

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131478/FO/2021 and 131205/LO/2021

Date registered valid: 24 August 2021

Proposal: Proposed installation of external plant and equipment comprising 1no VRV heat recovery condenser and 1no split system server room air conditioning condenser; and
LISTED BUILDING CONSENT for minor internal partitioning and installation of external plant and equipment comprising 1no VRV heat recovery condenser and 1no split system server room air conditioning condenser.

Address: 45 - 47 Newton Street, Manchester, M1 1FT

Ward(s): Piccadilly Ward

Applicant: Mr Andrew Joseph Pugh Davies (Northern quarter) Limited C/o 1 Tabley Mews, Off Stamford Street, Altrincham, WA14 1DA

Agent (if any): Mr Steve West studio_neo 3 Bridgewater Street , Lymm, WA13 0AB

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: 131478/FO/2021 and 131205/LO/2021 Approve

Date of recommendations: 1 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: 5 October 2021

Standard consultations:

Printed: 17 September 2021 Expired: 8 October 2021

Neighbour notifications

Printed: 31 August 2021 Expired: 21 September 2021

Site notice

Posted: 5 October 2021 Expired: 26 October 2021

Press advert

Published: 7 September 2021 Expired: 28 September 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

The application relates to the rear of 45-47 Newton Street a grade II listed building located in the Stevenson Square Conservation Area

Description of area

The building is located within part of the City Centre known as the Northern Quarter which is characterised by a variety of uses including bars, restaurants, commercial, residential, hotel uses.

Description of development

Listed Building Consent for : minor internal partitioning with the addition of 2no internal meeting rooms and a small phone booth pod and new areas of exposed ductwork and exposed new cassette units.

Planning and Listed Building Consent for the installation of a VRF air conditioning/heating system with 6no external condensers. Split into 2 groups of 3 and the insertion of new ventilation louvres above a number of doorway heads.

The proposed condensers have previously been granted consent under application ref no 116529/LO/2017 22nd June 2017 for a different tenant in 2017 which did not proceed.

Consultations & Notification Responses

Publicity

131478/FO/2021 – The application was advertised as affecting a conservation area and a site notice was displayed at the site. Occupiers of adjacent buildings were notified about the application. No representations have been received.

131205/LO/2021 - The application was advertised as affecting a listed building and a site notice was displayed at the site.

Head of Environmental Health – No objections subject to a condition requiring the noise levels from the plant and equipment to be verified prior to it being brought into operation

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 12. Achieving Well- Designed Places; States that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 16 Conserving and enhancing the historic environment – states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the 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.

And that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy SP1 (Spatial Principles),- which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- Provide good access to sustainable transport provision.

Policy DM1 (Development Management) – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- 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. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy CC9 (Design and Heritage) States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC18.1 (Conservation Areas) - which seeks to preserve and enhance the character of its designated conservation areas.

DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

Sections 16, 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of “sustainable development” (NPPF Paragraph 8). In order to meet this key planning objective, in this instance the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 199 states that: 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 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 total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 202 states that: Where a development proposal 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, where appropriate, securing its optimum viable use.

Paragraph 203 states that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Design Issues and impact on the Character and Fabric of the Listed Building and character of the Conservation Area

– The proposals would on balance positively respond to the character of the building and its historic and architectural features.

Internal works – It is noted that the new partitioning is located away from existing beams and columns. Junctions of partition heads to existing non-original plasterboard and stud ceilings are via 18mm MDF/Ply shadow-gap detailing to avoid a solid appearance and facilitate easy future removal without undue damage to the existing fabric. The design proposes classic “Crittall” style glazed partitions and doors set within the above stud partitions this will allow an appreciation of the volume of the space and the ceiling level features to be retained.

Suspended containment routes for plant and equipment have been provided under the previous consent and, as far as possible, these routes would be used for the internal distribution of new pipework and cabling. More visible items would be the ventilation ductwork and cassette units. The ceilings installed under the previous consent had built-in ply pattresses to support new equipment to avoid the necessity of fixing to original elements. The new ductwork will be exposed to follow the industrial design ethic. Similarly, the new cassette units will be exposed and installed as for the ductwork.

