

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133220/LO/2022
Date registered valid: 16 March 2022
Proposal: Listed Building Consent for the covering up of exposed facade to Old Bank Building with breathable membrane on timber battens, covered by timber cladding, as a temporary weatherproofing measure.
Address: Old Bank Building, Hanover Street, Manchester, M4 4AH
Ward(s): Piccadilly Ward

Applicant: NOMA (GP) Ltd C/o Agent
Agent (if any): Ms Eithne Fitzgerald Deloitte LLP The Hanover Building, Corporation Street, Manchester, M4 4AH
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 17 May 2022

Application details

Type of application: Listed Building Consent
Development type: Listed building alteration
Date of site visit: 30 March 2022

Standard consultations:
Printed: 30 March 2022 Expired: 20 April 2022

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 30 March 2022 Expired: 20 April 2022

Press advert
Published: 5 April 2022 Expired: 26 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Shudehill Conservation Area 1987

Tree Preservation Order: Not applicable

Description of site/building

The application relates to the east facing gable wall of a building known as Old Bank Building. The building is Grade II Listed and bounded by Corporation Street, Hanover Street and Sadler's Yard to the west. Old Bank Building is currently partially adjoined at ground level and on the fifth floor to the adjacent Grade II listed New Century House to the north. The Eastern elevation overlooks Sadler's Yard, a public square located at the heart of the NOMA regeneration area.

The square is bounded by several Grade II Listed Buildings: Old Bank Building; Hanover Building, Redfern Building and New Century Hall.

The building is located within the Shudehill Conservation Area and could impact upon its the character.

The gable wall is in its current condition following demolition works approved under application ref not 103855/LO/2013/C1 (December 2013) which removed the previous Redfern Annex. It is envisaged that in the medium to long-term the cleared site will be developed. To the end permission for Old Bank Building to be refurbished and extended for office use has been secured under Planning Permission Ref. No: 127464/FO/202 and Listed Building Consent Ref. No: 127465/LO/2020, both approved in October 2020

Currently the cleared site is occupied by Sadler's Cat is a single story temporary public house facility with external seating areas.

Following the demolition as there was potential for the exposed masonry to be damaged by weather, as part of these works a waterproof visqueen was affixed to the gable end.

Description of area

The Site is surrounded by a mix of city centre uses, including the office-led, mixed-use development within the wider NOMA estate, residential apartments, public realm and landscaping at Sadler's Yard, 1 Angel Square and Angel Meadow. It is also in close proximity to two major public transport modes, Manchester Victoria Station to the south west and Shudehill Interchange to the south east. There are a number of temporary surface car parks in the area, which are future development plots within the NOMA Masterplan

Description of development

Consent is sought for the covering up of exposed facade to Old Bank Building with breathable membrane on timber battens, covered by timber cladding, as a temporary weatherproofing measure. The previous protective visqueen has decayed in appearance in subsequent years, detracting from the appearance of both the listed building and the adjacent Sadler's Yard public realm.

The existing visqueen covering and battens will be removed from the gable end wall. The new replacement covering will be a layer of Tyvek type breathable vapour barrier, affixed to the existing wall of Old Bank through use of timber battens. These will be carefully affixed by hand the fixings located in mortar between bricks to ensure minimal impact to the original fabric of the building. The battens would match the appearance of the adjacent Sadlers Cat. Timber capping to the top and sides would direct water away from the exposed masonry.

Consultations & Notification Responses

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

Policy

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 EN 3 (Heritage) – Which encourages development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

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.

National Planning Policy Framework 2021

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.

Section 16 ‘*Conserving and enhancing the historic environment*’ states that in determining applications, Local Planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (paragraph 194).

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. (Paragraph 197)

In considering the impacts of proposals, paragraph 199 states that 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 goes on to state 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.

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.

Other legislative requirements

Section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the "Listed Building Act") provides that "in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting. Members should consider whether there is justification for overriding the presumption in favour of preservation.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Design Issues and impact on the Character and Fabric of the Listed Building and character of the Conservation Area – The main issue to consider is whether the impact of the proposed works on the character and fabric of the listed building and the character of the conservation area are acceptable.

Whilst attaching directly to the original fabric of Old Bank, the proposal would make no permanent change or negatively affect the building's special interest given in particular the current poor quality appearance of the gable wall. As an interim feature the covering has been designed to be easily installed and removed without damaging the listed fabric. The design and appearance of the timber cladding is considered to be sensitive to its historic context. The simple appearance would provide an appropriate addition to the area which makes minimal intervention to, and therefore preserves the character and appearance of the building and conservation area.

In the context of the NPPF and S66 and S72 of the Act, it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets. The minor harm from

the proposals is considered to be 'less than substantial', and as such paragraphs 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 are heritage benefits and environmental benefits through ensuring that the gable end of the building has an acceptable quality of appearance pending the delivery of a permanent development of the adjacent site, that the listed building is protected from water ingress and any consequential deterioration of the fabric that would result and that the appearance of the cladding would match that on the adjacent temporary Sadler's Cat building.

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 and the character of the conservation area.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to considering the impact on and 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 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 00800 REV P03 stamped as received on 16-03-22

(b) Dwg 6277-SK075 stamped as received on 16-03-22;

(c) Method Statement prepared by CEB Services Ltd stamped as received on 16-03-22;

(d) Installation Guide (DuPont), Technical Data Sheet (DuPont) and details within Deloitte e-mail dated 06-05-22 (all stamped as received on 06-05-22; and

(e) Maintenance schedule as set out in Deloitte's letter dated 15-03-22.

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

Appendix 1 – List of consultees & neighbours notified

Urban Design & Conservation

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 - Shudehill Conservation Area 1987

Area Team Boundary - Name: CITY1