

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138263/JO/2023

Date registered valid: 6 October 2023

Proposal: Variation of condition application in relation to condition 2 (Specified Plans) of planning permission 131993/LO/2021, with alterations consisting of internal alterations, elevational alterations and narrowing of doorways.

Address: MCR Home Arches, Arches Below Viaduct Between Whitworth Street West & Tony Wilson Way, Manchester, M15 4FN

Ward(s): Deansgate Ward

Applicant: Mr Steve Atherton Robertson Construction Ltd

Agent (if any): Mr Colin Williams, The Planning Studio

Case officer: Emily Booth
Tel: 0161 234 4193
Email: emily.booth@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 May 2025

Application details

Type of application: Variation or Removal of Condition

Development type: Listed building alteration

Date of site visit: 24 July 2024

Standard consultations:

Printed: 12 October 2023 Expired: 2 November 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 17 October 2023 Expired: 7 November 2023

Press advert

Published: 17 October 2023 Expired: 31 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II Listed

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This application comprises 3no. railway arches that run alongside Whitworth Street West. They are within the Grade II Listed section of a 224-arch multi-span brick railway viaduct that carries the South Junction Railway Line from Manchester Piccadilly Train Station to Deansgate Train Station.

The viaduct roughly follows the route of the River Medlock branching into two at Castlefield basin with the northern branch terminating at the River Irwell and the southern branch terminating at Dawson Street. It is mainly constructed in brick with a series of predominantly arched cast iron bridges and incorporates arches varying in height some of which have been in filled and converted into premises.

The Grade II Listed Rochdale Canal Lock 60 is the closest listed structure, and the Grade II Listed Ritz Dance Hall is nearby. The site subject of this application is not within a Conservation Area.

The site is also within the arches at the front of the First Street area and is to the rear of Manchester Home. First Street is one of Manchester's most vibrant neighbourhoods with a well-established blend of culture, leisure, retail and office space with quality workspaces and apartments. It has started to be constructed on the site of Gaythorn Gas Works and new sites are still coming forward in this evolving neighbourhood.

Other uses in the immediate area include hotels, office buildings, residential buildings, shops, bars and restaurants.

Applications referenced 131992/FO/2021 and 131993/LO/2021 allowed the use of the railway arches as a flexible use (Sui Generis) including arts, events and performances with associated internal and external alterations to the listed building.

Description of development

Listed Building Consent is now sought to vary condition 2 (Approved Drawings and Documents) of application referenced 131993/LO/2021 to allow the following changes:

- Moving the external steel to achieve 350mm clear from the arch.
- Increasing the shadow gap (external spandrel panel) between glazing head and arch externally.
- The front and back of the pods, would be reduced by 2 bricks in width externally to ensure full access, but would remain centrally located.
- Narrowing of the external doors to Arch 1 to maximise the space inside the room.
- Reduction of the size of the single WC and the quiet room (internal works) within Arch 2.
- A change to the internal width of Arch 3 (internal works).

An application for a non-material amendment to application referenced 131992/FO/2021 has also been submitted for the external changes. This is referenced 138258/NMC/2023.

Consultations & Notification Responses

Network Rail - Advised that the applicant should complete an asset protection from prior to commencing works.

Publicity - The application was advertised in the local press as an application for listed building consent, a site notice was displayed on site and letters were sent to surrounding occupiers to inform them of the proposals. No responses have been received.

Issues

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC4 (Visitors, Tourism and Leisure) advises that development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

CC10 (A Place for Everyone) states that development that promotes high standards of accessibility to buildings and across spaces in the City Centre.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should make a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment.

Policy DM1 (Development Management) states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- a) Appropriate siting, layout, scale, form, massing, materials and detail
- b) all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.
- c) Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation.
- d) Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes
- e) Community safety and crime prevention
- f) Design for health.
- g) Adequacy of internal accommodation and external amenity space
- h) Refuse storage and collection.

