

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 132760/LO/2022

**Date registered valid:** 24 January 2022

**Proposal:** LISTED BUILDING CONSENT for the removal of modern plasterboard ceiling, asbestos insulation, asbestos contaminated lath and plaster ceiling and reinstatement with new lath and plaster ceiling to match the original.

**Address:** Righton Building , Cavendish Street, Manchester, M15 6BG

**Ward(s):** Hulme Ward

**Applicant:** Mr Colin Starkie Manchester Metropolitan University All Saints Building, All Saints, Manchester, M15 6BX

**Agent (if any):** Mr Declan Cahill Heritage Architecture Ltd Canada House, Chepstow Street, Manchester, M1 5FW

**Case officer:** Eve Woolstencroft  
Tel: 0161 234 4533  
Email: eve.woolstencroft@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 14 March 2022

## **Application details**

**Type of application:** Listed Building Consent

**Development type:** Listed building alteration

**Date of site visit:**

**Standard consultations:**

No consultations have been printed and sent.

**Neighbour notifications**

Printed: 23 February 2022 Expired: 16 March 2022

**Site notice**

Posted: Expired:

**Press advert**

Published: 1 March 2022 Expired: 22 March 2022

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Grade II

**Conservation area:**

**Tree Preservation Order:**

Description of Site/Area

The Righton Building was constructed in 1905 as a Drapers Warehouse with the basement floor level forming a storeroom for products and other ancillary uses such as staff WC's, plant rooms and a vault, the area was not designed to be publicly accessible and therefore was not constructed with decorative finishes like the ground and first floors. The building was subsequently purchased by MMU, firstly being used as the student's union before being converted for use by the universities fashion department. Most recently the basement has been used for plant and secure storage.

The building is currently the building is under ownership of Manchester Metropolitan University and is proposed to be redeveloped as an educational facility.

Description of Development

The proposal seeks Listed Building Consent for the removal of modern plasterboard ceiling, asbestos insulation, asbestos contaminated lath and plaster ceiling and reinstatement with new lath and plaster ceiling to match the original.

## **Description of area**

## **Description of development**

## **Consultations & Notification Responses**

Local residents were notified and a site notice posted for 21 days however no responses were received.

### **Issues**

#### Policy

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main policies considered relevant in this instance are:

The NPPF (2021) Section 16 (Conserving and enhancing the historic environment) in particular paragraph numbers 189, 199 and 202, Policies DM1 (Development Management), EN3 (Heritage), EN1 (Design Principles and Strategic Character Areas), CC9 (Design and Heritage) and SP1 (Spatial Principles) of the Adopted Core Strategy for the City of Manchester (2012), and saved policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for Manchester (1995).

#### Legislation

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "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 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

#### Issues

#### Assessment of Significance

The surviving but incomplete lath and plaster ceiling to the basement is of considerable significance to the building in understanding the buildings original form and the basement as an ancillary store room to the above drapers warehouse and showroom.

The modern plasterboard ceiling is of no significance and was detrimental to being able to appreciate the original form and use of the basement space.

#### Impact of works

The basement has been restricted access due to the contamination of asbestos throughout the space, in order for this space to be usable asbestos removal works need to take place.

The works to the basement have been planned to safeguard the surviving historic fabric of the basement, whilst also ensuring that the space can be successfully de-contaminated and not place any restrictions on the future use.

Upon completion of the removal of the modern plasterboard ceiling, the lath and plaster ceiling has been found to be in poor condition, with much of the plaster failed and lath broken from historic works, with further testing and analysis showing extensive contamination of the ceiling void as well. Additionally, the ceiling is scattered with penetrations from both historic and current mechanical and electrical pipework and cabling.

The applicant has submitted an options analysis

- a.Retention and encapsulation
- b.Reinstatement of the consented under drawings of the ceiling
- c.Full removal of the lath and plaster, decontamination, and reinstatement

Option A was considered, however has ,had to be discounted due to the need to access the ceiling void for maintenance of the M&E, with this option also retaining asbestos contamination within what will become a publicly accessible space and placing extensive constraints on the proposed re-use.

Option B was discounted due to the ongoing issues this would maintain and the heritage Impact of the previously consented works.

With the asbestos remediation works needing to take into consideration the ongoing maintenance, repair and upgrade of the M&E equipment, as well as the subsequent refurbishment and occupation of the basement space, it has ultimately been concluded that option C to fully remove the lath and plaster ceiling, decontamination of asbestos and reinstatement of the lath and plaster ceiling is being proposed.

The original lath and plaster ceiling is constructed of sawn softwood lath with a two coat haired lime plaster, the proposed reinstatement will match this specification through the use of a sawn larch lath and a two-coat lime plaster.

The proposed works will result in the loss of the original but incomplete lath and plaster ceiling to the basement, which will result in a minor adverse impact to the buildings special interest. The loss of the original historic fabric would be partly mitigated through the reinstatement of the ceiling on a like for like basis.

Any instances of less than substantial harm to the listed building would be outweighed by the public benefits which are allowing asbestos remediation works to take place which will enable the continued use of the whole building and enable the basement to be brought back into use and maintain the building in a sustainable and viable use consistent with its conservation.

### **Human Rights Act 1998 considerations**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is

in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation:** Approve

### **Article 35 Declaration**

In assessing the merits of a planning application officers worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application.

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

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

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

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

Received by the City Council as Local Planning Authority on 24 January 2022:

- Location Plan drawing no. 01
- Existing Layout / Ceiling Plan drawing no. 02
- Proposed Layout / Ceiling Plan drawing no. 03
- Design and Access Statement with Heritage Statement prepared by Stephen Levrant Heritage Architecture dated 24 January 2022

Reason : To ensure that the details of the development are acceptable to the City Council as local planning authority, pursuant to policies SP1, DM1 and EN3 of the Core Strategy.

## **Appendix 1 – List of consultees & neighbours notified**

Flat 2 Block C, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 11 Block C, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 3 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 2, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 10, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 23, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 22, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 21, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 16, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 17, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 6 Block H, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 8 Block H, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 7 Block G, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 3 Block E, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 9 Block E, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 4 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 7 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 11 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 12 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 10 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 3 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 11 Block B, Cambridge North Hall, Cavendish Street, Manchester, M15 6TT  
Flat 6 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 3 Block H, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 5 Block H, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 7 Block H, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 8 Block G, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 9 Block G, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 11 Block G, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 2 Block F, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 5 Block E, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 1 Block E, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 5 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 6 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 8 Block D, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 1 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 2 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 4 Block B, Cambridge Hall North, 41 Cavendish Street, Manchester, M15 6TT  
Flat 8 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 12 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
12 Higher Chatham Street, Manchester, M15 6ED  
Cavendish Hall Of Residence, Cavendish Street, Manchester, M15 6BG  
Msv Building, Lower Chatham Street, Manchester, M1 5SU  
Ormond Building, Lower Ormond Street, Manchester, M15 6HX  
Flat 1 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 2 Block A, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 13, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 12, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 11, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 20, Cavendish Hall, Cavendish Street, Manchester, M15 6BG

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Flat 6 Block E, Cambridge South Hall, 62 Cavendish Street, Manchester, M15 6UU  
Flat 9 Block B, Cambridge North Hall, 41 Cavendish Street, Manchester, M15 6TT  
Flat 7, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 5, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 3, Cavendish Hall, Cavendish Street, Manchester, M15 6BG  
Flat 24, Cavendish Hall, Cavendish Street, Manchester, M15 6BG

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4  
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3  
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M  
Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA  
Area Team Boundary - Name: CITY1