

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142006/JO/2025
Date registered valid: 28 January 2025
Proposal: Variation of condition 2 (approved drawings) and retention of installed grating details to arch and subsequent amendment to condition 4 (arch finishes) of application 12853
Address: Colonnaded Viaduct , Manchester
Ward(s): Deansgate Ward

Applicant: Manchester City Council
Agent (if any): Mr John Cooper Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 20-03-24

Application details

Type of application: Variation or Removal of Condition

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 4 February 2025 Expired: 25 February 2025

Neighbour notifications

Printed: 4 February 2025 Expired: 25 February 2025

Site notice

Posted: 14 February 2025 Expired: 13 March 2025

Press advert

Published: 11 February 2025 Expired: 4 March 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Not applicable

Listed Building Consent Ref: 114370/LO/2016 was approved concurrently with Planning Permission Ref: 114294/VO/2016, in 2017 providing for the demolition of the existing Starlight Theatre and surrounding structures to facilitate the delivery of the Factory and surrounding public realm, alongside associated works to the Grade II Listed Colonnaded Railway Viaduct.

In 2018, a new application for Planning Permission, alongside an application to vary conditions attached to the Listed Building Consent under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990, App ref no 119892/JO/2018 was submitted to Manchester City Council to secure a number of material changes to the original consents. These changes reflected ongoing design development with input from the specialist consultant team, contractors and Manchester International Festival, the confirmed operator of Factory. Changes to the Grade II Listed Colonnaded Viaduct included slight movement in location and reduction in number of penetrations to the arches to deliver the structural solution; refinement of the internal layout arrangements; and the re-location of the potential link through the arch to the Museum of Science and Industry Estate.

During the course of construction, the project team has identified a further change to the proposals for the Grade II Listed Colonnaded Viaduct, which comprises a revised approach to raising the height of the arches along the structure compared to the approved scheme. These amendments were subsequently approved under application ref no 128536/JO/2020. This now represents the extant consent.

This application seeks consent to retain works carried out as further minor changes to the approved scheme including a revised approach to the grating details of Arch 1 of the Grade II listed Colonnaded Viaduct.

The approved position of Arch 1 of the Grade II Listed Colonnaded Viaduct, under the S19 would have seen the installation of a substantial grating treatment sitting in front of the Arch in its entirety and the brick façade of the Arch covered up. Following detailed design development, the grating to Arch 1 of the Grade II Listed Colonnaded Viaduct was installed to allow the grating treatment to set back into the Arch (instead of sitting in front of the Arch), following the shape of the Arch, therefore reducing extent of the grating treatment and allowing more brickworks on the façade of the Arch be exposed.

Condition 4 attached to 128536/JO/2020 required details to be submitted showing finishes to the arches of the Grade II Listed Colonnaded Viaduct and the metal structural support at the spring point of the arches. Given that the project has completed without the condition being discharged this application also seek to submit materials required, as aforementioned. In order to satisfy the requirements of Condition 4. A photographic record of the finishes and the metal structural support as installed has been submitted in support of this application.

Consultations & Notification Responses

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

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 12 Requiring Good Design - which seeks the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes and aims to 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 users⁴⁶; 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 – 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 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 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

Policy DM1 (Development Management) – Which 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:-

which says that in determining applications consideration should be given to amongst others, the effects on amenity, including privacy light, noise.

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

- Effects relating to biodiversity, landscape, archaeological or built heritage. Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

And that for new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

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.

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.

National Policy

Sections 16 and 66 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.

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 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 210 states that 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 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.

Design Issues and impact on the Character and Fabric of the Listed Building and Conservation Area

– Whilst there has been a low level of harm from the interventions to the Colonnaded Viaduct it is considered that the implemented works have not adversely impacted on its character or historic and architectural features. Indeed the amendments have allowed better conservation and enhancement of heritage assets by introducing a more sensitive approach to the infill treatment of the Arch as part of the Grade II Listed Colonnade

As any harm is considered to be 'less than substantial', paragraph 215 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 which in this case are heritage benefits.

These public benefits include:

- Supporting the creation of new employment opportunities in the creative sector, which is an important area of growth for the city region;
- Within a decade helping to create directly or indirectly the equivalent of 2,453 full time jobs and add £137.7m a year to the economy;
- Supporting opportunities for engagement with young people, apprenticeships and volunteering;
- Supporting Factory's playing of a significant role in supporting the skills, training and employability for the developing creative industries sector in Greater Manchester and the North; and
- Supporting the provision of a world-class arts and culture space.

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 and moderate physical harm resulting from the implemented proposals are acceptable and that the impact on the special character and fabric of the building is less than substantial and has been outweighed by the public benefits of the wider Factory scheme.

