MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141034/FO/2024
Date registered valid:	11 October 2024
Proposal:	Retention of subdivision of units 1 & 2, and associated elevational alterations
Address:	The Quarters , Oldham Street And Spear Street, Manchester, M4 1LF
Ward(s):	Piccadilly Ward
Applicant:	Kempton Homes Ltd
Agent (if any):	Mrs Caroline Payne Emery Planning
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**04/12/2024**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 17 October 2024 Expired: 7 November 2024

Neighbour notifications
Printed: 17 October 2024 Expired: 7 November 2024

Site notice
Posted: Expired:

Press advert
Published: 22 October 2024 Expired: 12 November 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

This application relates to a recently completed building at 76-82 Oldham Street (Block A) and 70 Spear Street (Block B). The buildings are separated by Spear Street. The site was redeveloped following a fire in 2013 that resulted in the loss of all but one of the buildings on site including the substantial art deco building that was formerly Dobbins department store. The building remaining on site was located at 5 Warwick Street and was a two-story brick-built building constructed in the 1930's that has seen some incremental change.

Listed building: Not applicable

Conservation area: Stevenson Square (Extension) Conservation Area 1987 Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of area

The site is within the Stevenson Square Conservation Area and opposite the Smithfield Conservation Area. Grade II Listed buildings at 132 Oldham Street, 105 Oldham Street, 66 Oldham Street are close to the site and the Grade II Listed former worker's cottages at 4-8 Bradley Street are opposite the site.

Other uses in the immediate area include offices, residential apartments, creative industries, shops, bars and restaurants. The adjoining property at 84-86 Oldham Street, is used for residential purposes. There are other nearby residential properties at 2 Houldsworth Street, 60a Oldham Street, 89-95 Oldham Street, 90-94 Oldham Street, 99 Oldham Street, 105 Oldham Street, 119 Oldham Street, 127 Oldham Street, 82 Tib Street, 100 Tib Street and 110-112 Tib Street.

Description of development
The application seeks part retrospective planning permission for the creation of subdivisions to the ground floor units of both blocks of the Quarters development, together with elevational alterations to create new entrances to the units.

Consultations & Notification Responses
Publicity - a notice was displayed on site informing passers-by of the development. A press notice was placed in the local press advertising the works as those affecting a conservation area. Letters were sent to surrounding occupiers notifying them of the development. One representation has been received as a result of this publicity:

Nearby resident who has listening and auditory sensitivity issues has been disturbed by works that have taken place so far to create Sainsbury's unit.

Environmental Health - no objections

Highways Services - no objections regarding doorway as it would not open outwards and hence not impinge on adopted highway. Informative regarding construction management arrangements requested.

Issues

Relevant Policy and Legislation

The main policies that relate to this application are as follows:

Manchester Core Strategy (2012)

DM1 (Development Management) states that new development should have 'Appropriate siting, layout, scale, form, massing, materials and detail'. It is considered that the insertion of subdivisions that abut areas of glazing is not appropriate in terms of siting, layout and detail.

EN3 (Heritage) states that development should enhance the appearance of the historic environment, including the setting of conservation areas. The elevational alterations to Block A, necessary to facilitate the internal subdivisions are harmful to the visual amenity of the building and thus the appearance of the conservation area in which it sits.

CC9 (Design and Heritage) states that the 'Design of new buildings will need to be of the highest standard in terms of appearance and function.' The placement of the subdivisions means they would abut the glazed openings along Oldham Street, disrupting the rhythm of the elevation and weakening the architectural quality of the ground floor. The doorways at the rear on Spear Street sit awkwardly within the arrangement of the existing glazing as they do not line up with the frames, again to the detriment of the building's design and appearance.

Unitary Development Plan for Manchester (1995)

DC18 (Conservation Areas) states that the City Council must consider 'the effect of major changes to the appearance of existing buildings' within conservation areas. In this instance, the arrangement of the subdivisions would have a significant detrimental impact on the external appearance of the building, harming the visual amenity of the building. This would be detrimental to the character and appearance of the conservation area.

The Shopfront and Signage Design Guide (2024)

This document states in section 4.1 Shopfronts should reflect and respond positively to the architectural expression and proportions of the existing building. Section 6.2.1 also states that new shopfronts should sit within the frame of a shopfront (i.e. pilasters) and be aligned with other features, elements and detailing. The proposed subdivisions and related shopfronts on Oldham Road do not align with the existing architectural features of the building, namely the brick piers at ground floor level, nor do the new doorways align with other features elements or detailing, as the frames do not align with the existing transoms.

National Planning Policy Framework

Relevant Planning History

139580/JO/2024

Planning permission was granted for the development at the application site under 139580/JO/2024. Below is the Oldham Street elevation as approved under this application:



(Drawing – Proposed OSM-FEA-BA-XX-DE-A-3700 Rev P3 received by the City Council, as Local Planning Authority, on 23/09/2021)

At the ground floor level, the shopfront to the unit comprises 3no. larger archways, comprising 5no. glazed panels, and 3no. single glazed panel openings. There is a clearly legible architectural language to the elevation. The glazed sections of the ground floor are separated by several brick piers. The openings are regular and equally proportioned, which lends a rhythm to the elevation.



Oldham Street elevation (Source: Author's own. Date: August 2024)

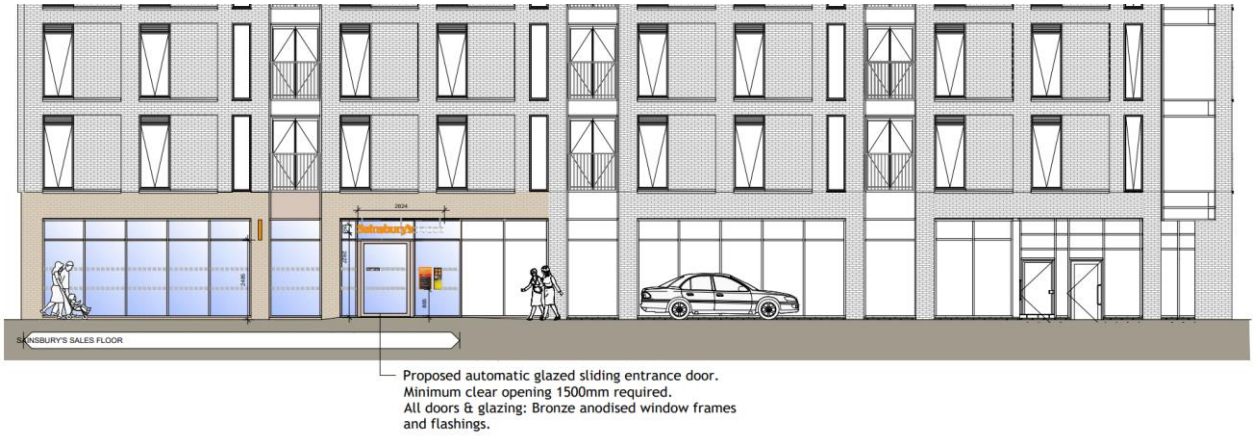
Planning permission is required for to subdivide the ground floor unit of the development by virtue of condition 30 attached to planning permission 139580/JO/2024. Under 139580/JO/2024, a variation of Condition 30 was applied for and subsequently refused, as set out in the officer's report, on the following basis:

Condition 30 currently states that 'No commercial unit within Building A or Building B as identified on the approved drawings shall be combined with another or subdivided unless planning permission is specifically granted.' Given this a Full Planning application is required to subdivide the units and the wording of Condition 30 will therefore not be changed as part of this decision. The acceptability of this change can be further and fully assessed in terms of the impacts in a future planning application.

The need to apply for planning permission for any subdivision was raised again during pre-application discussions regarding a number of different matters to do with the Quarters development. As was clear from the officer report 139580/JO/2024, the LPA would then assess any proposal as part of a future application.

140005/FO/2024

An application was submitted on behalf of Sainsbury's, who currently occupy the completed, yet unauthorised, unit in Block A. The application sought planning permission for *Shopfront alterations to existing building* pursuant to the internal subdivisions that have taken place to create the unit.



