

Application Number	Date of Appln	Committee Date	Ward
086170/FO/2008/C1	22nd May 2008	18th Dec 2008	City Centre Ward

Proposal Change of Use of ground floor and basement from A1 (Shop) to A2 (Bank) and elevational alterations to form new shopfront and entrance

Location Mansfield Chambers , 17 - 21 St Anns Square, Manchester, M2 7PW

Applicant Mansfield Chambers Ltd/Barclays, c/o Agent,

Agent Matthews And Goodman 196 Deansgate, Manchester, M3 3WF,

Description

This application relates to the ground floor and basement of part of Mansfield Chambers, a Grade II listed building within the St Ann's Square Conservation Area. The basement and ground floor of this part of Mansfield Chambers are currently vacant. The accommodation above is currently offices (Use Class B1) which would be unaffected by this application. The unit was previously occupied by WH Smith, until a fire in one of the upper floors caused water damage to the ground floor and basement. As a result, WH Smith vacated the unit, and it has been empty for nearly ten years.

In addition to the change of use of the premises from A1 to A2, the application also includes alterations to the exterior of the property. At the front, a new entrance would be created, which would provide level access into the premises. It is also proposed to install three automated teller machines (ATMs) to the right of the proposed entrance. To the rear, a temporary wooden door would be replaced by new panelling. It is proposed that the unit would be open between 8am and 6pm Monday to Friday and between 9am and 3pm on Saturdays.

Orange Retail Ltd occupy the unit adjacent to the application site, which is also within Mansfield Chambers. Beyond this, and on the corner with St Ann Street, is the Royal Bank of Scotland. Barclays Bank currently occupies part of the building on the corner of St Ann's Square and Old Bank Street (Liners House, 15 St Ann's Square). To the rear, the site is bounded by Half Moon Street.

It is proposed that this unit would be occupied by Barclays, who would vacate their existing premises at Liners House in order to open a new 'flagship' branch at Mansfield Chambers.

Separate applications for advertisement and listed building consent for the associated signage and internal and external alterations have also been submitted but these are to be determined under delegated powers.

Consultations

The application has been advertised on site and in the press as an application affecting the setting of a listed building and the character or appearance of a

conservation area. Occupiers of nearby properties have also been notified of the application. One letter of objection has been received from agents representing the occupier of a nearby retail unit. The main issues raised are as follows:

The landlord of Mansfield Chambers has received a firm and definite offer from a retailer who would like to occupy the unit

There is no guarantee that No 15 St Ann's Square would revert to Class A1 retail if Barclays re-locate to the application site

This could lead to a predominance of non-Class A1 uses within St Ann's Square which would harm the vitality and viability of this part of the city centre

The application property breaks up the non-Class A1 frontage

The Council should continue to promote St Ann's Square as a retail destination and should resist the loss of Class A1 uses.

The proposed change of use would erode the retail character of the area and set a precedent for future changes of use

The proposed change of use is contrary to UDP policy

Greater Manchester Police Architectural Liaison Unit - supports the application subject to the details contained within the Crime Impact Statement being implemented.

City Centre Regeneration Team - The overriding priority must be to ensure that the contribution that St Ann's Square makes to the overall shopping offer in the city centre is not compromised. The market is in a process of re-adjusting to the changing retail dynamic resulting from new developments such as New Cathedral Street, the Triangle and Arndale North. The impact of this is evident but recent investment in the Square and the introduction of new high quality retailers such as Fat Face, Henri Lloyd and Campers suggests that the retailing future and prospects remain healthy. This suggests that the principle of a non-retail use at Mansfield Chambers or elsewhere in the Square is something that should be resisted, unless there are compelling reasons to do otherwise. The unit has been vacant for many years and this has an impact on functionality and retailing performance as well as on the physical environment, the conservation area and the listed building. All of the evidence suggests that extensive marketing campaigns have failed to attract retail interest even when there has recently been genuine demand for space in the Square and this supports the proposition that this particular unit does not meet the needs of modern day retailers. The unit has an awkward shape with a relatively narrow frontage, a lightwell and an internal split level which the applicants have stated reduces the unit's attractiveness to modern day retailers. The negative impact that the appearance of the boarded up unit has in the square, and the probability that this will endure for sometime, needs to be balanced against the potential impact that a further non-retail use could have on the long-term functionality of the square.