The Unitary Development Plan for the City of Manchester

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Places for Everyone -

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P 1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P 2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

Policy JP-P3 (Cultural Facilities) states that cultural businesses and attractions in our cities and towns will be proactively developed and supported through a range of measures including protecting existing heritage, cultural and community facilities, supporting the development of new cultural venues in town centres and places with good public transport connectivity, promoting new, or enhanced existing, locally-distinct clusters of cultural facilities, identifying protecting and enhancing strategic clusters of cultural attractions, considering the use of vacant properties and land for pop-ups or meanwhile uses for cultural and creative activities; maximising opportunities for redundant heritage assets; considering the designation of 'Creative Improvement Districts' and supporting a mix of uses which derive mutual benefits. If development would potentially result in conflict between a cultural activity and another use, especially in terms of noise, then the development responsible for the change must secure the implementation of appropriate mitigation before it is completed.

National Policy

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. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". 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 210 states that in determining planning 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 wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- (c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- (d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 207 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 213 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 215 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 securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

The Impact on the Character of the Listed Building -

Under the above criteria the effect of the proposal has been considered.

The changes are proposed due to requirements of access by Network Rail, previous survey inaccuracies and the removal of glazed bricks that are no longer required. The proposed changes are in the main minor and would cause no additional harm to the Grade II listed structure protecting its special significance and only affecting non-original fabric.

However, infill panels have been installed to the underside of the arches and have exposed fixings that are clearly visible from across the street. The panels are anodised ensuring a quality and durable material but have incongruous external fixings in all corners damaging the material and having a poor appearance.

Hidden fixings are expected to ensure the quality of appearance required and to have simple, considered, joined up and uncluttered appearance that is as seamless as possible and works well with the other materials. Additionally, this is a listed structure and should not have features that distract from the appreciation of the appearance of this designated heritage asset in particular the arched openings.

Given this, Condition 3 has been amended to reflect the decision of application referenced CDN/23/0391 and to ensure that the fixings are changed to hidden fixings.

Given the above, it is considered that subject to the discharge of conditions, the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above-described works and are consistent with paragraphs 203 and 208 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The public benefits of the proposals are that the premises would be re-occupied, better maintained and reused assisting in the success of this listed building and that the alterations would allow another cultural use to be provided, extending the variety within Manchester's cultural offer.

Other Legislative Requirements **Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct

prohibited by the Act and Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 applications. This has included ongoing discussions about the need for more information and has included extensive pre application advice.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

- 1) The development shall have commenced not later than 8 March 2025.

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:

The location plan referenced B1_00_1001 received by the City Council as local planning authority on 4 November 2021

The following drawings referenced:

042201 Rev P01 Received 04/11/21

Received by the City Council as local planning authority on 4 November 2021

HAP-JMA-A1-XX-DR-A-05-4201 Rev C2
HAP-JMA-A1-XX-DR-A-05-4221 Rev C2
HAP-JMA-A2-XX-DR-A-05-4202 Rev C2
HAP-JMA-A2-XX-DR-A-05-4222 Rev C2
HAP-JMA-A3-XX-DR-A-05-4203 Rev C2
HAP-JMA-A3-XX-DR-A-05-4223 Rev C2

Received by the City Council as local planning authority on 6 October 2023

HAP-JMA-A1-00-DR-A-02-4201
HAP-JMA-A1-XX-DR-A-05-4201
HAP-JMA-A1-XX-DR-A-05-4221
HAP-JMA-A2-00-DR-A-02-4202
HAP-JMA-A2-XX-DR-A-05-4222
HAP-JMA-A2-XX-DR-A-05-4202
HAP-JMA-A3-XX-DR-A-02-4203
HAP-JMA-A3-XX-DR-A-05-4203
HAP-JMA-A3-XX-DR-A-05-4223
HAP-JMA-B01-00-DR-A-02-2200
HAP-JMA-B01-XX-DR-A-04-2200
HAP-JMA-B01-XX-DR-A-04-2201
HAP-JMA-B01-XX-DR-A-05-2200
HAP-JMA-B01-XX-DR-A-05-2201
HMA-JMA-A1-XX-S-A-052202 Rev P01
HMA-JMA-A2-XX-S-A-052203 Rev P01
HMA-JMA-A3-XX-S-A-052204 Rev P01
HMA-JMA-XX-00-P-A-022200 Rev P01
HMA-JMA-XX-AA-S-A-052200 Rev P01
HMA-JMA-XX-BB-S-A-052201 Rev P01
HMA-JMA-XX-N-E-A-042200 Rev P01
HMA-JMA-XX-RF-P-A-022201 Rev P01
HMA-JMA-XX-S-E-A-042201 Rev P01

Received by the City Council as local planning authority on 23 February 2024

The following documents:

- The Sample Tracker Home Arches prepared by Jon Matthews Architects Rev A
- The photos with reference numbers ARM-111, ARM-311, BRK-251, DRS-251, DRS-255, DRS-261, PPS-111, EWS-111 and EWS-117, EWS-231, SGN-201, Anodised Sample, MASS Concrete,
- The drawings referenced HAP-JMA-B01-XX- DR-A-04-2201 Rev C3 and HAP-JMA-B01-XX-DR-A-04-2200 Rev C3
- The photo showing Light Weather Brick construction.
- The photo showing a louvre

Received by the City Council as local planning authority on 1 February 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy Policies SP1, DM1 and EN3 and saved UDP policy DC19.1

3) a) Full details of the amended fixings of the external infill panels shall be submitted to and approved in writing by the City Council as local planning authority within three months of the

date of determination of this application. These details shall include detailed scaled drawings and a fully detailed method statement for the works.

b) A sample of the fixed cladding shall be made available for assessment and approval in writing by the City Council as local planning authority prior to the commencement of these works.

c) These changes to the fixings of the infill panels to provide hidden fixings shall be completed fully and only in accordance with the approved information within five months of the date of determination of this application.

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, pursuant to policies SP1, DM1 and EN3 of the Core Strategy and saved policy DC19.1 of Manchester's Unitary Development Plan.

4) The proposed glazing system, all proposed entrance and loading doors, extension parapets, brickwork, fixings internal doors, making good and floor coverings shall have been fully implemented in accordance with the following drawings and documents:

HAP-JMA-A1-00-DR-A-02-4201 Rev C4
HAP-JMA-A1-XX-DR-A-10-4201 Rev C3
HAP-JMA-A1-XX-DR-A-10-4204 Rev C3
HAP-JMA-A2-00-DR-A-02-4202 Rev C4
HAP-JMA-A2-XX-DR-A-10-4202 Rev C3
HAP-JMA-A2-XX-DR-A-10-4205 Rev C3
HAP-JMA-A3-00-DR-A-02-4203 Rev C3
HAP-JMA-A3-XX-DR-A-10-4203 Rev C3
HAP-JMA-A3-XX-DR-A-10-4206 Rev C3
HAP-JMA-B01-00-DR-A-02-2200 Rev C2
HAP-JMA-B01-XX-DR-A-04-2200 Rev C4
HAP-JMA-B01-XX-DR-A-04-2201 Rev C4
HAP-JMA-B01-XX-DR-A-05-2200 Rev C3
HAP-JMA-B01-XX-DR-A-05-2201 Rev C3
HAP-JMA-XX-XX-DR-A-08-4282 Rev C3
HAP-JMA-XX-XX-DR-A-08-4283 Rev C2
HAP-JMA-XX-XX-DR-A-08-4284 Rev C2
HMA-JMA-A1-XX-S-A-052202 Rev P01
HMA-JMA-A2-XX-S-A-052203 Rev P01
HMA-JMA-A3-XX-S-A-052204 Rev P01
HMA-JMA-XX-00-P-A-022200 Rev P01
HMA-JMA-XX-AA-S-A-052200 Rev P01
HMA-JMA-XX-BB-S-A-052201 Rev P01
HMA-JMA-XX-N-E-A-042200 Rev P01
HMA-JMA-XX-RF-P-A-022201 Rev P01
HMA-JMA-XX-S-E-A-042201 Rev P01

Received by the City Council as local planning authority on 23 February 2024

The covering letter from the Planning Studio dated 13th February 2024

And as assessed on site on 24 July 2024.

Reason: To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of visual amenity of the area within which the site is located, as specified in policies SP1, DM1 and EN3 of the Core Strategy and saved Policy DC19.1 of the Manchester Unitary Development Plan.

Informatives

1) Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) - the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Network Rail

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL