

Planning

Growth & Development

Delegated officer report for planning application

Application no.	132755/LO/2022
Date registered valid:	5 April 2022
Proposal:	Listed Building Consent for the installation of new internal partitions to subdivide the unit into 3 smaller commercial spaces, subdivision of incoming services to serve additional unit, internal fit-out works into a cafe/bar establishment, installation of external signage (comprising 1 x canopy logo sign, 1 x menu board (Little David Street) and 1 x logo sign (courtyard) and adaptation of 1no. window to Little David Street.
Address:	Minshull House And Minto & Turner Buildings, Former Manchester Metropolitan University Aytoun, Street Campus, Chorlton Street, Manchester, M1 3FY
Ward(s):	Piccadilly Ward
Applicant:	Neil Broomfield Great North Pie Deanway Trading Estate, Wilmslow Road, Handforth, SK9 3HW
Agent (if any):	Stephen Vant / Alan Ross 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:	25 May 2022

Application details

Type of application:	Listed Building Consent
Development type:	Listed building alteration
Date of site visit:	7 April 2022

Standard consultations:

Printed: 7 April 2022 Expired: 28 April 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 7 April 2022

Expired: 28 April 2022

Press advert

Published: 12 April 2022 Expired: 3 May 2022

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

The site measures 0.32 hectares and is located at the junction of Chorlton Street and the Rochdale Canal. It contains two vacant grade II listed buildings known as Minshall House (47 Chorlton Street) which directly adjoins the Phase 1 site and the Minto and Turner Building (45 Chorlton Street) located adjacent to the Rochdale Canal and abutting a small cottage at it's Canal Street elevation. Little David Street is a cobbled route between the 2 buildings which is in a poor state of repair and overgrown. The Site also includes a walled area of hardstanding on Chorlton Street, previously used as a surface car park associated with Minshull House. Part of the proposal involves work on land owned by the local highways authority and by the Canal and River Trust.

The site is adjacent to Whitworth Conservation Area which is characterised by Victorian and Edwardian architecture constructed between 1850 and 1920 and has historical importance due to its significance for the textile industry in Manchester.

To the north on the opposite side of the canal is the Grade II* Listed Crown Courts and the Grade II* Listed London Road Fire & Police Station is to the south east. The Shena Simon Sixth Form College, Grade II, is on the opposite side of Chorlton Street and the University of Manchester Sackville Building, Grade II, is to the south.

Planning and listed building consent was granted in 2017 for - Conversion of buildings to provided 58 residential apartments (Class C3) (26 x 1 bed and 32 x 2 bed) (41 units in Minshull House and 18 units in Minto Turner Building) above lower ground and ground floor Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1(Non-residential Institutions creche, nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure - Gymnasium, indoor sport and recreation only), ground floor extension to Minshull House to provide additional commercial space (uses as specified above), creation of 59 secure cycle parking spaces and works to provide hard and soft landscaping including new public square in front of Minshull House and pedestrian route along Little David Street to the Kampus Courtyard, servicing and access (application ref no's 115570/FO/2017 and 115571/LO/2017). The consents have now been implemented and as tenants are secured for the commercial units applications for internal fit outs and external alterations to each unit are being submitted.

Description of development

Consent is sought for the following works:

Internal

- insertion of partitions to facilitate subdivision into 3 units (4.1.1, 4.1.2 and 4.2);
- fitting out of unit 4.1.1 including free standing bar, toilet pod, back of house areas; and
- insertion of decorative finishes including tiled floors;

External

- Insertion of small louvre panel to replace 2 panes of glazing within existing window opening;
- Fixing of signage to brickwork comprising 1 x canopy logo sign, 1 x menu board (Little David Street) and 1 x logo sign (courtyard);

The replacement of the glazing with these small louvre panels is considered to be de minimis and does not require planning permission.

Consultations & Notification Responses

Publicity – The application was advertised as affecting a listed building, a site notice was 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.

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.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

196. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197 In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. 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.

200. 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

201. 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.

202. 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.

203. 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.

204. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁶⁹. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

207. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

Design Issues and impact on the Character and Fabric of the Listed Building and Conservation Area – The interior design scheme would retain all existing brick walls as exposed, with any proposed new studwork walls to form the new demise for Unit G4.1.1, and to form the proposed WC, kitchen/back of house space and refuse area, would be primarily fixed into the modern ceilings and floors, with minimal fixings into mortar joints of original brick walls

only were absolutely necessary. The introduction of new party walls of studwork would not visually impact on the currently open-plan character of the wider space, as until 2017 this space contained a number of small rooms, which were removed as part of the 2017 consented scheme.

The proposed louvre panels which are to replace a modern glass panel to the bottom half of the modern window adjacent to the Little David Street entrance would match the existing louver to the top half of the window providing visual consistency. The panel is required to facilitate adequate airflow within the proposed refuge store room immediately behind.

All signage would sit within the consented signage zones and would have minimal fixings into mortar joints.

The proposed interventions would be clearly understood as new additions to the listed building and are required to facilitate the introduction of a new F&B offering, which forms part of the next phase of works relating to the now completed redevelopment of Minshull House and wider Kampus development. Consequently, it is considered that the current light touch proposals would result in no impact on the special interest of the Grade II listed Minshull House as a whole.

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 physical harm resulting from the proposed amendments are necessary in terms of progressing a suitable scheme which is fit for purpose and that the impact on the special character and fabric of the Mill Buildings would be less than substantial, and is balanced by the legislative requirement to secure a viable future use for the heritage asset.

The public benefits of the proposals include the following:

- The proposed works have been developed with a detailed understanding of the architectural and historic significance of the building, as set out within the Heritage Statement. The proposed works form part of a wider refurbishment and repair of a Grade II listed building enabling it to be brought back into active use. There are therefore demonstrable heritage benefits.
- The delivery of the proposed use would support growing sectors and act a stimulus to economic growth, delivering wider regeneration benefits within the Aytoun Street East SRF area and Manchester city centre.

As any harm is considered to be 'less than substantial', paragraph 202 of the NPPF requires that the impact of the development should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme including securing its optimum viable use which can include heritage benefits.

In the context of the NPPF and S66 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 conversion of the space would, subject to conditions relating to matters of detail 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 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:

Article 35 Declaration

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. No such problems have arisen on this 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 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:

(a) Site location plan KAM-SKM-MH-00-DR-A-(LR)154 Rev P3 stamped as received on 24-01-22; and

(b) Dwgs KAM-SKM-MH-00-DR-A-(LR)154 Rev P3, M852 311 Rev C, 013 Rev D, 014 Rev Rev A and 015 Rev A all stamped as received on 24-01-22

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1 and DM 1 and saved UDP policy DC19.1

3) Before any signage is installed details of the method of fixing shall be submitted to and agreed in writing by the City Council as Local Planning Authority

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

Urban Design & Conservation

Appendix 2 – Planning constraints

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1