The issues are finely balanced, but on balance, the application should be supported.

The Unitary Development Plan for Manchester

Policy RC3 states that in the core area, the main commercial and retail activities should be complimented by the further addition of other uses which can serve workers and shoppers.

Policy I1. states that the Council will encourage the location of new business developments (as defined by Class B1 and A2 of the Town and Country Planning Use Classes Order) on sites where they will contribute to urban regeneration. Business developments will normally be allowed within the city centre on sites where such development accords with the provisions in Part 2 of the Plan.

Policy E3.6 outlines the Council's aim of promoting environmental improvements in the City Centre and sets out a number of priorities, including bringing disused buildings of architectural and/historic importance back into use.

Policy RC20 sets out the Council's general approach to development within the City Centre. In relation to the area around St Ann's Square, it states requires that new ground level uses remain consistent with the character of these frontages as predominantly retailing locations.

Policy DC18.1 sets out the objective of preserving and enhancing the character and appearance of conservation areas.

Policy DC19.1 states that in determining applications for listed building consent or applications for development involving buildings or special architectural or historic interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings. The Council will not permit any change of use of a listed building where it would have a detrimental effect on its character or appearance.

Policy DC9.1 states that the Council will require all new commercial and industrial buildings and the environments in which they are set, including car parking areas, to meet high standards of accessibility for disabled people. This requirement will also apply to development which involves the adaptation of existing buildings unless practical considerations dictate otherwise.

Regional Spatial Strategy for the North West of England - there are no policies of direct relevance on this occasion.

Planning Policy Statement 6: Planning for Town Centres - a key aim of PPS 6 is to protect and reinforce the function of town centres as the main focus of retail, leisure and other services. It states that a diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses during the day and in the evening can reinforce each other, making town centres more attractive to local residents, shoppers and visitors. Local planning authorities should encourage diversification of uses in the town centre as a whole.

Principle of the Proposed Use

The City Centre is the type of location where one would expect to find this type of use and in a broad sense the proposed use is consistent with Policies contained within the Unitary Development Plan, namely, RC3 Mixed Uses. This policy states that a variety and mixture of uses is one of the major characteristics of the City Centre, and goes on to say that in the core area the main commercial and retail activities could be complemented by the further addition of other uses. However this needs to be balanced against other important policies which describe St Ann's Square as an area where the regional shopping role should be maintained. In this context, therefore it is considered that the main issue is whether the proposed use and its visual impact is consistent with this predominantly retailing location.

The starting point is to recognise that St Ann's Square has suffered most as a result of the changing pattern of retailing in the City Centre. In this sense, it is different from Market Street and King Street, which are protected by the same policies, but which have proven to be more robust retailing locations. Evidence of this has been supplied by the applicants which shows that they have attempted to market the unit to A1 retailers, but have failed to attract any serious interest. In relation to the comment from the objector that an offer has been made, the applicants have confirmed that this retailer has recently renewed its lease on its existing unit within St Ann's Square and therefore is no longer interested in Mansfield Chambers.

Careful consideration needs to be given to planning proposals for alternative uses in St Ann's Square in light of these circumstances. St Ann's Square undoubtedly has a key role to play in terms of the overall functionality of the regional shopping centre, both as a retail destination and as a key link between other elements of the regional shopping centre and it should remain a primarily retailing destination. However, alternative uses which complement this retailing role may need to be considered as it would be counter-productive for the square to contain vacant units.

The main issues which should be considered when assessing the acceptability of alternative uses in this location include: the nature of the use and whether it adds value to, and complements, the regional shopping centre; the quality of its appearance in the street-scene in terms of shopfront, signage and security design; the level of footfall that would be generated; the hours that the unit would open in relation to the retailing and other uses; whether there has been any genuine interest in the unit for retail purposes; and whether there are any other special circumstances that may be relevant.

