

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131407/JO/2021

Date registered valid: 18 August 2021

Proposal: S19 amendments to condition 2 (Approved Dwgs) attached to application ref no 113364/LO/2016 (as amended by applications 117360, 117728, 117875, 120829 124515, 125210, 128142 and 129569) comprising alteration of opening to existing stair-core from window to a door and replacement of central opaque panel to a clear glazed panel within arched windows on the tram side elevation

Address: Crusader , 66-72 Chapeltown Street, Manchester, M1 2WH

Ward(s): Piccadilly Ward

Applicant: John Moffatt Capital + Centric Crusader , 66-72 Chapeltown Street, Manchester, M1 2WH

Agent (if any): Ms Emma-Jane Dawson shedkm Tempest, 12 Tithebarn Street, Liverpool, L2 2DT

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

Recommendation: Approve

Date of recommendation: 29 September 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Listed building alteration

Date of site visit: 26 August 2021

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 26 August 2021 Expired: 16 September 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: N/A

Tree Preservation Order: N/A

See 113364

Description of development

See above

Consultations & Notification Responses

Publicity: The application was advertised as affecting a listed building. A site notice was also displayed adjacent to the site. No representations have been received.

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:
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. This is irrespective of whether any potential harm amounts to sustainable harm, total loss or less than substantial harm to its significance.

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

Policy CC9 (Design and Heritage) - which states that the design of new buildings will need to be of the highest standard in terms of appearance and function and seeks to preserve or

enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Policy EN 3 Heritage – which states that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

Objective 6 Environment

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:

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 74 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. Development decisions should, therefore, accord with the requirements of the NPPF and in the case of the proposed demolition, to section 12 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of “sustainable development” (NPPF Paragraph 7). 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 / Impact on Character of Listed Building- The proposals represent minor amendments to the approved scheme in terms of comprising alteration of an opening to the existing stair-core from window to a door and replacement of central opaque panel to a clear glazed panel within arched windows on the tram side elevation. On the tramside elevation the arched windows have an insulated aluminium panel to the opener as per the design submitted for planning approval. This aspect of the design was originally generated from party wall hitting a window and this section of glass was to be opaque. This applied to all arched windows.

The design has now been reviewed as the effect of the windows as installed has an odd appearance both internally and externally such that internally it looks like the window has been boarded up awaiting replacement glass. In line with S202 of the NPPF The harm would be less than substantial and outweighed by the public benefits principally heritage benefits in terms of improving the overall appearance internally and externally of the asset in line.

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 and 202 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 and 19.1

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

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included on going discussions about the form and design of the developments and pre application 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 19th September 2020

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:

(A) Buildings 1, 2 and 3

(a) Site and location plan CW SKM (00)001a, 004a and 002;

(b) Dwgs CW SKM (00) 002a, CW SKM (00) 110a, CW SKM (00) 111a, CW SKM (00) 112a, CW SKM (00) 113a, CW SKM (00) 114a, CW SKM (00) 115a, CW SKM (00) 116a, CW SKM (00) 117a, CW(00)401g CW(00)402 g, CW(00)403 g, CW(00)404 g, CW(00)405 g, CW(00)406 g, CW(00)407 g, CW(00)408 g, CW(00)409 g, CW(00)410 g, CW(00)411 g, CW(00)412 g, CW(00)413 g, CW(00)414 g, CW(00)415 g, CW(00)416 g, CW(00)417 g and CW(00)418 g;

(c)Dwgs CW SKM (00) 170 n, CW SKM (00) 171 f, CW SKM (00) 172 f, CW SKM (00) 173 f CW SKM (00) 174 f, CW SKM (00) 175 f, CW SKM (00) 176 f, CW SKM (00) 177 f, CW SKM (25) 220, CW SKM (25) 221, CW SKM (25) 222 f, CW SKM (25) 223, CW SKM (25) 224, CW SKM (25) 225 CW SKM (25) 226 and CW SKM (25) 227;

(d) CW SKM (00) 215 e, CW SKM (00) 216 d, CW SKM (00) 217 g, CW SKM (00) 219 e, CW SKM (00) 220 e CW SKM (00) 222 e, CW SKM (00) 310a, CW SKM (21) 500a, CW EXG SKM (22) 500, CW EXG SKM (22) 501, CW SKM (31) 201b and CW SKM (31) 203, CW SKM (00) 176a, CW SKM (00) 177a, CW SKM (00) 178a, CW SKM (00) 179a, CWSKM(26)100 and CWSKM(26)110a; and

(e) CW SKM (25) 220a, CW SKM (25) 221a, CW SKM (25) 222a, CW SKM (25)223a, CW SKM (25) 224a, CW SKM (25) 225a, CW SKM (25) 226a

(f) CW SKM (20) 205 E, 206 d, 207 E and 208 B;

(g) Recommendations in Crime Impact Assessment Version A : 26th April 2016 REFERENCE: 2016/0223/CIS/01; and

(h)Dwgs CW EXG SK M (20) 100 B1-B3, SK21601-006 and Waste Management Strategy for Buildings 1-3 dated 29-09-16.

