

Application Number/s: 131148/JO/2021 and 131162/JO/2021

Applicant: Mr N Bhatt

Agent: Emery Planning (Clare Gascoigne)

Location: 13 St. John Street, Manchester

Proposal: Variation of Condition to allow for alterations to listed building not originally consented

Ward: Deansgate

Description of Site and Surrounding Area

The site - This application relates to a 3 storey mid-terraced property located at 13 St. John Street in the city centre. The building is Grade II listed, as are most of the other terraced properties in St. John Street. The site is within the St. John Street conservation area. The area surrounding the application site is mainly commercial in nature as the properties in St. John Street are largely used for offices and/or Use Class D1 uses. The application site is currently vacant but was last used as offices Use Class B1.

The street takes its name from the Georgian Church which stood on the site of what is now St. John's Gardens. From the historic maps it appears that the houses in the street were built in phases between 1770 and 1850. Mapping indicates the No.13 was built by 1836. The Street is a rare surviving example of a Georgian street in Manchester and the buildings external street facades remain largely intact and in the case of No.13 the internal arrangement of principal rooms also remains complete.

No. 13 St. John Street is in a terrace of four similar town houses. The houses are built in red brick in Flemish bond with sandstone dressings and slate dual roofs. The terrace is formed in a double plan depth. No. 11 is double fronted with the others single fronted. All built at different dates with various rear extensions, some clearly 20th century. In the case of No.13 the three storey outrigger is present, however alterations are evident. To the rear elevation a doorway and staircase have been introduced to provide means of escape from the basement.

Description of Proposal

The application seeks to vary the permission granted under applications 124226/FO/2019 (Change of use from offices (Class B1) to a single residential dwelling (use class C3) and creation of a single storey conservatory to rear.) and 124227/LO/2019 (LISTED BUILDING CONSENT for internal and external works associated with change of use to a single residential dwelling (use class C3) and creation of a single storey conservatory to rear.).

The applications were subsequently subjection to varying of condition application 126186/JO/2020 (Application to vary Condition 2 (Specified Plans) on 124227/LO/2019).

Specifically, the applications submitted seek to vary 'Condition 2: Plans and Documents' to both the Full and Listed Building Consent applications.

Numerous alterations are proposed as set out below:

Basement

- New services room and access doorway including changes to the proposed partition between 'Room 1' and 'Room 2'
- Removal of wall between former window and door to external stairs and new piers to support supporting steel.
- Re-opening of bricked up vault between 'Room 3' and 'Room 4'

Ground Floor

- Removal of sash window and wall below the cill to the dining room
- Coal chute to be exposed and within tiled floor to the conservatory
- Reconfiguration of WC and utility space, including removal of wall including chimney breast and outrigger.

First Floor

- Removal of consented partition wall in 'Bedroom 1'
- Door from landing to en-suite to be fixed closed
- Re-configuration of en-suite
- Reconfiguration of bathroom and walls in the outrigger

Second Floor

- Removal of doorways and stud partition wall at 'Bedroom 3' and landing
- Insertion of laylight to staircase over light
- Use of two rooflights in 'Bedroom 5'

Consultations

Urban Design & Conservation

Objections made in relation to certain elements of work that has taken place to the listed building, particularly when considering the work did not have consent.

Save Unitary Development Plan Policies:

- Conservation Areas (18)
- Listed Buildings (19)

Core Strategy Policies:

- Development Management (DM1)
- Spatial Principles (SP1)
- Heritage (EN3)

National Planning Policy Framework Policies:

- Achieving Sustainable Development (2)
- Decision-Making (4)

- Conserving and Enhancing the Historic Environment

Design & Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting “special regard” will be given to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The effect of this section is that decision-makers considering harm to heritage assets cannot simply treat the desirability of preserving the setting of a listed building as a mere material consideration to which they can simply attach the weight they see fit in their judgement.

The statutory duty provided by section 66(1) of the Act goes beyond that and treats the preservation of the setting of a listed building as presumptively desirable. The effect of the statutory requirement is to impose a duty on decision-makers to give “considerable importance and weight” or “high priority” to the desirability of preserving listed buildings and their settings.

Basement

The basement to the application property was originally service rooms, but more recently have been modernised for use as treatment rooms. The basement is generally considered of low architectural significance when considering the listed building and wider listing of the row of terraces. The proposed alterations would result in overall minor loss of historic fabric and small areas of brickwork. Overall, the proposed alterations to the basement would not fundamentally harm the heritage or significance of the listed building, with the basement still understood and read as a secondary space within the hierarchy of floors. It is noteworthy that the stone stair from the hall and exposed brick vaulting are to be retained and kept visible, with the appearance having been improved since the former commercial use of the building.

Ground Floor

Sash Window Removal: It is considered by the officer that the removal of the sash window has caused some harm to the character and appearance of the listed building. However, the sash window has been confirmed to be a modern, 20th Century replacement with modern glass, which had already resulted in some harm to the listed building. The surrounding timber panelled window case is original. The original window case is to be re-used and extended to form a window case to ensure the new opening is a suitable period finish. As such, though harm is caused, the overall loss of historic fabric is reduced.