External Works – The proposed plant is required to ensure fresh air flow into the accommodation at ground floor. The original design of the listed building features fixed fenestration with no opening windows on the ground floor so fresh air intake is not possible through these. In order to avoid an excess of plant on the building the option of a comprehensive HVAC review was considered however the building is multi-tenanted and almost completely occupied, and any amendment which impacted upon a building-wide strategy, would involve extensive tenant consultation and considerable planning to avoid disruption to tenants legal rights to undisturbed occupancy. Therefore on balance it is considered that such a strategy is not feasible at the current time due to the impact on existing established tenancies.

The only visible elements to the exterior will be the VRF Air conditioning condensers. It is noted that these have been positioned to be as visually recessive as possible. 3no condensers are proposed in the recessed area on the internal yard North elevation and inside the ginnel which connects the yard to Newton Street. It is noted that there has been a previous permission for the location of condensers in these locations. It is considered that the measures taken to accommodate necessary services utilising the existing door frames serve to minimise the impact on the yard elevations and avoid alteration to the main façade brickwork therefore would minimise their impact and preserve the historic appearance of the yard elevations.

Impacts on specific features of significance would be negligible to minor adverse and overall the proposals due to the removal of non-original fabric would be positive.

The minor impacts internally and externally within the courtyard would have a minor impact on the character of the listed building. Any impact on the character of the conservation area would be negligible. It is considered that the measures taken above in terms of removal of non-original elements will least affect the existing asset fabric.

As any harm is considered to be ‘less than substantial’, paragraph 202 and 203 of the NPPF require that the impact of the development on the listed building and character of the conservation area should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme. Whilst it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets it is considered that the small instances of low physical harm resulting from the proposed works to the building are acceptable and that the impact on the special character and fabric of the building would be less than substantial, and is balanced by the legislative requirement and public benefits of securing a viable future use for the ground floor of the heritage asset .

In the context of the NPPF and S66 and S72 of the Act , it is considered that the scheme strikes the right balance between the impact of the changes on the significance of the building, and the public benefits and where there is harm, this would be less than substantial. It is considered for the reasons outlined above that the overall approach to the proposed works would, have an acceptable impact on the character and historic fabric of the listed building.

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, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 199, 202 and 203 of the NPPF and that in view of the above it is considered that the proposed development would on balance be consistent with the development would be consistent with sections 12 and 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 and of the Core Strategy and saved UDP policies 18.1 and 19.1.

Impact on Amenity – The Head of Environmental Health is satisfied that subject to verification of performance, the proposed plan as per the submitted specified noise limits would not adversely impact on residential amenity.

Climate Change : As detailed above the use of less carbon intensive means of securing fresh air intake have been explored. It is also noted that the most modern, technically efficient equipment will be installed as part of the proposed Application for Planning Consent to help to address the MCC Climate Change Action Plan 2020 to 2025.

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: 131478/FO/2021 and 131205/LO/2021 Approve

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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 and operated in accordance with the following drawings and documents:

(a) Site Location Plan 2333/L1-01 stamped as received on 29 07 21; and

(b) Dwgs 2333/L2-01, 2333/L2-03, 2333/L21-01 and L2-04.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC9, EN3 and DM 1 and saved Unitary Development Plan policy DC19.1

3) (a) The approved plant and equipment shall be installed and managed in accordance with the noise limits as detailed in AEC Plant Noise Assessment Ref P4017/L02/PJK 10 September 2021.