(Drawing - Existing & Proposed PL-A-1007 REV B ELEVATIONS received by the City Council, as Local Planning Authority, on 10/07/2024 under application reference 140005/FO/2024)

The scheme has a number of similarities to the shopfront alterations that form part of this application 141034/FO/2024, including the abutment with the northernmost of the larger glazed areas and the creation of a sliding entrance doors within this area. It was refused on the following grounds:

The shopfront alterations, by virtue of their design, appearance and siting would result in an awkward and unsightly manifestation on the elevation. The shopfront alterations do not respect or properly relate to the architectural language of the external elevations, the rhythm of the building's design or the relationship between materials on the elevation. This is as a consequence of the internal subdivision of the ground floor unit. The result would be harmful to visual amenity. The development is hereby refused pursuant to policies EN1, DM1 and SP1 of the Manchester Core Strategy, the guidance contained within Shopfront and Signage Design Guide (2024) and the NPPF.

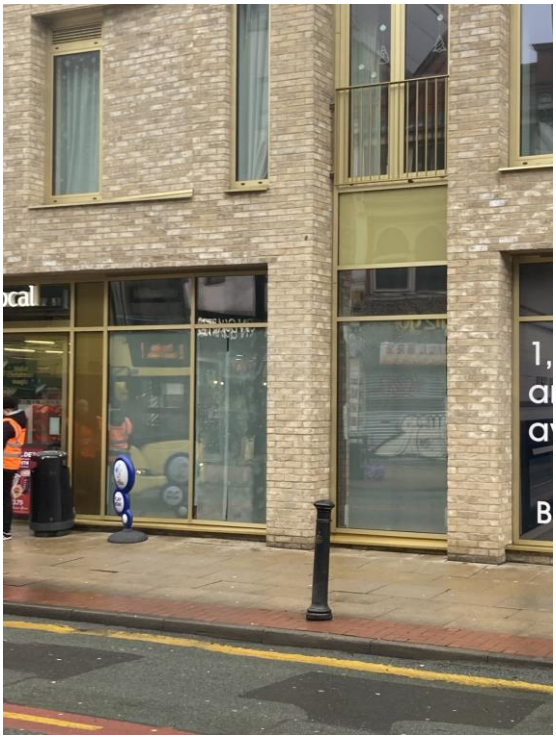
Visual amenity

The subdivision that has taken place to the ground floor of Block A is poorly devised and does not respond positively or rationally to the architecture of the building. The proposed subdivisions abut existing glazed areas of the Oldham Street elevation, necessitating a reconfiguration of these glazed areas. This has already been delivered to the northernmost new unit occupied by Sainsbury's and so this shopfront is proposed for retention

The ground floor of the Oldham Street elevation comprises three large, glazed openings comprising five equally sized glass panels and three smaller openings between these larger openings, comprising a singular glazed panel. There are brick piers between each of these openings. The elevation thus has a regularity and rhythm to its appearance by virtue of this arrangement.

The siting of the subdivisions totally ignores the architecture of the building, which would lend itself to subdivisions that abut the brick piers separating the glazed openings. Instead, the proposed subdivisions have been designed in such a manner that they abut the larger glazed sections of the Oldham Street elevation, unevenly bifurcating these glazed openings to facilitate the introduction of a doorway.

This also necessitates the insertion of a slender panel with back painted/ opaque glazing where the end of each wall is sited. These elements of opaque glazing do not match other similar elements on the elevations, being much darker in colour (see below).



Oldham Street elevation (Source: Author's own. Date: December 2024)

The result is glazed panels in a variety of different sizes and design, entirely disrupting the regularity of the existing arrangement. The impression is of an ad hoc and poorly thought-out design which detracts from the otherwise high-quality architecture of the building. It is considered that this would be harmful to visual amenity and thus would fail to preserve or enhance the setting of the Stevenson Square Conservation Area in which the development sits.