Coal Chute: The original coal chute is now to be retained, which will better reveal the significance and me a reminder of how the area was originally used.

Chimney Breast/Outrigger Alterations: It is considered that these elements of the building were of relatively low significance and has been poorly constructed from single brick. The chimney breast lacked any chimneypiece, fire surround, grate, range or hearth. Once plastered, the chimney breast would be read as a blank wall in the room. Additionally, the room in which the chimney is located is also of low significance.

To lessen the impact, the chimney breast to the basement and those to first and second floors, together with external stack and pots, are to be retained.

In this instance, it is not considered that the loss of the fabric compromises the integrity of the building/listing. Returning the building into sustainable residential use (public benefit) outweighs the less than substantial harm in this instance.

First Floor

Removal of partition: This alteration from the approved plans is not considered a substantial change and may even lessen the impact, as it would retain and better preserve the space as well as allow better views of the retained fireplace.

Fixed closed door: The original door is retained and the alteration is fully reversible. As such, no identifiable harm to character or appearance of listed building is caused.

Re-configuration of rooms: The outrigger to the rear is of low significance and had been subdivided with modern walls when in commercial use. The reconfiguration of the space had been previously consented. Further reconfiguration of the space is proposed. However, it is not found that these changes would result in harm to any historic fabric with the space/layout in this part not significant.

Second Floor

Removal of doorways and stud partition: It is not clear why or when the rooms were divided/doorways added. However, this is understood to be a non-original change. Whilst the proposed amendments/removal of these elements would not fully reinstate the size/shape of the 'Bedroom 3', the changes will enable the second floor to be better understood.

Rooflight: Staircase is lit by an oculus/rooflight. However, external rooflight is visible from the staircase and is unsightly. It is unlikely that the oculus was designed to be viewed in this manner. As such, to hide rooflight, an internal laylight is to be installed. It is considered this alteration would have a neutral impact on the character and appearance of the listed building.

2no. rooflights in bedroom 5: It is not ideal that the rooflight has been changed from 1 to 2, especially considering the alteration in terms of orientation. However, despite this, the changes are not considered to have a substantial impact to the character/appearance of the building and are acceptable on balance.

Conclusion

It is disappointing that works have taken place to the listed building without the requisite listed building consent, which is a criminal offence. The applicant, agent, planning officer and Conservation Officer met with the agent on site and expressed our concern and disappointment. However, when taking a pragmatic approach and considering the overall harm that has been caused to the listed building as a result of the unauthorised works, it is considered that the correct and reasonable approach is to justify the changes and regularise them on this occasion. This does not negate the serious of breaching the law in terms of listed building consent and the agent/applicant

have been made aware of the potential seriousness of what occurred and to not repeat this lack of oversight again.

The additional works that have taken place have been justified within a Heritage Statement Addendum, which has been accepted by the case officer and duly explains what works have taken place in addition to those originally approved and the overall impact this has caused to the design and heritage of the listed building. It is considered that the information appears to be accurate and the planning officer agrees that, overall, there is less than substantial harm to the heritage asset.

RECOMMENDATION:

That planning permission/listed building consent be granted subject to the following planning conditions:

Listed Building Application

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

1. The development must be begun not later than 13th November 2022.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990, and 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 drawings and documents:

- Existing Site Plan (Drawing 101 dated 12 July 2019 - Received 22 July 2021
- Location Plan (drawing 200 dated 12 July 2015) – Received 22 July 2021
- Existing Plans (Drawing 202 Revision A dated 12 April 2017) – Received 22 July 2021
- Existing Elevations (Drawing 203 Revision A dated 12 August 2019) – Received 22 July 2021
- Demolition Plans (Drawing 206 Revision E dated 30 September 2019) – Received 22 July 2021
- Proposed Basement Plan (Drawing 208 Revision N dated 09 September 2019) – Received 22 July 2021
- Proposed Ground Floor Plan (Drawing 209 Revision L dated 09 September 2019) – Received 22 July 2021
- Proposed First Floor Plan (Drawing 210 Revision H dated 09 September 2019) – Received 22 July 2021
- Proposed Second Floor Plan (Drawing 211 Revision J dated 30 September 2019) – Received 22 July 2021