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 proposed works 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 212 and 215 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 policy and 19.1

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:

Article 35 Declaration

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

- 1) The development must be begun not later than 12.01.2019

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:

Planning Application Drawing Numbers:

MF- OMA- AR- XX- DR- A- 94_000 Location Plan

MF-OMA-AR-XX-DR-A-94_0000 Rev P2 BUILDING CONSENT BOUNDARY LEVEL 2

MF-OMA-AR-XX-DR-A-94_0001 Rev P1 BUILDING CONSENT BOUNDARY GROUND FLOOR

MF-OMA-AR-GF-DR-A-94_0103 Rev P2 LEVEL 2- DEMOLITION FLOOR PLAN

MF-OMA-AR-GF-DR-A-94_0104 Rev P2 GROUND FLOOR - DEMOLITION FLOOR PLAN

MF-OMA-AR-GF-DR-A-94_0105 Rev P2 LEVEL 2- PROPOSED FLOOR PLAN

MF-OMA-AR-GF-DR-A-94_0107 Rev P2 GROUND FLOOR - PROPOSED FLOOR PLAN

MF-OMA-AR-GF-DR-A-94_0201 Rev P1 CEILING PLAN EXISTING

MF-OMA-AR-GF-DR-A-94_0202 Rev P1 CEILING PLAN PROPOSED

MF-OMA-AR-GF-DR-A-94_0300 Rev P2 SECTIONS DEMOLITION, PROPOSED

MF-OMA-AR-GF-DR-A-94_0401 Rev P2 ELEVATIONS - DEMOLITION, PROPOSED

MF-SHW-WH-GF-DR-X-00-0002, Rev AB01

MF-RYD-WH-GF-SK-A-55-0006, REV C03

MF-OMA-AR-GF-DR-A-94_0420 Rev P3 ARCH 2 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0430 Rev P3 ARCH 3 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0440 Rev P3 ARCH 4 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0450 Rev P3 ARCH 5 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0460 Rev P3 ARCH 6 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0470 Rev P3 ARCH 7 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_0480 Rev P3 ARCH 8 INTERNAL ELEVATIONS

MF-OMA-AR-GF-DR-A-94_590 Rev PO EXISTING OPENINGS - ALTERATION AND REPAIR

MF-OMA-AR-GF-DR-A-94_591 Rev PO EXISTING PARAPET - ALTERATION AND REPAIR

MF-OMA-AR-GF-DR-A-94_0500 Rev P1 ARCH INFILL TYPICAL DETAILS

MF-BHE-XX-XX-DR-S-17_6302 REV P02 TYPICAL SUPERSTRUCTURE DETAILS SHEET 2

MF-OMA-AR-GF-DR-A-94-492 Rev P0 EXISTING VIADUCT - EXTENT OF WATERPROOFING

MF-BHE-AR-GF-DR-S-11_1030 REV P03 GROUND FLOOR ARCHES STRUCTURAL GENERAL ARRANGEMENT

MF-BHE-WH-L2-DR-S-11_1230 REV P02 LEVEL 02 ARCHES STRUCTURAL GENERAL ARRANGEMENT

MF-BHE -XX -XX-SK-S-00-1034 REV C00 - ARCH HEIGHT ALTERATION - ARCH TYPE B DETAILS

MF-BHE -XX -XX-SK-S-00-1035 REV C00 - ARCH HEIGHT ALTERATION - ARCH TYPE A DETAILS

MF-BHE -XX -XX-SK-S-00-1036 REV C00 - ARCH HEIGHT ALTERATION - ARCH TYPE B* DETAILS

XX_200 FACTORY PUBLIC REALM KEY PLAN

THE FACTORY MANCHESTER VIADUCT ARCH HEIGHT ALTERATIONS PREPARED BY LAING O'ROURKE

ALT 402 - Doff Cleaning Method Statement

ALT 402 - Arch Penetrations and Propping Method Statement

Updated Masonry Cleaning Document Specification

Updated Façade Repair Specification

Updated General Requirements Specification

Arch 1 - Mortar Analysis Report

Arch 4 - Mortar Analysis Report

Arch 7 - Mortar Analysis Report

Paint Rid Specification

MF-OMA-AR-L2-DR-A-20-0800 Rev C05 Existing Viaduct Waterproofing

MF-OMA-AR-L2-DR-A-20-0810 Rev C04 Existing Viaduct Waterproofing Details

MF-OMA-AR-L2-DR-A-20-0811 Rev C04 Existing Viaduct Waterproofing Details; and

MF-OMA-AR-L2-DR-A-20-0812 Rev C03 Existing Viaduct Waterproofing Details

as amended by Deloitte's e-mail dated 11 December 2020

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 and saved UDP Policy DC19.1

3) No materials (including replacement engineering brick) proposed on any of the external elevations shall be installed on-site until the samples and specifications of these materials, have been submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the approved details.

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.

4) Finished to the arches following removal of 3rd brick course and final finish to the metal structural supports at the spring point of the arches shall be implemented in accordance with:

Drawings MF-BHE-XX-XX-SK-S-00-1034-C00, MF-BHE-XX-XX-SK-S-00-1035-C00, and MF-BHE-XX-XX-SK-S-00-1036-C00

stamped as received by the City Council, on 9 November 2020 under Application Ref: 128536/JO/2020.

Drawing SKS1038 and photographic record within Deloitte's Covering Letter (dated 28th January 2025) stamped as received by the City Council, on 28-01-25.

The above shall be implemented in accordance with the approved details before the development is first occupied

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

Heritage & Urban Design

Chaos Karts, Lower Byrom Street, Manchester, M3 4AP

48 Liverpool Road, Manchester, M3 4EQ

Factory, 161 Water Street, Manchester, M3 4JQ

The Crystal Maze, Lower Byrom Street, Manchester, M3 4AP

Bonded Warehouse, 18 Lower Byrom Street, Manchester, M3 4AP

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Conservation Area - Castlefield Conservation Area 1979

Area Team Boundary - Name: CENTRAL