to be balanced against the constraints to the buildings viable reuse and the negative impact that its continued vacancy has on the quality of the physical and visual environment in this corner of one of the City's main civic spaces, along with the substantial public benefits including regeneration benefits which would be derived from the proposals.

A series of option assessments have been considered based on a Heritage Appraisal prepared in November 2015. The building's complex layout, and its general condition, mean that significant internal and external refurbishment, coupled with some structural alterations, would be required as a minimum to bring it fully back into use. The building layout presents constraints which reduce its attractiveness to occupiers.

The proposed external refurbishment and rooftop extension offer a good quality design solution which would enhance the character of the area and the overall image of Manchester.

The positive aspects of the proposals and the justification for the level of harm and compliance with local and national policies relating to Heritage Assets are discussed in more detail below.

Saved UDP Policy DC20 (Archaeology) - Consideration of the application has had regard to the desirability of securing the preservation of sites of archaeological interest.

NPPF Section 10 (Meeting the challenge of climate change, flooding and coastal change), Core Strategy Policies EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), EN 8 (Adaptation to Climate Change), EN14 (Flood Risk) and DM1 (Development Management- Breeam requirements) -The site is in a highly sustainable location. An Energy Statement and Environmental Standards Statement which demonstrate that the development would accord with a wide range of principles intended to promote the responsible development of energy efficient buildings, integrating sustainable technologies from conception, through feasibility, design and build stages and also in operation. The proposal would follow the principles of the Energy Hierarchy to reduce CO2 emissions and the Standards Statement sets out how the proposals would meet the requirements of the target framework for CO2 reductions from low or zero carbon energy supplies.

Spatial constraints of the building do not allow for the incorporation of traditional low and zero carbon technologies such as micro-generation technologies.

The application sites lies within Flood zone 1 and is deemed to be classified as a low risk site.

NPPF Section 11 (Conserving and enhancing the natural environment), Core Strategy Policies EN 9 (Green Infrastructure), EN15 (Biodiversity and Geological Conservation), EN 16 (Air Quality), Policy EN 17 (Water Quality) Policy EN 18 (Contaminated Land and Ground Stability) and EN19 (Waste) - Information submitted with the application has considered the potential risk of various forms of pollution, including ground conditions, waste and biodiversity and has demonstrated that the application proposals would not have any significant adverse impacts in respect of pollution. Surface water run-off and ground water contamination would be minimised.

The buildings were assessed to provide low bat roosting potential. No further survey for bats or their roosts is recommended at this site and no special measures in relation to roosting bats are proposed

Policy DM 1- Development Management - Outlines a range of general issues that all development should have regard to and of these, the following issues are or relevance to this proposal:-

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that 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;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation, external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

The above issues are considered in detail in below.

DC26.1 and DC26.5 (Development and Noise) - Details how the development control process will be used to reduce the impact of noise on people living and working in the City stating that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity and requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate This is discussed below.

Other relevant National Policy

Section 16 (2) of Listed Building Act provides that “in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area

In relation to the above and in terms of the NPPF the following should also be noted:

Paragraph 131 - Advises 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 132 - 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 133 - Advises that local planning authorities should refuse consent for proposed development which 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 loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 134 - Advises that where proposals 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.

The proposals would result in substantial harm to the significance of the listed building. However, for the reasons outlined later in this report, officers consider that substantial public benefits would be derived from the proposal and that the harm or loss is necessary for their achievement. Further, officers also consider that the 4 alternative tests set out in para. 133 of the NPPF are met. This has been demonstrated within the information submitted to support the application and the efforts of the applicant in consultation with the City Council and Historic England since the building was purchased by the applicant in 2015 to bring forward a viable proposal for the building which would result in the delivery of a viable development.

Consideration of the proposals has taken into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and this has been balanced against 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.

It is the view of officers that this is an exceptional case where there is a clear and convincing justification for the development, despite the substantial harm being caused to the heritage asset.

The merits of the case to support the level of harm proposed and its fit with policies are set out in more detail later in this report. It should be noted that special regard has been had to the desirability of preserving the buildings features of special architectural or historic interest which it possesses, which includes that the proposal would have a beneficial impact on the architectural and historical character of the retained exterior listed building. Special regard has also been paid to the desirability of preserving or enhancing the character or appearance of the conservation area

which is demonstrated through with the design solution for the retained exterior and new roof level, which are considered to be complementary to the character of the Conservation Area.

The positive aspects of the design of the proposals, the compliance of the proposals with the above sections of the NPPF and consideration of the comments made by Historic England and the Victorian Society are fully evaluated and addressed below.

Other National Legislation

Legislative requirements

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

Other Relevant City Council Policy Documents

Manchester City Centre Strategic Plan- The Strategic Plan 2015-2018: updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over the period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities.

The application site lies within the area identified in the document as the Central Business District within which Manchester's Civic Quarter (based around St Peter's Square) is pivotal to the next phase of growth of the city centre economy. It is one of the most significant areas of open space within the city centre, characterised by one of the finest collections of historic and modern civic, cultural and commercial buildings in the UK. It is also a major gateway and a key arrival point to the city centre.

The redevelopment around St Peter's Square is driven in response to the city centre's need for Grade A office space, which has seen constrained levels of growth and the delivery of more Grade A floor space within the Civic Quarter is identified as a key priority. Continuing to address this issue will increase the city centre's attractiveness as a business location.

Central Manchester Strategic Regeneration Framework - This Strategic Regeneration Framework sets a spatial framework for Central Manchester within

which investment can be planned and guided in order to make the greatest possible contribution to the City's social, economic and other objectives and identifies the area within which the Site sits, as one that will underpin the Framework, which is extremely important for Central Manchester, the city as a whole and the surrounding area.

The application proposals will contribute significantly to achieving several of the key objectives that are set out in the Framework, as follows:

“A renewed urban environment”

- the development would in turn transform the character of the site and have a positive impact on Central Manchester as a whole relationship between Central Manchester, the City Centre and other key employment areas”
- the development would significantly enhance connectivity between the site, the City Centre and other surrounding areas particularly through the resultant increase in footfall, thus assisting in the future growth and regeneration of these areas.
 - “Making Central Manchester an attractive place for employer investment”
- In providing new office accommodation, the development would
 - “Changing the image of Central Manchester”
- in addition to the high aesthetic design quality of the proposed development would help create the “sense of place” principally by removing the poor quality street level environment and sense of semi dereliction and managed decline such that it would contribute fully as part of a distinctive regenerated neighbourhood that has a positive impact on the image of Central Manchester as a whole.

Civic Quarter Regeneration Framework (2009) - Includes the site within its remit, and refers to the area around St Peter's Square being brought forward as the market demands. The document notes that: *“the City Council has identified Manchester Central and the Civic Quarter as pivotal to the next phase of growth of the city centre economy. To remain internationally competitive, the city centre must respond to the demands of new investment markets, and keep ahead of changes in demand from occupiers for new workspace and new working environments.”*

The Framework has since been updated by Ian Simpson Architects (September 2012) and a draft version has previously been endorsed by Manchester City Council's Executive Committee. The updated Framework sets a context for regeneration of this part of the City Centre with which the proposed development would align.

Stronger Together: Greater Manchester Strategy 2013 - This is the sustainable community strategy for the Greater Manchester City Region. It sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

The provision of high-quality office space on the application site, at the heart of the city region and powerhouse of the North-West, aligns with the aspirations of the Greater Manchester Strategy by meeting the demands of the business community

Manchester Strategy (January 2016) - The strategy sets the long term vision for Manchester's future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the level of residential accommodation within the City Centre is fundamental to achieving this vision

Conservation Area Declarations

George Street Conservation Area

George Street Conservation Area is located in the heart of Manchester city centre and is bounded by Mosley Street, Charlotte Street, Portland Street, Oxford Street, George Street and Dickinson Street. The area was designated in June 1985 and effectively consolidated several conservation areas by linking those of Whitworth Street, St Peter's Square, Albert Square and Upper King Street.

It is principally a busy commercial district but the range of uses has recently expanded to include shops, restaurants, banks and housing. However, the area is best known as the location of Manchester's China Town.