- Proposed Elevations (Drawing 215 Revision H dated 29 July 2019) – Received 22 July 2021
- Proposed Roof Plan (Drawing 217 Revision F dated 12 August 2019) – Received 22 July 2021
- Window Refurbishment Details (Drawing 225 Revision F dated 16 October 2019) – Received 22 July 2021
- Window Schedule (Drawing 227 Revision H dated 14 October 2019) – Received 22 July 2021
- Door Schedule (Drawing 229 Revision B dated 16 January 2020) – Received 22 July 2021
- Basement Ceiling Sections (Existing & Proposed) (Drawing 230 Revision C dated 23 October 2019) – Received 07 December 2021
- Detail – Basement Footings (Drawing 250 Revision B dated 25 February 2020) – Received 22 July 2021
- Proposed Conservation Rooflight Details (Drawing 251 dated 20 May 2020) – Received 22 July 2021
- Proposed Lead Light Detail (Drawing 251 dated 07/20/20 (sic)) – Received 22 July 2021
- Existing and Proposed Sections through Party Wall (Drawing 252 Revision B dated 02 July 2020) – Received 22 July 2021
- Proposed Section Detail through Box Gutter (Drawing 253 Revision D dated 02 July 2020) – Received 22 July 2021
- Section Conservatory (Drawing 255 Revision A dated 08 November 2020) – Received 22 July 2021
- Plan/Section Details through Green Wall & Cladding Sections (Drawing 257 Revision B dated 04 September 2020) – Received 22 July 2021
- Plan/Section Details Through Green Wall & Cladding Sections (drawing 258 Revision B dated 04 September 2020) – Received 22 July 2021
- Rear Lean Too Details 01 (Drawing 259 Revision B dated 10/18/20 (sic)) – Received 22 July 2021
- Rear Lean Too Details 02 (Drawing 260 Revision B dated 10/18/20 (sic)) – Received 22 July 2021
- Rear Yard/Wall Proposals (Drawing 261 dated 01 December 2020) – Received 22 July 2021

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

Full Application

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

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:

- Existing Site Plan (Drawing 101 dated 12 July 2019 - Received 22 July 2021
- Location Plan (drawing 200 dated 12 July 2015) – Received 22 July 2021
- Existing Plans (Drawing 202 Revision A dated 12 April 2017) – Received 22 July 2021
- Existing Elevations (Drawing 203 Revision A dated 12 August 2019) – Received 22 July 2021
- Demolition Plans (Drawing 206 Revision E dated 30 September 2019) – Received 22 July 2021
- Proposed Basement Plan (Drawing 208 Revision N dated 09 September 2019) – Received 22 July 2021
- Proposed Ground Floor Plan (Drawing 209 Revision L dated 09 September 2019) – Received 22 July 2021
- Proposed First Floor Plan (Drawing 210 Revision H dated 09 September 2019) – Received 22 July 2021
- Proposed Second Floor Plan (Drawing 211 Revision J dated 30 September 2019) – Received 22 July 2021
- Proposed Elevations (Drawing 215 Revision H dated 29 July 2019) – Received 22 July 2021
- Proposed Roof Plan (Drawing 217 Revision F dated 12 August 2019) – Received 22 July 2021
- Window Refurbishment Details (Drawing 225 Revision F dated 16 October 2019) – Received 22 July 2021
- Window Schedule (Drawing 227 Revision H dated 14 October 2019) – Received 22 July 2021
- Door Schedule (Drawing 229 Revision B dated 16 January 2020) – Received 22 July 2021
- Basement Ceiling Sections (Existing & Proposed) (Drawing 230 Revision C dated 23 October 2019) – Received 07 December 2021
- Detail – Basement Footings (Drawing 250 Revision B dated 25 February 2020) – Received 22 July 2021
- Proposed Conservation Rooflight Details (Drawing 251 dated 20 May 2020) – Received 22 July 2021
- Proposed Lead Light Detail (Drawing 251 dated 07/20/20 (sic)) – Received 22 July 2021
- Existing and Proposed Sections through Party Wall (Drawing 252 Revision B dated 02 July 2020) – Received 22 July 2021
- Proposed Section Detail through Box Gutter (Drawing 253 Revision D dated 02 July 2020) – Received 22 July 2021

- Section Conservatory (Drawing 255 Revision A dated 08 November 2020) – Received 22 July 2021
- Plan/Section Details through Green Wall & Cladding Sections (Drawing 257 Revision B dated 04 September 2020) – Received 22 July 2021
- Plan/Section Details Through Green Wall & Cladding Sections (drawing 258 Revision B dated 04 September 2020) – Received 22 July 2021
- Rear Lean To Details 01 (Drawing 259 Revision B dated 10/18/20 (sic)) – Received 22 July 2021
- Rear Lean To Details 02 (Drawing 260 Revision B dated 10/18/20 (sic)) – Received 22 July 2021
- Rear Yard/Wall Proposals (Drawing 261 dated 01 December 2020) – Received 22 July 2021
- Construction Management Plan prepared by J&C.S. Developments Limited (Reference JS/18.12.19) – Received 19 December 2019
- Acoustic Verification Report prepared by E3P (Reference 50-541-R1-1 dated 10 February 2022) - Received 10 February 2022

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

3. The development hereby approved gives permission for the application property to be used as a Use Class C3 single family dwellinghouse only and for no other purpose (including as a House in Multiple Occupation Use Class C4 or sui generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To ensure an acceptable development, pursuant to policy DM1 of the Core Strategy.