

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130047/FO/2021

Date registered valid: 7 June 2021

Proposal: Erection of a second floor extension to an existing office space above a flat roof

Address: 101-103 Oldham Street, Manchester, M4 1LW

Ward(s): Piccadilly Ward

Applicant: Salah SA Property Services Ltd 101-103 Oldham Street, Manchester, M4 1LW

Agent (if any): Rebecca Thompson 18 Ellesmere Avenue, Marple, SK67AN

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

Recommendation: Approved

Date of recommendation: 26 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 22 June 2021

Standard consultations:

Printed: 16 June 2021 Expired: 7 July 2021

Neighbour notifications

Printed: 16 June 2021 Expired: 7 July 2021

Site notice

Posted: 22 June 2021 Expired: 13 July 2021

Press advert

Published: 22 June 2021 Expired: 13 July 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The proposed development site is located at 101-103 Oldham Street, in the Northern Quarter of Manchester. The building is located in the Smithfield conservation area. The building itself is not a listed building but the neighbouring building is the Grade II listed 105 Oldham Street. The building is a mixed use and at ground floor there is a bar/restaurant, with the upper floors accommodating office/studio space. The building features stone detailing to the front elevation, whilst the rear comprises red brick

Description of Development

The submitted application seeks planning permission for the erection of a second floor extension to an existing office space above a flat roof. At present, the rear elevation of the building is staggered at each level. There exists therefore a flat roof at first floor level. The proposed extension herein seeks to create additional space at the second floor, this would extend from the rear of the property by 4.37m and across the rear of the building by approximately 7.7m.

Consultations & Notification Responses

Local residents and businesses were consulted, and a site notice was posted for 21 days and no responses were received as a result of this.

Highways

The proposed development extends only within the red-line boundary of the site and as such, does not impinge upon the adopted highway. The access will remain as existing. The waste collection is to remain as existing and it is anticipated that there will be no increase in waste. Given that the proposed development will only result in an increase of 33.8sqm B1(a) space, it is accepted that no highway concerns in terms of safety or capacity are considered likely to arise. Given the minimal scale of construction works involved, the level of construction vehicles are unlikely to generate any significant on-street parking demands.

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). In light of the above, Highways have no objections to the proposed development.

Environmental Health

Recommendation of a condition in relation to noise from external plant

Flood risk management

The drainage of the site can be approved and we have the following recommendation:

The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy

Issues

Relevant National Policy

On 27th March 2012 the Department for Communities published the National Planning Policy Framework, which replaced planning policy statements and planning policy guidance notes, including PPS5 and PPG19.

The following sections of the National Planning Policy Framework are of relevance to this application:

Section 12 (Requiring Good Design) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Section 16 Conserving and enhancing the historic environment – which 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.

In terms of the NPPF the following should also be noted:

Paragraph 193 states 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 (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 194 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.

Section 195 states that where a proposal 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.

Section 196 states that where a 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.

Section 197 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.

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

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) –which identifies that City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

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.

Issues

Impact on the character of the Conservation Area and Principle of the proposed use

The proposal would have a neutral impact on the character and appearance of the Smithfield Conservation Area and would have a neutral impact on the settings of nearby listed buildings. Therefore, it is considered that the proposal would be in accordance with S66 and S72 of the Listed Buildings Act and would meet the requirements set out section 16 of the NPPF. The proposed extension would not be highly visible from the nearby highway and the principle façade of the building which is of most interest would be retained.

In view of the above the proposals would be consistent with Core Strategy policies CC1, SP1 and DM1 and saved UDP policy DC19.1

Impact on Amenity

The proposed extension would not increase the capacity in terms of number of employees or change the operations of the office space. There would be no additional waste production or increase in number of staff.

The proposed extension includes windows to the rear however it is not considered that these windows would give rise to any overlooking impacts as they are high level and sited approximately 2.9 metres above floor level.

On this basis the proposals would be consistent with Core Strategy policies CC1, SP1 and DM1 and saved UDP policy DC26

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:

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the 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:

-Location Plan, Site Plan and Existing and Proposed Elevations drawing ref. 101-103OS/PLAN Rev D received by the City Council as Local Planning Authority on 20 December 2021.

-Heritage, Design And Access Statement received by the City Council as Local Planning Authority on 14 April 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.

3) The development shall be constructed only using the approved materials as set out in the email from Rebecca Thompson on 13 September 2021 confirming the extension would be constructed Tata Steel, Trisomet 80mm Wall Cladding (Laid vertically) - Sirius (RAL 9006) unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason- To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1 and CC9 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Second Floor, 101 - 103 Oldham Street, Manchester, M4 1LW
First Floor, 101 - 103 Oldham Street, Manchester, M4 1LW
First Floor, 107 Oldham Street, Manchester, M4 1LW
78 - 80 Tib Street, Manchester, M4 1LG
Flat 3, 105 Oldham Street, Manchester, M4 1LW
Flat 2, 105 Oldham Street, Manchester, M4 1LW
Flat 1, 105 Oldham Street, Manchester, M4 1LW
Flat 2, 99 Oldham Street, Manchester, M4 1BA
Flat 10, 99 Oldham Street, Manchester, M4 1BA
Flat 1, 99 Oldham Street, Manchester, M4 1BA
Flat 3, 99 Oldham Street, Manchester, M4 1BA
Flat 5, 99 Oldham Street, Manchester, M4 1BA
Flat 7, 99 Oldham Street, Manchester, M4 1BA
Flat 9, 99 Oldham Street, Manchester, M4 1BA
Flat 8, 99 Oldham Street, Manchester, M4 1BA
Flat 6, 99 Oldham Street, Manchester, M4 1BA
Flat 4, 99 Oldham Street, Manchester, M4 1BA
97 Oldham Street, Manchester, M4 1LW
Retrograde Clothing, 84 Tib Street, Manchester, M4 1LG
Flat 8, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 7, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 6, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 5, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 4, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 3, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 2, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Flat 1, Reb's Den, 82 Tib Street, Manchester, M4 1LG
Basement And Ground Floor, 107 Oldham Street, Manchester, M4 1LW
107 Oldham Street, Manchester, M4 1LW
109 Oldham Street, Manchester, M4 1LW
105 Oldham Street, Manchester, M4 1LW
90 Tib Street, Manchester, M4 1LG
80 Tib Street, Manchester, M4 1LG

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Smithfield Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CITY2