Together with the rearrangement of the Oldham Street elevation, there would be new doorways and inserted in the rear Spear Street elevation to create rear entrances to the new units. As with the alterations to the Oldham Street elevation, the design gives these alterations an ad hoc appearance.

The tops of the doorways do not line up with the transoms of the windows that sit either side, giving them an awkward and ill-proportioned appearance, The doorways themselves, which are solid and unglazed, create opaque elements that inhibit the reflective and permeable impression of the elevation. Again, the clean rhythm of the glazing is disrupted by these alterations and the overall architectural quality of the building is greatly diminished.

Conclusion

The proposal would see the retention of internal partitions to the ground floor of Block A of the Quarters which have necessitated elevational alterations which interact poorly with the building's architecture, in particular the arrangement of the glazing on Oldham Street and Spear Street, thereby harming the visual amenity of the building and surrounding conservation area. Thus, the proposal is considered to be contrary to the provisions of policies DM1, SP1, EN3 and CC9 of the Manchester Core Strategy, saved policy DC18 of the Unitary Development Plan for Manchester (1995) and the guidance contained within Shopfront and Signage Design Guide (2024) and is therefore recommended for approval

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 polices 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: Refuse

Article 35 Declaration

Officers will work in a positive and proactive way. However, in this instance, it is not considered that there are any amendments that would make the development acceptable to the Local Planning Authority.

Reasons for recommendation to refuse

1) The proposed subdivisions, by virtue of their arrangement, would result in unsightly and ill-proportioned alterations to the glazing to the elevations of the Block A, thereby harming visual amenity. By virtue of their uneven and ad hoc arrangement and incongruous materiality, these would fail to respond positively to the architecture of the building and disrupt the clean rhythms of the Oldham Street and Spear Street elevations. This would also be harmful to the character and appearance of the Conservation Area. The application is hereby refused pursuant to policies DM1, SP1, EN3 and CC9 of the Manchester Core Strategy (2012) and saved policy DC18 of the Unitary Development Plan for Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 2, 2 Houldsworth Street, Manchester, M1 1EJ
129 Oldham Street, Manchester, M4 1LN
Flat 2, 127 Oldham Street, Manchester, M4 1LN
Flat 13, 5 Warwick Street, Manchester, M1 1AU
Flat 25, 5 Warwick Street, Manchester, M1 1AU
Unit 2, 60 Spear Street, Manchester, M1 1AW
Flat 18, 70 Spear Street, Manchester, M1 1AW
Flat 22, 5 Warwick Street, Manchester, M1 1AU
Flat 46, 5 Warwick Street, Manchester, M1 1AU
Flat 31, 5 Warwick Street, Manchester, M1 1AU
Flat 1, 5 Warwick Street, Manchester, M1 1AU
Flat 43, 5 Warwick Street, Manchester, M1 1AU
Flat 48, 5 Warwick Street, Manchester, M1 1AU
Flat 6, 84 - 86 Oldham Street, Manchester, M4 1LF
79 Lever Street, Manchester, M1 1FL
6 - 8 Houldsworth Street, Manchester, M1 1EJ
4 Houldsworth Street, Manchester, M1 1EJ
117 Oldham Street, Manchester, M4 1LN
Flat 1, 2 Houldsworth Street, Manchester, M1 1EJ
Flat 8, 127 Oldham Street, Manchester, M4 1LN
Flat 53, 5 Warwick Street, Manchester, M1 1AU
Flat 18, 5 Warwick Street, Manchester, M1 1AU
Flat 40, 5 Warwick Street, Manchester, M1 1AU
Flat 34, 5 Warwick Street, Manchester, M1 1AU
Flat 60, 5 Warwick Street, Manchester, M1 1AU
Flat 10, 5 Warwick Street, Manchester, M1 1AU
Flat 69, 5 Warwick Street, Manchester, M1 1AU
Flat 59, 5 Warwick Street, Manchester, M1 1AU
Flat 15, 70 Spear Street, Manchester, M1 1AW
Flat 14, 70 Spear Street, Manchester, M1 1AW
Flat 11, 70 Spear Street, Manchester, M1 1AW
Flat 10, 70 Spear Street, Manchester, M1 1AW
6 Bradley Street, Manchester, M1 1EH
10 Bradley Street, Manchester, M1 1EH
51 Lever Street, Manchester, M1 1FN
Flat 1, 119 Oldham Street, Manchester, M4 1LN
88 Oldham Street, Manchester, M4 1LF
Flat 4, 2 Houldsworth Street, Manchester, M1 1EJ
133 Oldham Street, Manchester, M4 1LN
Flat 1, 127 Oldham Street, Manchester, M4 1LN
Flat 4, 5 Warwick Street, Manchester, M1 1AU
Flat 71, 5 Warwick Street, Manchester, M1 1AU
Flat 8, 5 Warwick Street, Manchester, M1 1AU
Flat 19, 5 Warwick Street, Manchester, M1 1AU
Flat 62, 5 Warwick Street, Manchester, M1 1AU
Flat 58, 5 Warwick Street, Manchester, M1 1AU
Flat 11, 5 Warwick Street, Manchester, M1 1AU
Flat 66, 5 Warwick Street, Manchester, M1 1AU
Flat 65, 5 Warwick Street, Manchester, M1 1AU