George Street and its environs is an area of great commercial vitality and the desire is to see it prosper. The continued use of existing buildings will ensure that they do not fall into disrepair. Development of businesses will be encouraged and, where appropriate, modern building proposals will be given the freedom to develop as long as they do not detract from the existing quality of the built environment.

When proposals for new buildings are being considered, the character of existing buildings should be studied. The height, massing and materials of existing buildings should be respected, particularly as this is not an area where landmark buildings can be justified. Consequently, heights of between three and seven storeys, red/orange brick with sandstone dressings, vertically-proportioned window openings with deep reveals and an emphasis on corners of buildings, are all cues to the design of new buildings. Furthermore, all new building proposals should generally be to the back of pavement.

Most development proposals will require planning permission and even minor works may also require the prior approval of the City Council. Alterations to listed buildings will require Listed Building Consent. The City Centre Team will be willing to give advice on such matters, which should be sought at an early stage, as should advice on any demolition proposals in the conservation area.

As with all new development, new proposals are considered in their context. This may mean preparing designs which relate to an entire street, or to long vistas seen from the junction of two streets, rather than evolving a design which could be located anywhere in Manchester or indeed in any other city.

The Scheme's Contribution to Regeneration

Regeneration is an important planning consideration. The City Centre is the primary economic driver of the region and will play a critical role in its longer term economic success. There is an important link between economic growth, regeneration and the provision of new employment opportunities. There is an acknowledged need to provide high quality office accommodation in the city centre in order to support and sustain growth of the region's economy.

There has been a considerable amount of development in and around St Peter's Square over the past 5 years as the Council's regeneration plans for the Civic Quarter have been implemented. The site is the final element in the transformation of St Peter's Square and its vacant nature and tired appearance has a negative impact on the street scene, the George Street Conservation area and the Civic Core. This negative impact has been exacerbated by the improvements that have taken place to the urban realm around this site. The lack of ground floor activity is particularly damaging and creates a poor impression of the City Centre in a highly prominent and visible location.

Take up of space in the city centre office market in 2017 was around 1.2 million sq ft and the number of transactions undertaken rose to 262 compared to 249 in 2016. The level of new development has struggled to keep up with this demand which has resulted in a number of buildings in the commercial core being refurbished. 79 Mosley Street is within the most active sub-district in the office market but despite being surrounded by high levels of demand and activity it has remained vacant. This is a very clear indication that the floorspace available at 79 Mosley Street simply does not address market requirements. The marketing of the building is discussed in more detail below but the agent has confirmed that none of the enquires progressed beyond an initial request for information.

The building's negative impact has been compounded by repeated trespass, vandalism and the theft of electrical and other fittings. The applicant has spent significantly on security and on maintaining the building fabric and keeping it water tight. This situation is not sustainable in the medium to long-term when the property is not generating any income and vacancy in itself naturally deteriorates the building fabric.

It is acknowledged that the level of intervention proposed would harm the listed building. However, the refurbishment of its exterior and the provision of modern, flexible workspace would help to reposition it within the marketplace and ensure occupation. The works would attract new users and would create flexibility for future adaptation. The completed development would provide approximately 260 FTE jobs in addition to jobs during construction. The proposals would offer a new economic use from which the public would benefit.

The development would deliver significant regeneration benefits by refurbishing, repairing and re-activating key street-frontages. The improvements to the appearance of the building would enhance the contribution it makes to the Princess Street streetscape and the group value of the listed buildings opposite the Art

Gallery. This would enhance the sense of place at this prominent junction and define the transition into St Peter's Square.

The ground floor and basement units would attract good quality tenants who would complement the current commercial offer and contribute positively to the character of St Peter's Square. The proposal would support population growth, contribute to the economy and help to sustain the Civic Quarter as a vibrant place to work and play.

.Given the above, the proposal would be consistent with the Central Manchester Regeneration Framework and the City Centre Strategic Plan and would complement and build upon Manchester City Council's current and planned regeneration initiatives, and as such would be consistent with sections 1 and 2 of the National Planning Policy Framework, and Core Strategy policies, SP1, EC1, EC2, CC1, CC3, CC4, CC7, CC8, CC10, EN1 and DM1.

Impact on Character and Fabric of Listed Building, character of the Conservation Area, Design Issues and Architectural Quality.

Heritage Assessment

The internal layout of the building is complex with a multi-level ground floor, numerous entrances, two internal staircases, a central lightwell and the space on each floor is divided into a series of separate rooms. The layout is a legacy of its original uses and it has been modified and adapted on numerous occasions.

A Heritage Statement has concluded the following:

- The Listed Building has a high streetscape value;
- There is high evidential, historical, aesthetic and communal value associated with the building but this mainly relates to the original multi-use intention and its landmark status on a prominent corner position in the heart of the City Centre which makes a positive contribution to the Conservation Area;
- The areas with the highest significance are the external elevations and their loose Italianate style and features, with the articulation of the different uses within the building principally through their ground floor entrances;
- The building has a high level of architectural decoration and design, which was enhanced by the c1955 ground floor and internal alterations to No. 77 Mosley Street.
- The architectural merit of the building and its setting within a densely packed area of similar buildings enhances the significance of the structure as a whole and creates high streetscape value.
- The historical, evidential, and aesthetic values that No. 79 Mosley Street yields, is primarily related to it being a well preserved and a good example of a speculative, combined Victorian warehouse, commercial and office development, in an area of Manchester in which formed the late Victorian commercial heart of the city.
- the internal upper floor levels have a lesser significance, with significant areas relating to the survival of the original, largely open-plan warehouse and office floors, which largely retain their original plan form. Another area

of high significance is the location and survival of the original decorative cast-iron staircase at No. 16 Princess Street. The original staircase has been altered substantially and is now considered to be of low significance. However the location of this staircase is considered to be highly significant, due to its original plan form. The ground floor had undergone the most alteration with very little original decoration remaining;

The report sets out the constraints of the current condition that have inhibited bringing the building back into active use. It concludes that because of the complex layout and general condition, significant internal and external refurbishment coupled with some structural alterations are the minimum that would be required to bring the building back into a viable use. The Heritage Statement concludes that the proposal would result in substantial harm and this is a view that officers concur with.

Scheme evolution in response to findings of heritage assessment and engagement with stakeholders

The applicants have a track record of refurbishing and repositioning vacant buildings and they retain assets for the long term. This long term approach is significant as numerous other developers who have sought to bring the building back into use have not been able to make it work, possibly because of their shorter term investment models. BBRE have stated that they are committed to developing the scheme despite its low level of viability as they are taking a long term position in relation to the return on their investment. This is one of a portfolio of properties, which allows them to justify any short to medium term losses.

The applicant is sensitive to the architectural design and character of buildings and they pursue refurbishment options which work with the strengths and features of buildings. At the nearby unlisted 75 Mosley Street, which they are refurbishing, they have retained the fossilised limestone façade as part of the works.

The suitability of the building for the current owners' intentions is not in itself a justification for the level of intervention proposed. Following initial discussions with Officers in 2016, an experienced design team has undertaken a substantial amount of work to bring the building back into active use in a manner that would protect as much of the original fabric as possible. This has included regular engagement with Historic England (HE) during which initial feasibility studies, including options for bringing the building back into use with various levels of intervention were discussed.

Further detailed investigations into the options were undertaken following feedback, in addition to exploring alternative land uses, namely hotel and residential. Officers confirmed that a single storey extension would be acceptable in principle and that a split-level ground floor, which replicated the historic ground floor level, would be preferable. The structural options were verified and challenged by another structural engineer with significant heritage experience. At HE's request, a detailed site inspection took place to fully understand the existing building and its constraints.

A range of options have been assessed including hotel and residential uses, and development appraisals were prepared for all options. In summary the options considered were:-

- Option 1 - Retain and refurbish
- Option 1A - Retain and refurbish but adapted to provide full access to the offices
- Option 2 - Limited intervention
- Option 3 – Limited intervention, with 2-storey roof extension
- Option 4 - Greater intervention, 2-storey roof extension
- Option 5 - Facade retention, 2-storey roof extension
- Option 6 - Facade retention, 2-storey roof extension, level ground floor
- Option 7 - Facade retention, single storey roof extension, split level ground floor
- Option 8 - Residential Option
- Option 9 - Hotel Option

The work was supported by detailed cost plans, commercial advice, opinions of two structural engineers, mechanical and electrical engineering advice and the heritage appraisal report.

None of the options considered made sufficient profit to allow the development to proceed apart from option 5. It made a small profit but includes the greatest level of intervention. The applicant chose to progress option 7 despite it showing a small loss as it had less impact than Option 5. This is indicative of their long-term commitment to the building, and to the delivery of a high quality scheme.

The level of harm proposed is such that the NPPF advises that the site should be placed on the open market to test whether any alternative party would be willing to develop it with minimal alteration. During the marketing period, a confidential options appraisal was prepared focussing on those options with the most potential. The final assessed options comprise:-

1. Leisure and office use – minimal intervention, scenario 1
2. Leisure and office use – minimal intervention, scenario 1
3. Leisure and Residential use
4. Leisure and apart-hotel use
5. Leisure and hotel use
6. Leisure and office use – façade retention

A refinement of the leisure and office scheme behind the retained facade emerged as the only viable option. This would result in the loss of the roof, internal fabric and party wall but would enable key features of the exterior of the building to be restored. An original cast-iron shopfront would be revealed and restored and provide an attractive addition to St Peter's Square. It would contrast with the adjacent modern office buildings and would ensure that the new floors would relate to previous floor levels and windows. This would avoid the visual discordance that might otherwise result from ill matched floor and window levels. The retention of the façade is a complex and expensive project and is not an option that the applicants have pursued lightly.

Whilst this scheme is marginal, given the context of the applicants business model as one of portfolio of properties, they are able to justify short to medium terms losses.

The applicants have confirmed in correspondence that, if Planning and Listed Building consent is secured, they would implement the proposal and bring 10 years of vacancy and deterioration to an end. Should consent for this proposal be granted, the applicant has agreed to a condition limiting the duration of the consent to 18 months (rather than the usual 3 years), which demonstrates their commitment to delivery of the proposals.

Consideration of the merits of the proposals within the National and Local Policy Context relating to Heritage Assets

The Planning Practice Guidance note that accompanies the NPPF notes that sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance that is necessary for their long-term conservation. It also states that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, provided the harm is minimised.

Paragraph 130 of the NPPF states that's where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision. The applicants have spent considerable time and money maintaining the building in a weather proof and serviceable condition.

The NPPF (paragraph 132) stresses that when considering the impact of a proposal 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. Significance of an asset can be harmed or lost through alteration or destruction or by development within its setting. As heritage assets are irreplaceable, any harm or loss should clearly and convincingly justified. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional

Legislation and planning policy seek to preserve and enhance the character, appearance, and historic interest which heritage assets possess. Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("P(LBCA)A 1990") require that 'special regard' be paid in taking decisions affecting listed buildings and their settings and conservation areas.

In this instance the level of harm is such that considerable weight and importance must be attached to the requirements set out in this sections 66 and 72. Case law does advise that such a degree of harm can be outweighed by material considerations the decision maker considers are powerful enough to so do.

Given that 'substantial' harm has been identified, the harm proposed needs to be justified through exceptional circumstances and Paragraph 133 of the NPPF is relevant, and states that:-

"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 loss is necessary

to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

In this instance, the proposal is necessary to achieve substantial public benefits. This has been demonstrated by the thorough options analysis process which has taken place and has been detailed earlier in this report. This shows that the viability of less harmful options for the development is such that they would not be implemented, and thus the public benefits would not be achieved.

Paragraph 20 of the NPPF Planning Practice Guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework ([paragraph 7](#)). Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation
- It is considered that the proposals would meet all of the above criteria

The public benefits arising from the development, would include:-

- bringing a long-term vacant building back into active use;
- would reinstate the important contribution that the façade of this building makes to the Princess Street streetscape;
- securing the long-term future of a listed building;
- enabling the restoration of key features of the listed building revealing and restoring an original cast-iron shopfront which will represent an attractive addition to St Peter’s Square which will contrast with the adjacent modern office buildings;
- improving the quality of the local environment through the improvements to the building’s exterior and completing the wider regeneration works to St Peter’s Square and its environs;
- providing equal access arrangements for all into the building;
- would retain a reflection of the diversity of architectural styles and building ages that represent the continuous evolution of the urban realm within the City Centre;
- the development would result in a standard of office space that would respond to current market demand in a sustainable location where there is an identified

shortfall in the amount of this type of space to meet market demand to support and sustain economic growth;

- providing employment space for around 260 people and providing
- additional jobs in the commercial units; and
- increasing activity at street level through the creation of an 'active' ground floor unit providing overlooking, natural surveillance and increasing feelings of security within the city centre.

Officers consider that the benefits of the proposals are substantial and sufficient to outweigh the level of harm caused to the heritage asset, taking into account the requirements of sections 66 and 72 of the Listed Buildings Act 1990. The proposals are therefore consistent with the first part of paragraph 133 of the NPPF. Having considered the advice from Historic England that the Local Planning Authority ' would have to be satisfied that they would extend beyond the commonly expected benefits of any development scheme. Whilst officers consider that the public benefits do "extend beyond the commonly expected benefits of any development scheme", in accordance with the advice from Historic England, the proposals have nevertheless also been considered against the 4 criteria set out in the second part of NPPF Paragraph 133

It is noted that neither Historic England or their independent assessors Knight Frank do not challenge the findings of the submitted Viability Assessment and Options Appraisal.

(i)The nature of the heritage asset prevents all reasonable uses of the site

The constraints which impact on the re-use of this building and how these limit the opportunities for the building to be reused in its current layout are outlined above. The spaces are awkward and inefficient and unattractive to modern occupiers. The building has been vacant for around 10 years despite its prime location and wider regeneration context. Further evidence regarding marketing of the site is set out in the following section. Conversion of the building for alternative uses have been considered in detail and are explained above and more fully within a Design and Access Statement.

Conversion for alternative use would also result in alterations and harm to the building. The building could be reused as offices in its current form, or a number of other uses. However the guidance in the NPPG regarding the 'optimum viable use' is relevant to the consideration of the merits of this proposal and reuse of the building and viability are inextricably linked. The building could theoretically be used for offices in its current form but this would not provide a viable future for the building if occupiers could not be found or the rental levels were so low that they would not be sufficient to pay for required maintenance, operation and repairs. Viability therefore has to be considered alongside the physical nature of the building.

Paragraph 173 of the NPPF states that viability should consider "competitive returns to a willing landowner and willing developer to enable the development to be deliverable." This return will vary between projects to reflect the size and risk profile of a development. Officers have reviewed the viability assessment and have concluded that if an appropriate acquisition cost was inserted into the appraisal

rather than the purchase price, Option 7 would generate a Gross Development Value of 17.2% which is below the optimum level of profit that would be expected on a purely speculative scheme and one where there are additional risks and costs associated with a façade retention and other associated works.

Other buildings of a similar age have been successfully refurbished along Princess Street with modest levels of intervention. However, these are larger buildings with a much larger footplate, with columns that are located in positions which allow the creation of useable and lettable space. This is not the position with the subject property.

(ii) No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation

HE have stated that in order to meet this test, the property should be marketed for sale and on a 125 year lease so that all alternative options can be fully exhausted.

The building has been marketed by the applicant since June 2017 seeking occupiers who will occupy the space in its current layout. A marketing plan and a brochure have been produced and a banner has been installed in a prominent position on the building. The building has been listed on a website to generate enquiries and interest. No enquiries have progressed beyond an initial request for further information. There have been no requests over the past 6 months for financial proposals even though the office market in the city centre has remained strong.

The site has also been marketed and sold on the open market on numerous occasions in the last decade and despite this, the building remains vacant. This supports the view that no viable use can be found for the building in its current form.

The applicants fundamentally question of the purpose of marketing the property for sale. If it is to see whether there is a purchaser for the property at £1 or more, this does not mean that any purchaser can make any light touch option viable. The applicant states that they have proved this to be the case by undertaking multiple design and use iterations, even at the most extreme zero site value. This has not been challenged by Historic England who, as stated, have taken independent advice on the viability appraisal. The applicant states that they have never said that the best use, light touch option (office/leisure) would not let or sell when complete. It is just not viable at a sub 10% annual return.