(B) Building 4

(a) CW SKM (00) 001a and CW SKM (00) 004a;

(b) CW SKM (00) 002a;

(c) CW NBD (00) 140, CW NBD (00) 141, CW NBD (00) 142, CW NBD (00) 143, CW NBD (00) 144, CW NBD (00) 145, CW NBD (00) 205a and CW NBD (00) 206d;

(d) CWSKM(20)200, CWSKM(20)201 a, CWSKM(20)202, CWSKM(20)203, CW NBD (00) 300a and CW SKM (00) 180; and

(e) Dwgs CW EXG SK M (20) 101 B4, SK21601-006 and Waste Management Strategy for Building 4 dated 29-09-16

(C) Bridge Link buildings 3-5

Dwgs SKM (26)160, 161, 162 and 163

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1, CC3, H1, H8, CC5 , CC6 , CC7, CC9 , CC10, T1, T2 , EN1, EN2 , EN3 , EN6 , EN 8, EN9, EN11, EN14, EN15, EN 16 , EN17, EN18, EN19, DM 1 and PA1 saved Unitary Development Plan policies DC19.1 , DC20 and DC26.1.

3) The demolition of Block 4 (Phase 2) shall not commence unless and until a Demolition Method Statement including the boundary treatment to the site during and following demolition has been submitted to and approved in writing by the City Council as Local Planning Authority.

The approved Method Statement shall be adhered to throughout the Demolition period.

For the avoidance of doubt the demolition of the buildings would not constitute commencement of development.

Reason: To ensure that the appearance of the development is acceptable and in the interests of the amenity of the area, pursuant to policies EN15, EN16, EN17 and EN18 of the Core Strategy and Guide to Development 2 (SPG)

4) Before any works necessary to implement the approval in relation to Blocks 1, 2 and 3 commence a methodology and specification for any associated scaffolding including its location, means of affixing to the building, location of any associated fixings to the building, details of how the building fabric would be protected from potential damage as a result of the erection of the scaffolding and details of making good to the building fabric following removal shall be submitted to and approved in writing by the City Council as local planning authority. No development shall commence unless and until the above details have been agreed.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the details submitted with the application, prior to the commencement of development, a schedule of materials, preliminary samples (to include the proposed PV's and profile of windows) and a programme for the issue of samples and specifications of all materials to be used within the external elevations shall be submitted for approval in writing by the City

Council, as Local Planning Authority. Samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details, details of the drips to be used to prevent staining and a strategy for quality control management shall then be submitted and approved in writing by the City Council as local planning authority in accordance with the programme as agreed above.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

6) Notwithstanding the details as set out in condition 2 above no development shall commence unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority

(a) Final details of M and E including that required for mechanical ventilation.

(b) A justification in terms of cost in relation to final details of the treatment of the existing windows to include, to be agreed following consideration of that justification, details of the profile of new window frames and extent of removals, replacement, refurbishment / repair and relocation of existing windows;

(c) Final details of the layout of the bathrooms and corridor areas within the apartments and positions and depth of the party walls.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

7) Notwithstanding the details as set out in condition 2 above no development shall commence in relation to the following items unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority:

(a) Details of the repair and reinstatement of the existing cornices;

(b) Detailed schedule of repairs and specification for all of the repair works to the building to include the gate piers, chimney and all of the cast iron features on the building which should be retained and repaired and a method statement for those works;

(c) A detailed audit of all internal and external features of historic and industrial interest that and details of how these will be reused, refurbished or reinstated;

(d) A detailed design of the new timber gates;

(e) Interface of new stair cores / bridges within the courtyard with the existing building;

(f) Details of how retained staircases are to be dealt with and repaired;

(g) Details of window linings with the 'cloisters';

(h) Final details of the roof terraces including the balcony details;

(i) A detail for the location and detailing of all building services including electrics and plumbing, telecommunications, fire/security alarms, door intercom from the main entrance to each apartment, communal tv/satellite connections and aerials CCTV cameras (and associated cabling and equipment) and internal mail boxes;

(j) Details including method statement of cleaning of (a) external elevations and (b) external;

(k) A schedule of removal of redundant signs and external fixtures and fittings and details and including method statements for repair work and making good to external elevations; and

(l) Details of the shadow gaps between existing and new building fabric;

All of the above shall be implemented in accordance with the approved details before the development is first occupied: and

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) 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(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Area Team Boundary - Name: CITY2