

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131237/LO/2021
Date registered valid: 2 August 2021
Proposal: LISTED BUILDING CONSENT - External refurbishment works comprising of re-pointing, brickwork repairs, cleaning (Doff), asphalt repairs to pediments, terracotta repairs/replacements
Address: Langley Building & Millington House , 53-57 Dale Street, Manchester, M1 2HS
Ward(s): Piccadilly Ward

Applicant: Mr Paul Golds NQ Building, 47 Bengal Street, Manchester, M4 6BB
Agent (if any): Mr Paul Golds NQ Building, 47 Bengal Street, Manchester, M4 6BB
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: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 25 August 2021

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: Expired: Posted: 25 August 2021 Expired: 15 September 2021

Press advert

Published: 31 August 2021 Expired: 21 September 2021
Published: 24 August 2021
Expired: 14 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 Site - This application relates to a building known as Langley Building and Millington House that is located at 53-57 Dale Street within the City Centre. The building is used as apartments and is Grade II listed. The area surrounding the application site is residential/commercial in nature and the site is within 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

The Proposal - Listed Building Consent is sought for external refurbishment works comprising of re-pointing, brickwork repairs, cleaning, asphalt repairs to pediments, terracotta repairs/replacements and external timber redecorations.

The application is a resubmission of application ref no 120248/LO/2018 approved in September 2018 which has now expired before the approved works could be implemented.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as affecting listed building consent and site notice displayed adjacent to the site. Occupiers of properties surrounding the application site were notified of the proposal. No representations have been received as a result of this publicity.

Issues

Policy

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

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 works proposed are largely repair works and would not have any effect on the external character and appearance of the listed building. Some brickwork and terracotta repairs are proposed but these would be carried out on a like for like basis using suitable materials that would be approved on site. Similarly, replacement mortar for repointing would be approved on site. Some rainwater goods are proposed to be replaced with heritage style aluminium ones. The final details of these would be conditioned. Sample areas for the elevation cleaning would also be approved on site.

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 to secure a viable future use for the heritage asset.

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 which in this case, provided the conditions are discharged correctly, such that they do not have an adverse impact on the character and appearance of the listed building, are heritage benefits.

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.

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

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 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:

The site location plan and submitted Design and Access Statement, stamped as received by the Local Planning Authority on 6 June 2018

The Specification document, ref. 0013551004, dated 11/05/2018, as amended by the agent's email of 13 August 2018 with regard to the incorrect drawing numbers referenced in the document.

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) Before any brickwork or terracotta repairs are carried out, samples of the materials to be used for the repairs and the mortar to be used shall be submitted to and approved in writing by the City Council as Local Planning Authority. The works shall be carried out in accordance with the approved materials and mortar composition.

Reason - To ensure an acceptable development at the listed building, pursuant to policy DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

4) Before any external elevation cleaning takes place, full details of the proposed cleaning method shall be submitted to and approved in writing by the City Council as Local Planning Authority. The cleaning shall be carried out in accordance with the approved method. A sample panel showing the result of the approved cleaning method shall be inspected and approved on site by the Local Planning Authority before the wholesale cleaning of the elevations takes place.

Reason - To ensure an acceptable development at the listed building, pursuant to policy DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

5) Before any replacement of rainwater goods takes place, full details of the proposed replacements, including brackets, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The details shall include confirmation of the heritage style aluminium goods proposed and the brackets to be used. For the avoidance of doubt, the new replacement goods shall match the existing historic cast iron rainwater goods at the building.

Reason - To ensure an acceptable development at the listed building, pursuant to policy DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CITY2