A number of developers have owned the site over the past decade and none have been able to bring forward a deliverable scheme. Bearing in mind the extensive work that has been undertaken on various options, it is highly unlikely that there is another party who could make a light touch option work.

If the applicants did sell the property, the asset and the public will be further at risk as there would be a further marketing campaign, sales process and any purchaser would need time to prepare a planning application. This is relevant following the huge costs associated with the recent unauthorised access and the additional physical and personal security measures now required. Those responsible were in the process of stripping out materials when evicted, creating dangers for themselves and the building. Any new purchaser may not be as responsive.

Officers concur with the views expressed by the applicant and have concluded that no viable use of the heritage asset can be found in the medium term through appropriate marketing.

(iii) Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible

Whilst no evidence has been presented of any serious effort to investigate such options in the current climate grant funding with or without public or charitable ownership would be likely to be very difficult to obtain for heritage projects generally, but particularly for commercial developments such as this. No potential sources of grant funding have been identified by the project team and none has been suggested by Historic England during pre-application discussions. It is therefore concluded that grant funding is not possible

(iv) The harm or loss is outweighed by the benefit of bringing the site back into use

This is a finely balanced judgement but officers believe that the harm caused is outweighed by the public benefits that would arise from the development. The most significant of these is that this prominent listed building would be brought back into active and viable use. The level of intervention is a concern and is regrettable but is the only viable way that the building can be brought back into use and the benefits cannot be delivered by any other means. As such the proposed level of harm is justified in the interests of realising the optimum viable use of the asset. This is evidenced by the options analysis that has taken place in consultation with MCC and Historic England, who have challenged the process over the previous two years resulting in a thorough and robust appraisal. The development is therefore necessary to deliver those benefits.

Summary of Impacts in Relation to National Legislation

The proposal would retain many significant elements of the building, repair historic fabric and provide a higher value and sustainable use to support the long-term maintenance of its exterior and site occupancy. The development would have a positive effect on the character and appearance of the conservation area and setting of adjacent listed buildings. On balance, and despite the loss of original fabric which would cause substantial harm, having considered the tests set out in paragraph 133 of the NPPF, the wider public and heritage benefits delivered by the proposals would secure the optimal viable use of the building.

Public benefits can include heritage benefits. In its current condition the site does not fully contribute to townscape or support place making. The proposal would enhance the character of the conservation area and would result in heritage benefits, notwithstanding the level of harm that would result from the demolition.

The public benefits of the proposals are clearly set out elsewhere in this report but would include the comprehensive delivery of a high quality development; and new sources of employment during construction and following completion; as well as improved legibility within the area which should help to improve connectivity.

However the following key heritage benefit of the proposal are also noted:

- Securing the optimum viable use for the currently under-utilised listed building; supporting its on-going occupancy, maintenance and long term conservation.

Instances of harm resulting from the proposals are set out below:

Minor adverse – Removal of entrance steps, single storey roof extension;

Minor Beneficial – Repairs to internal joinery and plasterwork to external facades, repair / refurbishment to railings to lower ground windows, removal of later entrance openings and making good stone/ brickwork,;

Moderate Beneficial – Restore and intergrate shop front and conservation works to repair and refurbish windows and replace non original ones;

Negligible – Installation of secondary glazing and temporary enlargement of Back George Street service entrance.

Thus there is only one instance of major adverse harm although this harm is acknowledged as substantial. It is considered that the roof extension would affect, to a minor extent, the ability to understand and appreciate the architectural expression of the building. This impact is localised to the understanding and appreciation of the subject site only and the proposal would not adversely impact the setting of any adjacent heritage asset, nor the character and appearance of the George Street Conservation Area.

The urban form and pedestrian environment would be enhanced by the development and it is considered that the considerable and extensive public and heritage benefits that would be delivered would outweigh the 'substantial harm' that would be caused to the fabric of the listed building. It is considered, therefore, that, notwithstanding the considerable weight that must be given to the effect of the works on the character of the listed building and to the preservation or enhancement the character or appearance of that area as required by virtue of S66 and S72 of the Listed Buildings Act, the harm caused would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 132 and 133 of the NPPF. In addition for the reasons set out above it is considered that the proposed development has been designed with regard to the sustaining and enhancing the significance adjacent heritage assets and would make a positive contribution to local character and distinctiveness and therefore meets with the requirements of paragraph 131 of the NPPF.

Merits of the proposed design, principle and method of façade retention

The new build mansard extension has been set back from the existing stone balustrade parapet to minimise the impact when viewed from the street. The mansard structure accommodates office space and roof top plant. The height would be below the decorative trefoil panels on No. 2 St. Peter's Square. The new structure has been set back from the stone facade of No. 2 St. Peter's Square and the existing

gutter line maintained. This gutter line would form an access strip that would encompass the perimeter of the mansard structure and enable future maintenance

The façade retention scheme as set out earlier in this report is the only means of securing the optimum viable use of the building. Façade retention may be acceptable means of combining architectural conservation with development and may be relevant where a building has an undistinguished interior but valuable exterior. The retention of the façade would deliver some heritage benefits merits but there would be heritage impacts.

The retention of a façade should only be supported where it is imperative and there is strong and convincing justification for the demolition of the rest of the building. The case for latter is set out clearly above. The physical features having the highest level of significance are the external facades. They provide its streetscape value and articulate the different uses that took place within the building and their ground floor entrances. There is therefore a strong case of to support the retention, repair and refurbishment of the facade.

Where façade retention is acceptable, the new development must be successfully and seamlessly integrated with the old, appropriately detailed and designed so that the resultant building achieves architectural coherence. This is considered, subject to further discussions about detailing, to be the case with this proposal.

The building has a unique identity and the retention of the facades would maintain the contribution that the building makes to the group value of the Princess Street streetscape. The proposals would retain the overall look and feel of the listed building and would help to create a sense of place retain an important historical landmark and represent the continuous evolution of the urban realm in the area.

The facades would be retained by a combination of the permanent structural steelwork and a temporary shoring system. The Facades would essentially be retained from the inside with the majority of the supports located within the building minimising their external disruption. Alternatives have been considered but deemed unsuitable due to site constraints. This method would entail the removal of all existing windows but these will be refurbished and reinstates as part of the conservation led repair and refurbishment of the facades.

Impact on the character of the conservation area and adjacent listed buildings.

The current condition of the site harms the character of the George Street Conservation Area, the setting of adjacent listed building and the quality and character of the townscape. This adversely affects the character and appearance of the area.

The rooftop extension would be sympathetic to the character of the Conservation Area. The development would have no substantial impact on the special interest of the adjacent grade-II listed buildings on Princess Street or the Grade I City Art Gallery and would have a beneficial impact on the streetscene.

Therefore, the level of harm to the George Street Conservation Area and setting of adjacent listed buildings would be *less than substantial*". The proposal would create active street frontages and enliven this part of St Peter's Square. It is considered that the substantial public benefits, outlined already in this report, outweigh the harm to the Conservation Area.

In view of the above section it is considered on balance that the proposals are consistent with the tests set out in Section 12 of the NPPF, with Core Strategy policies EN1, EN3, CC6, CC9 and saved UDP policies DC18.1 and DC19.1.

Sustainability and Relationship to Public Transport Infrastructure

The site is highly accessibility via public transport including Metrolink, Metroshuttle, mainline rail and bus and the on-going public transport improvements within the City Centre would further enhance accessibility. A Transport Statement concludes that the overall impact of the development on the local transport network is likely to be minimal.

The proposals will incorporate energy saving strategies to limit the use of energy, reduce CO2 emissions and conserve water. An Energy Statement provides an assessment of the physical, social, economic and other environmental effects of the proposal and considers its relationship to sustainability objectives. The Statement sets out measures that could be incorporated across the lifecycle of the development to ensure high levels of performance and long-term viability and ensure compliance with planning policy. The reports demonstrate that the development will accord with a wide range of principles intended to promote the responsible development of an energy efficient building integrating sustainable technologies from conception, through feasibility, design and build stages and also in operation. This will be achieved by specifying all new construction elements to be equal to or better than the minimum requirements of the current Part L2B of the Building Regulations, Section 4 for controlled fittings and Section 5 for building fabric U-values and air permeability.

Approximately 35% of the buildings overall energy demand will be met through a low carbon technology using heat recovery air source heat pumps. The heat pumps will provide heating and comfort cooling throughout the office areas

Given the nature of the development the BREEAM Refurbishment and Fit Out toolkit would apply, given that it is not a complete new build the performance of the building would be constrained by the retained façade and windows etc but the development would aim for a very good rating.

In accordance with Manchester City Council's Core Strategy Policies EN4 and EN6, the principles of the energy hierarchy have been applied and with the combination of energy saving measures results would result in a reduction in CO2 emissions.

Effects on the Local Environment/ Amenity

Air Quality

The construction phase may cause dust and particulate matter but any adverse impact is likely to be temporary, short term and of minor adverse significance. This can be mitigated through appropriate construction environmental management techniques such that the effects are not significant. A condition would require a scheme for the wheels of contractors' vehicles to be cleaned and the access roads leading to the site swept daily to limit the impact of amount of dust and debris from the site on adjacent occupiers.

The site is located within an Air Quality Management Area (AQMA), which covers the whole of the City Centre, which could potentially exceed the annual nitrogen dioxide (NO₂) air quality objective. The principal source of air quality would be from increased vehicle movement. However, this development would have access to all forms of public transport including tram, bus and rail and the scheme would be unlikely to significantly affect air quality. An Air Quality Report includes measures to control dust emissions from the site during the construction phase in and these measures would need to be included the developers CMP and adopted throughout the development phase. This can be achieved by way of a condition attached to any consent granted.

Noise and vibration – An acoustic report has outlined how the premises could be acoustically insulated to prevent the disturbance of residents from adjacent noise sources and these measures could be a condition of any consent granted.

It is considered that subject to compliance with conditions relating to the hours of operation, the hours during which deliveries can take place, the acoustic insulation of the various potential ground floor uses within the building and any associated plant and equipment that there would be no adverse impact on amenity as a result of the proposed use. Access for deliveries and service vehicles would be restricted to daytime hours to mitigate any potential impact on the adjacent residential accommodation.

It is acknowledged that disruption could arise as a result of the construction phase and the applicant and their contractors would work with the local authority and local communities to seek to minimise disruption. The contractors would be required to engage directly with local residents and the enabling works package has followed this process. The provision of a Construction Management Plan should be a condition and would provide details of mitigation methods to reduce the impact on surrounding residents

In view of the above the proposals are on balance consistent with Core Strategy policies SP1, DM1 and saved UDP policies DC26.1 and DC26.2.

Parking, Servicing and Access

There would not be any significant increase in traffic levels arising as a result of the proposal and given the ease of access to public transport only a small number of parking spaces are proposed. Any essential parking requirements can be provided in the nearby multi-storey car parks. In view of the above the proposals are consistent with section 4 of the National Planning Policy Framework, and Core Strategy Policies SP1, DM1 and T2.

Green Travel Plan / Cycling

The proposed accommodation is located in a sustainable, easily accessible location with good pedestrian links with many parts of the City Centre. The site is in a sustainable location and is accessible by a variety of means of public transport. A condition requiring the development, submission, implementation and monitoring of a Travel Plan could be a condition of any consent granted.

17no. bike spaces are provided in a secure store which will also provide lockers and a drying room for wet clothing. Shower facilities will also be available for staff use

In view of the above the proposals are consistent with section 4 and 10 of the National Planning Policy Framework and Core Strategy policies DM1 and T2.

Crime and Disorder

The increased footfall and natural surveillance would improve security and surveillance. Greater Manchester Police have provided a Crime Impact Assessment and the developments are expected to achieve Secured by Design accreditation. Compliance with its recommendations would be a condition of any consent granted and, subject to compliance with this the proposal would be consistent with Core Strategy Policy DM1.

Archaeological issues

In compliance with best practice set out in the National Planning Policy Framework, the submitted application has considered the archaeological implications of the proposed development. It is accompanied by a Desk Based Assessment (DBA) and a Heritage Assessment (HA) and the Greater Manchester Historic Environment Record (GMHER) has been consulted. The DBA and HA provide a detailed account of the historical development of the site, its current standing and the implications of the proposed development on designated and non-designated heritage assets. GMAAS accepts the conclusion of the DBA that “no further archaeological work is required prior to or during groundworks relating to the excavation of the basement levels.”

GMAAS accepts the conclusion of the Heritage Assessment that “it is recommended that a full historic building record (Level 3) is undertaken prior to any works in order to record and advance understanding of the significance of the heritage asset.” In view of the above the proposals would be consistent with section 12 of the National Planning Policy Framework, Policy DC20 contained in the UDP and policy CC9 of the emerging Core Strategy

Biodiversity and Wildlife Issues/ Contribution to Blue and Green Infrastructure (BGIS)

The proposal would have no direct adverse effect on statutory or non-statutory designated sites. A bat survey found no evidence of bats within the building.

Given the scale of the proposal and the width of the existing pavement there is limited scope for inclusion of features which may improve biodiversity and form corridors which enable natural migration through the site including the planting of street trees.

No objections to the proposals have been raised by GMEU. The buildings were assessed to provide low bat roosting potential. No evidence of roosting bats was found during the suite of surveys completed at the site. A single common pipistrelle bat was heard during the evening survey, but the type (a faint call) and time of the echolocation call (53 minutes after sunset) is considered to be consistent with a commuting bat and not indicative of any roost at the building.

No further survey for bats or their roosts is recommended at this site and no special measures in relation to roosting bats are proposed.

In view of the above the proposals are considered to be consistent with policy EN15 of the Core Strategy and the Manchester Green and Blue Infrastructure Strategy 2015.

TV and Radio reception

A condition requiring appropriate mitigation for any impacts on adjacent would be attached to any consent granted. In view of the above it is considered the development is consistent with Core Strategy policy DM1.

Waste and Recycling

Refuse and recycling facilities would be provided within a dedicate ground floor bin stores. This will accommodate the bins required for both the Leisure Units and Office Units. Eurobin provision has been sized based upon frequency of collection of 3 times a week collected via Back George Street
Commercial waste would be off street collection in line with guidance from Manchester City Council and taken out by individuals unit tenants

Waste would be split into the following bins as offered by MCC:

- Blue - Pulpable material (recycled) - paper, cardboard, tetrapak etc
- Brown - Co-mingled material (recycled) - glass, cans, tins, plastic etc
- Green - Organic waste (recycled) - food stuffs etc
- Black General waste (non-recycled) - all non-recyclable

The total quantity of storage has been calculated from guidance provided in Manchester City Councils document 'GD04 Waste Storage and Collection Guidance for New Developments V2.00 -0 Citywide Support - Environmental Protection (September 2014). Compliance with this Waste Strategy would ensure that there is sufficient waste storage areas to enable residents to segregate their recyclables and waste.

Bins for each type of waste would be clearly marked. In view of the above it is considered the development is consistent with Core Strategy policy DM1.

Flood Risk and Sustainable Urban Drainage Strategy

The site lies within Flood zone 1 and is classified as a low risk site for flooding from rivers and sea and ground water. The site is within the Core Critical Drainage Area within the City Council's Strategic Flood Risk Assessment which requires a 50% reduction in surface water run-off as part of brownfield development. However due to the nature of the development development is not classed as a major planning application and does not have to consider the inclusion of a sustainable drainage systems.

The proposals would meet their requirements for compliance with the principles of Core strategy Policy EN14 Flood Risk and consistent with section 10 of the National Planning Policy Framework.

Contaminated Land Issues

A phase 1 Desk Study & Phase 2 Geo- environmental Report have been provided which assesses geo-environmental information based on desktop / published sources, a site walkover survey and a review of intrusive investigation and remediation reports. These conclude that the site presents a low risk to future site users and construction workers from contamination. A condition requiring that a full site investigation is carried out and that appropriate remediation measures are submitted and agreed could be attached to any consent granted and on this basis the proposal is considered to be consistent with policy EN18 of the Core Strategy.

Access

Existing steps on main entrances will be lowered to ensure level thresholds to all entrances to both the office and the leisure units with DDA compliant lifts providing lifts to the upper floors and platform lifts would provide full disabled access to the basement areas within the 2 ground floor/ basement commercial units

In view of the above the proposals are considered on balance to be consistent with Core Strategy policy DM1.

Response to Objectors comments:

The majority of comments have been dealt with above however the following is also noted. In relation to the comments from the adjacent building occupier the following is noted:

Party Wall issues are not a planning matter but a private matter between the affected parties and we do not intend to attach a condition in respect of this.

It is acknowledged that within this tight urban environment with 2 major development currently on site and a number of buildings requiring use of Back George Street for service access and there will be challenges around development of this site whilst other developments are being completed. Given this it seems reasonable to required that the CMP condition will include a requirement to submitted documents including evidence of the dialogue and representations from neighbours but ultimately the

discharge of the condition would be dealt with in the normal way through consultation with Highways and Environmental Health.

In terms of comments about roof plant height it is considered that there are practical limitations to the reduction in the height of this that are possible and this needs to be balanced against the need for the building to have an adequate level of building services commensurate with the standard of accommodation to make the development viable. The protection of a view from an adjacent property is not a planning issue and it is considered that the applicant has made reasonable attempts to investigate height reductions including looking at the option of reduce the height of the roof. Given that the scheme ties in with the existing floor levels to minimise heritage impacts, this would not be viewed favourably.

Notwithstanding the above it is noted that the applicant has stated that they wish to be a 'good neighbour' and therefore has suggested a condition to explore options in more detail and if possible and reasonable, a maximum plant height of 2m shall be achieved.

In relation to comments about noise from plant acoustic conditions would be attached to any consent granted which will require an assessment of cumulative plant impact on adjacent buildings given that they are classed as a 'noise sensitive use' and for final plant design to include appropriate mitigation.

The applicant agrees in principle to the installation of a screen, the details of which will be approved through the discharge of a condition to be attached to any consent granted but the agreement of adjacent building owners will not be required. The applicant's intention to consult with them is however noted.

A condition requiring the submission and agreement of a Servicing Agreement which takes into account the operation of adjacent properties will be a pre-commencement requirement of any consent granted. The applicant is willing to agree to a condition in this regard which will include the requirement to enter dialogue with adjacent property owners. However, in line with previous comments, the agreement of adjacent properties should not be required, only approval by MCC having considered the details of dialogue and representations of adjacent properties.

Historic England and Victorian Society - Officers have concluded that there is no other reasonable means of delivering similar public benefits through, for example, a different design solution that accommodates at least some internal features of historic interest without causing the amount of harm proposed;

- As the past 10 years of vacancy and multiple ownerships demonstrate, no viable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- The harm or loss is outweighed by bringing the site back into use;
- Just because other buildings have had high level of intervention cannot mean that this should restrict what can be done in a different building each application on its own merits;

- The Local Authorities own appraisal of the submitted Viability Assessment has confirmed its validity;
- The proposal due to the substantial nature of its benefits would meet both the 1st and second part of the tests set out in S133 of the NPPF as well as being compliant with Sections 131 and 132 and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- The proposals would achieve the three dimensions to sustainable development delivering economic, social and environmental benefits;

CONCLUSION

There is an important link between economic growth, regeneration and the provision of new employment opportunities. There is an acknowledged need to provide high quality office accommodation in the city centre in order to support and sustain growth of the region's economy.

Within this context and in considering the merits of these applications Officers have been mindful that consideration of the historic environment and its heritage assets is a principal objective of sustainable development. Sustainable development has three broad roles: economic, social and environmental. The environmental role is "contributing to protecting and enhancing our...historic environment...." amongst other things (paragraph 7 NPPF) which would include preserving and enhancing the historic streetscape that includes the application site, the setting of adjacent listed buildings and the character of this and adjacent Conservation Areas, all of which are currently undermined by the building's external condition and long standing vacancy. Social benefits would be derived from an appreciation of the above as well as the use of the units to be provided within the ground floor and the basement and the economic benefits would be derived from job creation including supply side employment and the provision of additional Grade A office accommodation in a central and sustainable location for which there is a proven demand not being met by the building in its current condition. Currently the building does not deliver on any of these objectives, has not done for some time and should the current proposals not be supported is, based on the submitted viability assessments, unlikely to contribute to these objectives in the foreseeable future.

The economic, social and environmental gains which are clearly set out above, would be delivered simultaneously and would deliver a sustainable development solution. It has to be acknowledged that the development would cause substantial harm but this is inevitable as the buildings constraints present significant challenges for its re-use. Its vacancy creates a poor impression to the streetscape and has an adverse impact on the setting of adjacent listed buildings, the George Street and Albert Square Conservation Areas. The exceptional level of harm is therefore considered to be necessary to deliver the optimum viable use for the building. There is a need for the George Street Conservation Area to prosper and the continued use of buildings is essential to ensure that they do not fall into disrepair. Should these proposals not be supported, the building's further deterioration is considered to be a realistic prospect.

As set out in the NPPF all grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 133 and 134).

The public benefits that are set out in this report would involve the fulfilment of one or more of the objectives of sustainable development as set out in the NPPF. The wider community would benefit and not just private individuals or corporations. Great weight must be given to conservation. However, it has been demonstrated that the conflict between the level of harm and the delivery of the benefits and heritage conservation is necessary to deliver the substantial public benefits and secure the buildings optimum viable use. It has been demonstrated through the Viability Assessment that this could not be achieved by an alternative design with less or no harm.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations dictate otherwise. The proposals have been considered in detail against the policies of the current Development Plan and taken overall are considered to be in compliance with it.

In reaching this conclusion it should be noted that account has been taken of the fact that the heritage policies (CC9 and EN3) set out in the adopted Core Strategy are out of date as they do not comply with the NPPF requirement to undertake a balancing exercise where heritage harm is predicted (paragraphs 133 and 134). In that case the policy approach of NPPF should be adopted and, as concluded above, the development is in accordance with these policies.

There is overall policy support for the proposal. It would represent sustainable development and would bring significant social, economic and environmental benefits, notwithstanding the heritage harms. It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act within the context of the above the overall impact of the proposed development including the impact on heritage assets would meet the tests set out in paragraphs 132 and 133 of the NPPF and that the harm is outweighed by the benefit of bringing the site back into use.

In addition, for the reasons set out above, it is considered that the proposal would sustain and enhance the most significant feature of the listed building by retaining its façade and would make a positive contribution to local character and distinctiveness and therefore meets with the requirements of paragraph 131 of the NPPF.

It is noted that Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 136). Therefore, to incentivise the applicant to deliver the development, consent would be granted for a limited 18 month period. Further, a condition would be attached to any consent

granted to ensure that no demolition would take place until a contract for the whole approved development is in place.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation MINDED TO APPROVE

- i. planning application 118398/FO/2017 and
- ii. listed building consent 118399/LO/2017

subject to the following conditions and the outcome of the Secretary of State being notified of the application

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 on going discussions about the form and design of the developments and pre application advice about the information required to be submitted to support the application.

Conditions to be attached to the decisions

118398/FO/2017

1) The development must be begun not later than the expiration of 18 months beginning with the date of this permission.

Reason - To ensure delivery of the development before the condition of the building deteriorates further and 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:

(a) Dwg AA5751_2100;

(b) Dwg AA5751_2110 D Proposed Plans Basement & Ground, AA5751_2111 C Proposed Plans First & Second
AA5751_2112 C Proposed Plans Third & Fourth, AA5751_2113 - Proposed Plans Roof, AA5751_2120 - Proposed Context Elevations
AA5751_2122 - Proposed Elevations North, AA5751_2123 - Proposed Elevations West, AA5751_2124 - Proposed Elevations East
AA5751_2125 E Proposed Section A-A and C-C, AA5751_2128 D Proposed Section D-D, AA5751_2210 - Demolition Plan Basement & Ground, AA5751_2211 - Demolition Plan Mezzanine & First, AA5751_2212 - Demolition Plan Second & Third, AA5751_2213 - Demolition Plan Roof, AA5751_2222 - Demolition Elevation North, AA5751_2223 - Demolition Elevation West, AA5751_2224 - Demolition Elevation East
AA5751_2227 - Demolition Section A-A and C-C, AA5751_2228 - Demolition Section D-D, AA5751_2241 - Proposed Bay Study Existing Window, AA5751_2242 - Proposed Bay Study Dormer;

(c) M0594/M/001 P3 Mechanical Services Roof Top Plant Layout prepared by REDS and M0594/M/002 P1 Mechanical Services Basement Plant Room prepared by REDS;

(d) Reds Ventilation Strategy Statement 21/11/2017

(e) Swept path analysis dwg 2066- SP01, SP02, SP03 and SP04

(f) Brief Commentary on Proposed Structural Works by Tier, Russell Construction Logistics Strategy

(g) Recommendations in Energy Standards Statement by Reds dated 07-06-18;

(h) Recommendations in AIR QUALITY Assessment by Temple Rev V1 dated 30-11-17

(i) Sections 3, 4 and 5 of the Crime Impact Statement Version A dated 26-11-17; and

(j) Waste Management Proforma received on 06-03-18.

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5, CC6, CC7, CC9, CC10, T1, T2, EN1, EN2, EN3, EN6, EN8, EN9, EN11, EN14, EN15, EN16, EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan policies DC19.1, DC20 and DC26.1.

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made,

and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

4) a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all material to be used on all external elevations of the development. The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining and details of the glazing and a strategy for quality control management; and

(b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5) (a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

(b) In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority. The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

c) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a

Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

d) In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to Section 11 of the National Planning Policy Framework and policy EN18 of the Core Strategy.

6) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority (which plan shall include evidence of consultation to seek agreement to the plan with the adjacent building owners and their agents), and which for the avoidance of doubt should include;

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Routing strategy and swept path analysis;
- Parking of construction vehicles and staff;
- Sheeting over of construction vehicles; and
- Details of how access to adjacent properties would be maintained.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

7) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how the development would seek to achieve secure by design accreditation, have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation or agreed any elements of non compliance and the reasons for these.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

8) The development hereby approved shall achieve a post-construction BREEAM Refurbishment and Fit Out (BREEAM) rating of at least a 'very good' rating. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, before any of the buildings hereby approved are first occupied.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, policy DP3 of Regional Spatial Strategy for the North West (RSS), and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

9) Prior to occupation of the development a scheme for the acoustic insulation of any externally mounted ancillary equipment associated with the development to ensure that it achieves a background noise level of 5dB below the existing background (La90) in each octave band at the nearest noise sensitive location shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

10) Before any A3 (restaurants/cafes), A4 (drinking establishments) use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

The approved noise insulation scheme shall be completed before the unit is first occupied. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed in the residential accommodation shall be submitted and agreed in writing by the City Council as local planning authority and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

11) Prior to development commencing a local labour agreement relating to the construction phase of development, shall be submitted to and agreed in writing with the City Council as local planning authority. The approved scheme shall be in place prior to the commencement of the development, and shall be kept in place thereafter.

Reason - To safeguard local employment opportunities, pursuant to policies EC1 of the Core Strategy for Manchester.

12) The development hereby approved shall be carried out in accordance with the Travel Plan Framework prepared by Aecom dated January 2017. In this condition a travel plan means a document that includes the following:

- i. the measures proposed to be taken to reduce dependency on the private car by residents and those [attending or] employed in the development
- ii. a commitment to surveying the travel patterns of residents during the first three months of use of the development and thereafter from time to time
- iii. mechanisms for the implementation of the measures to reduce dependency on the private car
- iv. measures for the delivery of specified travel plan services
- v. measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel and to secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution. , pursuant to policies SP1, T2 and DM1 of the Core Strategy, the Guide to Development in Manchester SPD (2007) and Greater Manchester Air Quality action plan 2016.

13) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

07:30 to 20:00 Monday to Saturday
10:00 to 18:00 Sundays and Bank Holidays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

14) Final details of the method of extraction of any fumes, vapours and odours from the ground floor and basement units shall be submitted to and approved in writing by the City Council as local planning authority prior to occupation of each use / ground floor A3 / A4 unit The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

15) Before any use hereby approved commences, within each of the ground floor and basement units details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall be not be operated outside the hours approved in discharge of this condition.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

16) The development hereby approved shall include for full disabled access to be provided to all areas of the building and via the main entrances and to the floors above.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

17) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
 - a. a Historic England Level 3 historic building survey
 - b. a watching brief during stripping out work to record historic fabric
2. A programme for post investigation assessment to include:
 - a. analysis of the site investigation records and finds
 - b. production of a final report on the significance of the archaeological and historical interest represented.
3. Dissemination of the results commensurate with their significance.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible. GMAAS will monitor the implementation of the archaeological works on behalf of Manchester.

18) If during works to convert the building to the use hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

19) Before any works necessary to implement the approval commence a methodology and specification for any associated scaffolding and support structure for the facade including its location, means of affixing to the building, location of any associated fixings to the building, details of how the building fabric would be protected from potential damage as a result of the erection of the scaffolding and details of making good to the building fabric following removal shall be submitted to and approved in writing by the City Council as local planning authority. No development shall commence unless and until the above details have been agreed.

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 and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

20) Notwithstanding the details as set out in condition 2 above and the submitted 77-79 Mosley Street, Manchester - Schedule of External Conservation Repairs by Grade 2 Structural Repairs Ltd. Revision: 1.1 Dated: November 2017 no development shall commence unless and until final details (including where appropriate specification and method statement) of the following has been submitted to and approved in writing by the City Council as Local Planning Authority:

- a. Details of how windows would be removed, repaired and reinstated;
- b. Details of secondary glazing including its position within the retained window opening;
- c. Details of the proposed method of external cleaning;
- d. Details of the proposed method of external repair; and
- e. Final method statement for facade retention.

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 and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

21) Prior to the installation of any plant on the roof final details of the following shall be submitted and approved in writing by the City Council:

- a. Evidence of options considered for achieving a maximum plant height of 2m and if possible and reasonable, a maximum plant height of 2m shall be achieved.
- b. A design for a screen to the roof top plant

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area

within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

22) Prior to commencement of development a scheme for dealing with the discharge of surface water and which demonstrates that the site will be drained on a separate system, with only foul drainage connected into the foul sewer, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - Pursuant to National Planning Policy Framework policies (PPS 1 (22) and PPS 25 (F8)).

23) Within one month of the practical completion of the development and at any other time during the construction of the development if requested in writing by the City Council as local planning authority in response to identified television signal reception problems within the potential impact area a study shall be submitted to identify such measures necessary to maintain at least the pre-existing level and quality of signal reception identified in the survey carried out above. The measures identified must be carried out either before the building is first occupied or within one month of the study being submitted to the City Council as local planning authority, whichever is the earlier.

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in Core Strategy Policies DM1 and SP1.

24) Prior to occupation of any of the commercial units details of a signage strategy shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - In the interests of visual amenity to enable careful attention to signage details and the level of visual clutter associated with any external seating is required to protect the character and appearance of this building in accordance with policies SP1 and DM1 of the Core Strategy.

25) Prior to the commencement of the development a detailed temporary (during construction works on 3 St Peter's Square and Landmark (Oxford Road)) and permanent servicing strategy for the building outlining how servicing and site traffic access will be maintained to adjacent buildings shall be submitted to and approved in writing by the local planning authority, such strategy to include evidence of consultation to seek agreement to the plan with the adjacent building owners and their agents.

Servicing shall be carried out in accordance with the approved servicing strategy.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

118399/LO/2017

1) To ensure delivery of the development before the condition of the building deteriorates further

Reason - The development must be begun not later than the expiration of 18 months beginning with the date of this permission and .
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:

(a) Dwg AA5751_2100;

(b) Dwg AA5751_2110 D Proposed Plans Basement & Ground, AA5751_2111 C Proposed Plans First & Second
AA5751_2112 C Proposed Plans Third & Fourth, AA5751_2113 - Proposed Plans Roof, AA5751_2120 - Proposed Context Elevations
AA5751_2122 - Proposed Elevations North, AA5751_2123 - Proposed Elevations West, AA5751_2124 - Proposed Elevations East
AA5751_2125 E Proposed Section A-A and C-C, AA5751_2128 D Proposed Section D-D, AA5751_2210 - Demolition Plan Basement & Ground, AA5751_2211 - Demolition Plan Mezzanine & First, AA5751_2212 - Demolition Plan Second & Third, AA5751_2213 - Demolition Plan Roof, AA5751_2222 - Demolition Elevation North, AA5751_2223 - Demolition Elevation West, AA5751_2224 - Demolition Elevation East
AA5751_2227 - Demolition Section A-A and C-C, AA5751_2228 - Demolition Section D-D, AA5751_2241 - Proposed Bay Study Existing Window, AA5751_2242 - Proposed Bay Study Dormer;

(c) M0594/M/001 P3 Mechanical Services Roof Top Plant Layout prepared by REDS and M0594/M/002 P1 Mechanical Services Basement Plant Room prepared by REDS;

(d) Red's Ventilation Strategy Statement 21/11/2017

(e) Swept path analysis dwg 2066- SP01, SP02, SP03 and SP04

(f) Brief Commentary on Proposed Structural Works by Tier, Russell Construction Logistics Strategy

(g) Recommendations in Energy Standards Statement by Red's dated 07-06-18;

(h) Recommendations in AIR QUALITY Assessment by Temple Rev V1 dated 30-11-17

(i) Sections 3, 4 and 5 of the Crime Impact Statement Version A dated 26-11-17; and

(j) Waste Management Proforma received on 06-03-18.

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16, EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan polices DC19.1, DC20 and DC26.1.

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and evidence of that contract has been supplied to the City Council as local planning authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

4) a) Notwithstanding the details submitted with the application, prior to the commencement of development the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

A programme for the issue of samples and specifications of all material to be used on all external elevations of the development. The programme shall include timings for the submission of samples and specifications of all materials to be used on all external elevations of the development to include jointing and fixing details, details of the drips to be used to prevent staining and details of the glazing and a strategy for quality control management; and

(b) All samples and specifications shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5) No development shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:
 - a. a Historic England Level 3 historic building survey
 - b. a watching brief during stripping out work to record historic fabric
2. A programme for post investigation assessment to include:
 - a. analysis of the site investigation records and finds

- b. production of a final report on the significance of the archaeological and historical interest represented.
3. Dissemination of the results commensurate with their significance.
4. Provision for archive deposition of the report and records of the site investigation.
5. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 12, Paragraph 141 - To record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publicly accessible. GMAAS will monitor the implementation of the archaeological works on behalf of Manchester

6) Before any works necessary to implement the approval commence a methodology and specification for any associated scaffolding and support structure for the facade including its location, means of affixing to the building, location of any associated fixings to the building, details of how the building fabric would be protected from potential damage as a result of the erection of the scaffolding and details of making good to the building fabric following removal shall be submitted to and approved in writing by the City Council as local planning authority. No development shall commence unless and until the above details have been agreed.

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 and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

7) Notwithstanding the details as set out in condition 2 above and the submitted 77-79 Mosley Street, Manchester - Schedule of External Conservation Repairs by Grade 2 Structural Repairs Ltd. Revision: 1.1 Dated: November 2017 no development shall commence unless and until final details (including where appropriate specification and method statement) of the following has been submitted to and approved in writing by the City Council as Local Planning Authority:

- a. Details of how windows would be removed, repaired and reinstated;
- b. Details of secondary glazing including its position within the retained window opening;
- c. Details of the proposed method of external cleaning;
- d. Details of the proposed method of external repair; and
- e. Final method statement for facade retention.

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 and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

8) Prior to the installation of any plant on the roof final details of the following shall be submitted and approved in writing by the City Council:

(a) Evidence of options considered for achieving a maximum plant height of 2m and if possible and reasonable, a maximum plant height of 2m shall be achieved.

(b) A design for a screen to the roof top plant

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Local Government (Access to Information) Act 1985

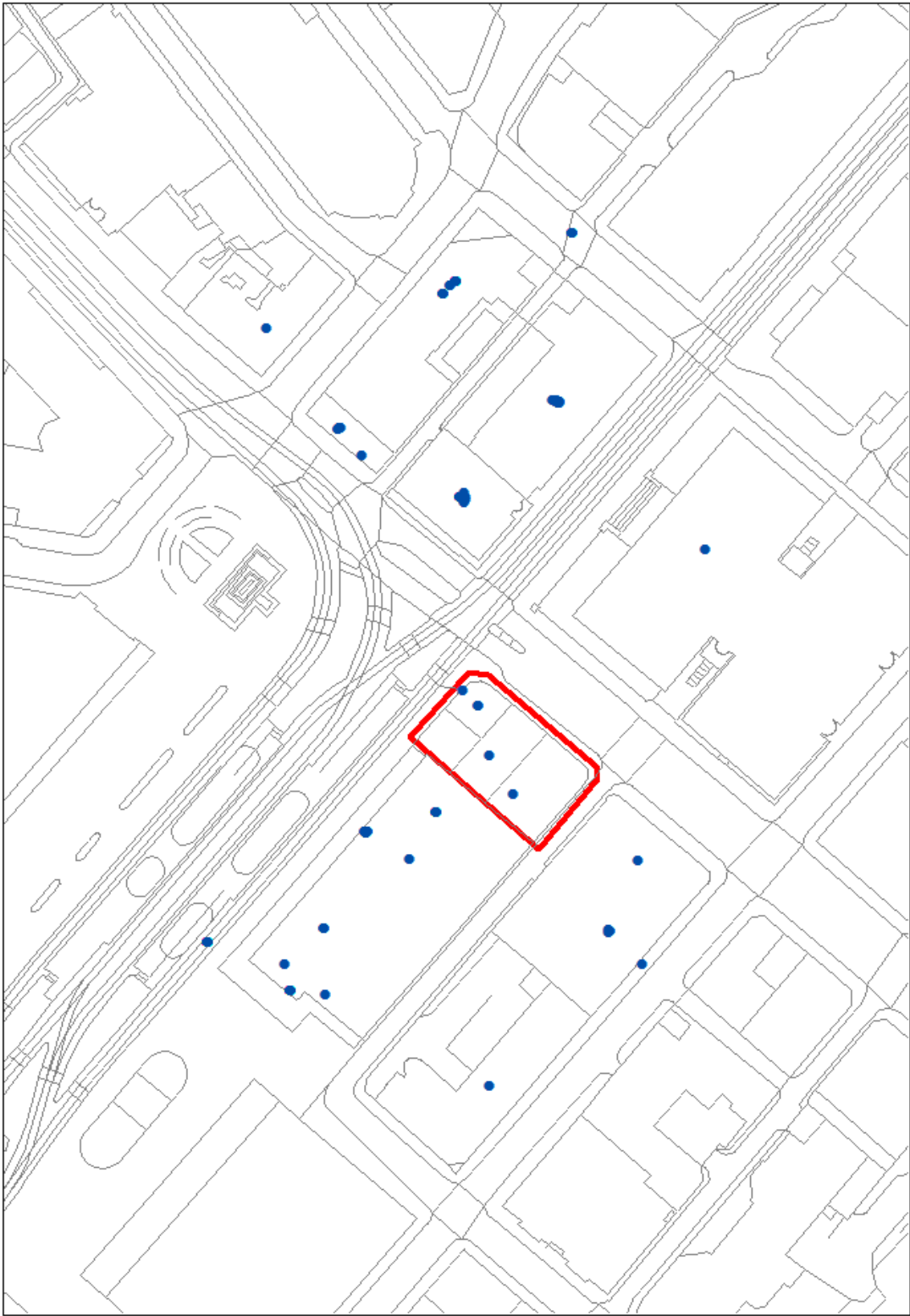
The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 118398/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Greater Manchester Ecology Unit
Highway Services
Environmental Health
Work & Skills Team
Greater Manchester Police
Historic England (North West)
United Utilities Water PLC
Greater Manchester Archaeological Advisory Service
Transport For Greater Manchester
National Amenity Bodies

A map showing the neighbours notified of the application is attached at the end of the report.

Relevant Contact Officer : Angela Leckie
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Email : a.leckie@manchester.gov.uk



 Application site boundary  Neighbour notification
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