(b) Prior to the units being brought into use a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met and any non compliance suitably mitigated in accordance with an agreed scheme prior to the units becoming operational. The approved scheme shall remain operational thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Fourth Floor, 45 - 47 Newton Street, Manchester, M1 1FT
Love Creative Ltd, Third Floor, 31 Dale Street, Manchester, M1 1EY
Fourth Floor, 29 Dale Street, Manchester, M1 1EY
GLORIOUS CREATIVE, 10A Stevenson Square, Manchester, M1 1FB
Third Floor, 45 - 47 Newton Street, Manchester, M1 1FT
Third Floor, 29 Dale Street, Manchester, M1 1EY
Basement, 29 Dale Street, Manchester, M1 1EY
Ground Floor, 31 Dale Street, Manchester, M1 1EY
Basement Floor, 41A Newton Street, Manchester, M1 1FT
Fourth Floor Rooms 3 And 4, 31 Dale Street, Manchester, M1 1EY
Fourth Floor, 31 Dale Street, Manchester, M1 1EY
Reform, Fourth Floor Room 2, 31 Dale Street, Manchester, M1 1EY
ICONIX BRAND UK LTD, First Floor To Second Floor, 31 Dale Street, Manchester, M1 1EY
CTI DIGITAL LTD, Fifth Floor, 31 Dale Street, Manchester, M1 1EY
Second Floor, 31 Dale Street, Manchester, M1 1EY
41 Newton Street, Manchester, M1 1FT
Second Floor Room C3, 18 Hilton Street, Manchester, M1 1FT
Third Floor Unit 3B, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C5, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C4, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C1, 18 Hilton Street, Manchester, M1 1FT
10A Little Lever Street, Manchester, M1 1HR
20 Hilton Street, Manchester, M1 1FR
Third Floor, 14 Little Lever Street, Manchester, M1 1HR
Second Floor, 14 Little Lever Street, Manchester, M1 1HR
Basement, 14 Little Lever Street, Manchester, M1 1HR
Ground Floor, 14 Little Lever Street, Manchester, M1 1HR
First Floor, 14 Little Lever Street, Manchester, M1 1HR
Fourth Floor, 14 Little Lever Street, Manchester, M1 1HR
Second Floor, 45 - 47 Newton Street, Manchester, M1 1FT
First Floor Unit 2, 18 Hilton Street, Manchester, M1 1FT
First Floor, 45 - 47 Newton Street, Manchester, M1 1FT
Basement, 45 - 47 Newton Street, Manchester, M1 1FT
Ground Floor, 45 Newton Street, Manchester, M1 1FT
Fourth Floor Unit A1, 18 Hilton Street, Manchester, M1 1FT
Third Floor Unit A3, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C2, 18 Hilton Street, Manchester, M1 1FT
Ground Floor, 18 Hilton Street, Manchester, M1 1FT
First Floor Unit 1, 18 Hilton Street, Manchester, M1 1FT
Basement, 49A Newton Street, Manchester, M1 1FT
Contract Options, Ground Floor, 47 Newton Street, Manchester, M1 1FT
First Floor, 29 Dale Street, Manchester, M1 1EY
18 Hilton Street, Manchester, M1 1FT
14 Little Lever Street, Manchester, M1 1HR
29 Dale Street, Manchester, M1 1EY
31 Dale Street, Manchester, M1 1EY
41A Newton Street, Manchester, M1 1FT
49A Newton Street, Manchester, M1 1FT
47 Newton Street, Manchester, M1 1FT
45 Newton Street, Manchester, M1 1FT

Fourth Floor, 18 Hilton Street, Manchester, M1 1FR
Third Floor, 10 Little Lever Street, Manchester, M1 1HR
Second Floor, 10 Little Lever Street, Manchester, M1 1HR
12 Little Lever Street, Manchester, M1 1HR
10 Stevenson Square, Manchester, M1 1FB
10 Little Lever Street, Manchester, M1 1HR
Fifth Floor, 10 Little Lever Street, Manchester, M1 1HR
Basement, 10 Little Lever Street, Manchester, M1 1HR
Ground Floor, 10 Stevenson Square, Manchester, M1 1HR
TPM LANDSCAPE LTD, Fourth Floor, 10 Little Lever Street, Manchester, M1 1HR

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CITY2