Flat 21, 5 Warwick Street, Manchester, M1 1AU
Flat 51, 5 Warwick Street, Manchester, M1 1AU
Flat 42, 5 Warwick Street, Manchester, M1 1AU
Flat 27, 70 Spear Street, Manchester, M1 1AW
Flat 2, 70 Spear Street, Manchester, M1 1AW
Flat 5, 70 Spear Street, Manchester, M1 1AW
Flat 6, 70 Spear Street, Manchester, M1 1AW
Ground Floor, 79 Lever Street, Manchester, M1 1FL
Flat 3, 127 Oldham Street, Manchester, M4 1LN
123 Oldham Street, Manchester, M4 1LN
Flat 4, 127 Oldham Street, Manchester, M4 1LN
Flat 9, 127 Oldham Street, Manchester, M4 1LN
Flat 14, 5 Warwick Street, Manchester, M1 1AU
Flat 5, 5 Warwick Street, Manchester, M1 1AU
Flat 55, 5 Warwick Street, Manchester, M1 1AU
Flat 26, 5 Warwick Street, Manchester, M1 1AU
Flat 36, 5 Warwick Street, Manchester, M1 1AU
Flat 72, 5 Warwick Street, Manchester, M1 1AU
Flat 29, 5 Warwick Street, Manchester, M1 1AU
Flat 49, 5 Warwick Street, Manchester, M1 1AU
Flat 28, 5 Warwick Street, Manchester, M1 1AU
Flat 56, 5 Warwick Street, Manchester, M1 1AU
Flat 38, 5 Warwick Street, Manchester, M1 1AU
Flat 5, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 20, 70 Spear Street, Manchester, M1 1AW
Flat 23, 70 Spear Street, Manchester, M1 1AW
Flat 12, 70 Spear Street, Manchester, M1 1AW
Flat 21, 70 Spear Street, Manchester, M1 1AW
Flat 2, 119 Oldham Street, Manchester, M4 1LN
131 Oldham Street, Manchester, M4 1LN
Flat 20, 5 Warwick Street, Manchester, M1 1AU
Flat 32, 5 Warwick Street, Manchester, M1 1AU
Flat 27, 5 Warwick Street, Manchester, M1 1AU
Flat 23, 5 Warwick Street, Manchester, M1 1AU
Flat 33, 5 Warwick Street, Manchester, M1 1AU
Flat 44, 5 Warwick Street, Manchester, M1 1AU
Flat 1, 70 Spear Street, Manchester, M1 1AW
Flat 61, 5 Warwick Street, Manchester, M1 1AU
Flat 68, 5 Warwick Street, Manchester, M1 1AU
Flat 10, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 1, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 9, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 17, 70 Spear Street, Manchester, M1 1AW
Flat 16, 70 Spear Street, Manchester, M1 1AW
Flat 7, 70 Spear Street, Manchester, M1 1AW
Flat 22, 70 Spear Street, Manchester, M1 1AW
Flat 24, 70 Spear Street, Manchester, M1 1AW
Brook Manchester, 81 Lever Street, Manchester, M1 1FL
8 Bradley Street, Manchester, M1 1EH
68 - 70 Oldham Street, Manchester, M4 1LF
Flat 3, 2 Houldsworth Street, Manchester, M1 1EJ
2A Houldsworth Street, Manchester, M1 1EJ
Flat 6, 127 Oldham Street, Manchester, M4 1LN
Flat 9, 5 Warwick Street, Manchester, M1 1AU