The proposed use is a new concept in terms of banking, particularly in terms of its appearance and the hours of operation. Traditionally, banks have a solid and heavy appearance in the street-scene and there are examples of this in the immediate vicinity. However, it is proposed that the unit would have lightweight feel and would to all intents and purposes have the appearance of a retail unit. Barclays would move from the adjacent unit in Liners House to occupy the basement and ground floor of this building. Whilst a traditional retail use would be preferable in this location, in the context of the changes that have taken place in the square, it could be argued that the specific manner in which this use would operate would complement the shopping function of the square. The alternative would be to allow the unit to remain unoccupied.

The proposal would involve glazing and the images in support of the application show no posters or obstructions within the frontages. Although the subject of a separate application, the signage would comprise individual letters and the Barclays logo. The proposal would be of a quality that would be expected of shopfront design within the City Centre and would create a quality frontage consistent with the remainder of the listed building. The impact of the proposed external alterations on the listed building and the conservation area will be discussed in more detail below.

The information submitted in support of the application suggests that the level of footfall would be comparable with a retail unit in this location. This would help to ensure that activity levels in the square are maintained and in this sense the proposed use would be complementary to the retail function of the square. Typical footfall surveys for high street banks indicate that such units attract an equal number of customers as most A1 retailers and as a result can enhance the vitality and viability of retail centres. Barclays are predicting a 30% uplift in trade from current levels at Liners House as a result of relocating to Mansfield Chambers.

Within the City Centre, the majority of retailers open seven days per week, including late night opening usually one evening per week. It is important that any non retail uses in the square open during similar hours in order to protect the vitality of the square and protect its core function. It is proposed that the new Barclays at Mansfield Chambers would open between 8am and 6pm Monday to Friday and 9am and 3pm on Saturdays. Although there would be no Sunday opening, and the proposed bank would close earlier than most shops on Saturdays, the hours throughout the rest of the week are comparable to other retail units in the area, and the fact that it would open for the majority of Saturday would help to protect St Ann's Square.

In relation to the issue of interest in the unit from retailers, the evidence provided by the applicants indicates that extensive marketing campaigns have failed to attract retail interest even when there has recently been genuine demand for space in the Square. The objector has stated that a firm and definite offer for the unit has been made by an A1 retailer. However, the applicants have responded to this, confirming that, although an offer was received, it did not constitute a 'commercial offer' as the proposed terms were considered to be nowhere near being acceptable. In addition, at the time the offer was made, the owners of Mansfield Chambers were at an advanced stage in negotiations with Barclays, and it was not felt appropriate to enter into discussions with another party at that time. In addition to the above, it should be noted that planning permission was granted in May 2005 for the change of use of the unit from A1 to A3 to enable TGI Friday's to occupy the unit (planning application ref: 072858/FO/2004/C1). However despite obtaining consent, TGI Friday's decided not to occupy the unit. This is a further indication of the difficulties the applicants have faced in finding an occupier for the unit.

The lack of genuine interest in the unit from retailers, and the information supplied by the applicants, suggests that this particular unit does not meet the needs of modern day retailers. The unit has an awkward shape with a relatively narrow frontage to St Ann's Square, a lightwell and an internal split level which the applicants have stated reduces the unit's attractiveness.

In addition to the above, there are a number of other important factors which need to be taken into account in the consideration of the acceptability of the change of use. The unit has been vacant for nearly ten years, which has had an impact on the function and performance of St Ann's Square, as well as on the physical environment, the conservation area and the listed building. The unit is currently boarded up and given the likelihood that this situation would continue for some time unless consent is granted, this is an important consideration in the determination of the application. This issue does however, need to be balanced against the potential impact that a further non-retail use could have on the long-term functionality of the square.

At present, approximately a quarter of the units within St Ann's Square are non-retail, including McDonalds, RBS, Barclays, Starbucks and HSBC. The applicants assert that, as a result of this application, the number of non-retail uses will remain unchanged as Barclays already have a presence in the Square and once vacated, the part of Liners House currently occupied by Barclays would be available for A1 use. In support of this assertion, the applicants claim that, despite the existing Barclays branch being very successful in terms of customer business, the premises are unattractive to A2 users, as the banking halls are split over three levels which are not linked by a customer stair. The layout of the unit limits the ability to provide the full range of facilities that are now expected to be offered within a bank. They state that the existing Barclays unit is more conducive to retail use and should therefore be easier to let to an A1 retailer than Mansfield Chambers. To support these claims, the applicants have provided information from an A1 retailer genuinely interested in occupying the existing Barclays premises in Liners House. In addition, Barclays have also confirmed their commitment to securing an A1 retailer at Liners House. Unfortunately, it is not possible to control or restrict the use of the existing Barclays premises through condition or legal agreement as Liners House does not fall within the application site, and Barclays are unable to entertain either a condition or legal agreement due to the constraints of their existing lease. Whilst such measures would have provided a greater level of comfort, it is considered that the applicants have made every reasonable attempt to address this issue and given the fact that it is not possible to use either a condition or legal agreement, there is nothing further in planning terms that could be done to provide greater certainty regarding the future use of the existing Barclays unit. Given that the existing Barclays premises are unsuitable for modern-day banking, which is why Barclays wish to relocate, it is unlikely that another bank would consider them attractive. On this basis, although greater comfort would have been highly beneficial to the consideration of the application, it is felt that on balance, as much information as possible has been provided.

Having taken all of the above issues into consideration, and although the acceptability of the proposed use is finely balanced, it is considered that the balance of advantage lies with supporting the principle of the proposal and the application accords with policies RC3, I1, E3.6 and RC20.

Impact of the Proposal on the Character and Appearance of the Conservation Area and Listed Building

As mentioned above, the property is Grade II listed and is located within a conservation area. The external alterations would respect the character and appearance of both Mansfield Chambers itself and the Conservation Area. The

proposal would enable the removal of the existing hoardings, which detract from the amenity of the area. The proposed new shopfront would ensure the three bay symmetry of the building is retained and the proposed ATMs would be acceptable in terms of size and appearance. The proposal is therefore in accordance with policies DC18.1 and DC19.1.

Access

The proposal would allow for level and direct access into the building through the proposed main entrance from St Ann's Square. Internally, a new DDA compliant customer lift would be introduced which would serve all levels. The proposed ATMs would also be at an appropriate height for disabled use. The proposal is therefore in accordance with Policy DC9.1.

In conclusion, as discussed above the issues surrounding this application are finely balanced. The proposal would result in a new non-retail use within St Ann's Square. However, as confirmed by the applicants, the overall number of non-A1 uses would not increase as Barclays are committed to securing an A1 retailer into their existing premises. In addition there are a number of special and individual circumstances that exist in relation to this particular unit, namely the fact that it is listed, has been vacant for a significant period of time and is not particularly attractive to modern day retailers due to its shape, narrow frontage and internal split level. On balance therefore, the change of use is considered to be acceptable in this instance.

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 Unitary Development Plan, the Head of Planning 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. He 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 APPROVE

The application is approved on the basis that the proposal is in accordance with the City Councils Unitary Development Plan, in particular policies: RC3, I1, E3.6, RC20, DC18.1, DC19.1 and DC9.1, in that it would support regeneration, it would enhance the City Centre Environment for shoppers, residents and workers, It would meet standards of accessibility for disabled people, it would

enhance the character and appearance of the Conservation Area, it would not have a detrimental impact upon the character of the Listed Building, it would have an acceptable impact upon amenity, and there are no material considerations of sufficient weight to indicate otherwise, subject to the following conditions:

Conditions and/or Reasons

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

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

Drawings numbered L31revE, L32revA, L12revH, L11revG, stamped as received by the Local Planning Authority on 18 August 2008, and the Matthews and Goodman Supplementary Planning Statement dated April 2008, and the Crime Impact Statement, stamped as received by the Local Planning Authority on 30 May 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies RC3, I1, E3.6, RC20, DC18.1, DC19.1 and DC9.1; of the Manchester Unitary Development Plan.

3) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved 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 secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Friday - 8.00am to 6.00pm
Saturdays - 9.00am to 3.00pm

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

5) No loading or unloading, including any servicing, deliveries, and refuse collections shall be carried out on the site outside of the approved hours of opening.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

6) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interest of residential amenity and public health, pursuant to policy H2.2;

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: 086170/FO/2008/C1 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 Police

Celsian, Old Bank Chambers, 2 Old Bank Street, Manchester, M2 7PF
Alexander & Co, 17 St. Anns Square, Manchester, M2 7PW
E C Harris, The Exchange, Manchester, M2 7EH
Waterstones, 2-4, St. Anns Square, Manchester, M2 7HH
St. Anns Church, St. Ann Street, Manchester, M2 7LF
Its-actionstride Ltd, 427-430, Royal Exchange, Manchester, M2 7EP
Nationwide Bldg Soc, 12-14, Cross Street, Manchester, M2 7AE
Dixons Ltd, 22 St. Anns Square, Manchester, M2 7JB
Nicholas Jones Bespoke, 10 St. Anns Square, Manchester, M2 7HW
Fraser Hart Ltd, 12a, St. Anns Square, Manchester, M2 7HW
Adams & Co, Old Bank Chambers, 25 St. Ann Street, Manchester, M2 7LG
Orange, 21 St. Anns Square, Manchester, M2 7PS
David M Robinson, 28 St. Anns Square, Manchester, M2 7JB
Moss Bros, 1-5, St. Anns Square, Manchester, M2 7EF
Mcdonalds Restaurants Ltd, 18 St. Anns Square, Manchester, M2 7HQ
16 St. Anns Square, Manchester, M2 7HQ
Aquascutum Ltd, 24-26, St. Anns Square, Manchester, M2 7JB
Colour Bar, Old Bank Chambers, 2 Old Bank Street, Manchester, M2 7PF
Pastiche, 9 Old Bank Street, Manchester, M2 7PE
13 Old Bank Street, Manchester, M2 7PE
Jacobs Photo & Video Stores, 16 Cross Street, Manchester, M2 7AE
534-538, Royal Exchange, Manchester, M2 7EN

Retail Solutions Recruitment Ltd, 435-437, Royal Exchange, Manchester, M2 7EP
Ran Shoe Shop, 8 St. Anns Square, Manchester, M2 7HQ
Barclays Bank Plc, 15 St. Anns Square, Manchester, M2 7PW
Unicare, Old Bank Chambers, 2 Old Bank Street, Manchester, M2 7PF
Roger Tym & Partners Ltd, 17 St. Anns Square, Manchester, M2 7PW
W T Gunson & Son, 12 St. Anns Square, Manchester, M2 7HW
Anakin Seal, 20 St. Anns Square, Manchester, M2 7HG
Starbucks, 9-11, St. Anns Square, Manchester, M2 7EF
John David Group Plc, 7 St. Anns Square, Manchester, M2 7EF
Cheetham & Mortimer, 17 St. Anns Square, Manchester, M2 7PW
Journey Latin America, 12 St. Anns Square, Manchester, M2 7HW
Select Education, 6 St. Anns Square, Manchester, M2 7HN
Dental Surgery, 20 St. Anns Square, Manchester, M2 7HG
21 St. Ann Street, Manchester, M2 7LG
I P S Group, 20 St. Anns Square, Manchester, M2 7HG
Cheltenham & Gloucester Plc, 12 St. Anns Square, Manchester, M2 7HW
The Scarman Trust, 425-427, Royal Exchange, Manchester, M2 7EP
5 Old Bank Street, Manchester, M2 7PE
Cain Ltd, 546-550, Royal Exchange, Manchester, M2 7EN
J Morris & Co, 17 St. Anns Square, Manchester, M2 7PW
18 Cross Street, Manchester, M2 7AE
Seen, 6 St. Anns Square, Manchester, M2 7HN
Finance North West Ltd, 12 St. Anns Square, Manchester, M2 7HW
14 St. Anns Square, Manchester, M2 7HQ
13a, Old Bank Street, Manchester, M2 7PE
Life, 15-17, Old Bank Street, Manchester, M2 7PE
Lipson Lloyd Jones, 514-516, Royal Exchange, Manchester, M2 7EN

Representations were received from the following third parties:

Relevant Contact Officer : Rebecca Hadfield
Telephone number : 0161 234 4071
Email : r.hadfield@manchester.gov.uk