Flat 2, 5 Warwick Street, Manchester, M1 1AU
Flat 15, 5 Warwick Street, Manchester, M1 1AU
Flat 67, 5 Warwick Street, Manchester, M1 1AU
Flat 45, 5 Warwick Street, Manchester, M1 1AU
Flat 39, 5 Warwick Street, Manchester, M1 1AU
Flat 70, 5 Warwick Street, Manchester, M1 1AU
Flat 3, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 4, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 26, 70 Spear Street, Manchester, M1 1AW
Flat 8, 70 Spear Street, Manchester, M1 1AW
4 Bradley Street, Manchester, M1 1EH
Second Floor, 79 Lever Street, Manchester, M1 1FL
111 - 115 Oldham Street, Manchester, M4 1LN
Serviced Apartment 1, 131A Oldham Street, Manchester, M4 1LN
Flat 2, 131A Oldham Street, Manchester, M4 1LN
Flat 30, 5 Warwick Street, Manchester, M1 1AU
Flat 35, 5 Warwick Street, Manchester, M1 1AU
Flat 57, 5 Warwick Street, Manchester, M1 1AU
Flat 54, 5 Warwick Street, Manchester, M1 1AU
Flat 63, 5 Warwick Street, Manchester, M1 1AU
Flat 37, 5 Warwick Street, Manchester, M1 1AU
Flat 52, 5 Warwick Street, Manchester, M1 1AU
Flat 41, 5 Warwick Street, Manchester, M1 1AU
Flat 64, 5 Warwick Street, Manchester, M1 1AU
Flat 3, 70 Spear Street, Manchester, M1 1AW
Flat 13, 70 Spear Street, Manchester, M1 1AW
Flat 4, 70 Spear Street, Manchester, M1 1AW
Flat 7, 5 Warwick Street, Manchester, M1 1AU
Flat 17, 5 Warwick Street, Manchester, M1 1AU
Flat 24, 5 Warwick Street, Manchester, M1 1AU
Flat 12, 5 Warwick Street, Manchester, M1 1AU
Flat 2, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 9, 70 Spear Street, Manchester, M1 1AW
Flat 25, 70 Spear Street, Manchester, M1 1AW
125 Oldham Street, Manchester, M4 1LN
Basement And Ground Floor, 119 Oldham Street, Manchester, M4 1LN
Flat 5, 127 Oldham Street, Manchester, M4 1LN
Flat 7, 127 Oldham Street, Manchester, M4 1LN
Flat 3, 5 Warwick Street, Manchester, M1 1AU
Flat 47, 5 Warwick Street, Manchester, M1 1AU
Flat 16, 5 Warwick Street, Manchester, M1 1AU
Flat 6, 5 Warwick Street, Manchester, M1 1AU
Flat 50, 5 Warwick Street, Manchester, M1 1AU
Flat 7, 84 - 86 Oldham Street, Manchester, M4 1LF
Flat 8, 84 - 86 Oldham Street, Manchester, M4 1LF
84 - 86 Oldham Street, Manchester, M4 1LF
Flat 19, 70 Spear Street, Manchester, M1 1AW
Flat 28, 70 Spear Street, Manchester, M1 1AW
Unit 1, 60 Spear Street, Manchester, M1 1AW
First Floor, 79 Lever Street, Manchester, M1 1FL

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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 - Stevenson Square (Extension) Conservation Area 1987
Conservation Area - Stevenson Square Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL