Planning

Growth & Development

Delegated officer report for planning application

Application no.	140564/LO/2024
Date registered valid:	12 September 2024
Proposal:	Listed Building Consent for the replacement of 9 no. skylights on the South East facing elevation and associated internal works.
Address:	3 Dale Street, Manchester, M1 1BA
Ward(s):	Piccadilly Ward
Applicant:	Mr Lewis Brown, Dabinett Limited
Agent (if any):	
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**18 October 2024**

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 19 September 2024

Standard consultations:
Printed: 18 September 2024 Expired: 9 October 2024

Neighbour notifications
Printed: 18 September 2024 Expired: 9 October 2024

Site notice
Posted: 19 September 2024 Expired: 10 October 2024

Press advert
Published: 24 September 2024 Expired: 15 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

The building is a Grade II listed building and was formerly known as 23 Spear Street. It was in use as a millinery warehouse between 1900-1910.

3 Dale Street forms a rectangular plan on corner site at junction with Spear Street with cast-iron columns and concrete floors, clad in red brick and ochre terracotta, with plinths of polished pink granite; roof concealed. It was constructed in a simplified baroque style and is composed of a 5-storey 4-window entrance block with a splayed corner, and a 3-storey 6-window rear range, with a basement throughout and an attic to the rear range.

The facades are rectilinear grids of large windows separated by vertical piers and horizontal bands mostly of terracotta, the piers treated as blocked columns at ground floor and banded pilasters above, with various moulded terracotta enrichments in Art Nouveau style.

The splayed corner, treated as a 3-sided full-height porch, has a segmental-headed doorway and over light under a segmental hood on decorated consoles, windows which are square headed at 1st and 2nd floors and segmental-headed at 3rd and 4th floors, with a dentil moulded cornice segmentally arched over the topmost, cartouches with pendants on the piers between them, an upstand over each pier, and a domed roof. Balancing the composition, the left end bay has a segmental open pediment in similar style.

Otherwise, the ground floor has segmental-arched windows with sloped basement windows immediately beneath; at 1st floor the 3 principal bays have Venetian-style casement glazing; the

2 centre bays have segmental-headed windows at 2nd floor and flat-roofed 3-light windows at 4th floor with dentil sill-bands.

The rear range (to Spear Street) has banded pilasters to the narrow end bay (balancing the returned side of the entrance block), and basement and ground floor matching the front; otherwise, intermediate piers mainly of brick, segmental-headed windows at 2nd floor, a dentil cornice of terracotta, and low 3-light attic windows with cornices arched over the centre lights.

The building was converted into 23 no. apartments in the early 2000s (application 057949/LO/CITY2/99) and remains in residential use.

Description of Development

The proposal seeks Listed Building Consent for the replacement of 9 no. skylights on the South-East facing elevation, replacement of a dormer window, sealing up of roof light, and associated internal works.

Related Applications

140563/FO/2024 - Listed Building Consent for the replacement of 9 no. skylights on the South-East facing elevation.
To be approved in tandem with this application.

Consultations & Notification Responses

Heritage & Urban Design – Are supportive of the proposals.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The effect of the proposal on the affected heritage asset has been considered under the following criteria.

The Adopted Core Strategy for the City of Manchester

SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

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.

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

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

DM1 (Development Management) advises that 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.

The Unitary Development Plan (UDP) for the City of Manchester

DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

DC19.1 (Listed Buildings) states that 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 settings by; not permitting any external or internal alterations or addition to a listed building where, in its opinion, there would be an advise effect on its architectural or historic character; and seek to preserve and enhance the setting of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features.

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.

JP-Strat2 (City Centre) states that the role of the City Centre as the most significant economic location in the country outside London will be strengthened considerably. The City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester, but the increasingly important residential role of the City Centre will be expanded. It will be a priority for investment in development and infrastructure. This will include addressing current network capacity issues in the City Centre which will enable the future expansion of the rapid transit public transport network across Greater Manchester. Improvements in the public realm, walking and cycling facilities, and green infrastructure will help to enhance the local character and environmental quality of the City Centre so that it can rival city centres across the globe, enabling it to compete effectively at the international level for investment, businesses, skilled workers, residents and tourists. A broad range of commercial accommodation will be delivered, helping the City Centre to capture growth across key economic sectors. The new functions within the City Centre will be delivered in a way that complement, rather than displace the area's non-residential functions and will seek to protect and enhance the city centre's historic environment and assets.

JP-P1 (Sustainable Places) states an aim 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.

JP-P2 (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.

National Policy

Development decisions should, therefore, accord with the requirements of the NPPF (National Policy Planning Framework), in particular 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 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPAs 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.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 advises 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.

Paragraph 206 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 207 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.

Paragraph 208 advises that proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

Paragraph 212 advises that Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance.

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.

Other Legislation

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

The Principle of the Development

It is accepted that the windows installed in 2003 are beyond their current life and need replacing.

Currently, there are ongoing issues with water ingress to the frame and dampness from these windows. As a result, residents with these skylights are suffering from potential damage to their apartments and windows that do not offer a level of thermal comfort that matches today's standards. The current condition of these windows could pose a risk to the residents' health.

Therefore, the principle of the development is accepted.

Impact on the Heritage Asset

The existing rooflights are double glazed uPVC windows and are not original. Permission was granted in 2003 for the windows to be replaced by timber windows. This was not implemented, and uPVC windows were installed instead.

The replacement of these unauthorised uPVC windows, which are considered to cause harm to the significance of the listed building, with timber windows are considered to be beneficial to the listed asset.

The design of the windows will match the existing, the only difference will be the materiality.





External views from roof terrace of rooflights



Internal View of a Window (Flat 23)



External view of window

The infilling of one of the smaller rooflights with a matching zinc roof is considered to be acceptable, however, a sample will be required to ensure that it matches the surrounding zinc roof.

Conclusion

In view of the above, it is considered that the proposed works will cause a very low amount of less than substantial harm to the significance of the listed building.

Paragraph 208 of the National Planning Policy Framework sets out guidelines for the minimal amount of harm against public benefits. With regards to 3 Dale Street, the new windows will benefit the residents occupying these apartments. The new windows will be able to address issues of cold draughts and water ingress, offering enhanced thermal comfort for the residents, and preventing any further potential issues where the water ingress could create damp problems and condensation in the rooms. The improvements from a ventilation and thermal perspective are critical for the enjoyment of the residents and ensuring their good health.

Paragraph 205 of the National Planning Policy Framework is concerned with impact of a proposed development on the significance of the designated heritage asset. As outlined when assessing significance of the building, the building achieves high or average levels of significance with preserving the historic fabric. The proposal does not interfere with any historic fabric, but the covering up of one of the windows in the disused stairwell will alter the appearance of the building. It has been specified that the new roof covering over the window will match the existing roof covering as so to keep the new roof in line with the rest of the existing roof.

Overall, it is considered that the numerous public benefits brought about by the works, including the continued occupation of this building, which is essential to ensure the preservation of a listed asset, will outweigh any less than substantial harm caused by the proposed works.

Therefore, the proposal is supported.

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: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application.

Condition(s) to be attached to decision for approval

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, received by Manchester City Council as the Local Planning Authority on 18 July 2024:

- Location Plan
- Design and Access Statement

Received by Manchester City Council as the Local Planning Authority on 07 August 2024:

- Proposed Third Floor Plan 06
- Proposed Fourth Floor Plan 07
- Proposed Roof Plan 08
- Proposed Cross Section Detail 10
- Proposed Cross Section 11

Received by Manchester City Council as the Local Planning Authority on 12 September 2024:

- Heritage Statement

Received by Manchester City Council as the Local Planning Authority on 04 October 2024:

- Proposed Dormer 13
- Proposed Cross Section Dormer Window 14

Received by Manchester City Council as the Local Planning Authority on 11 October 2024:

- Proposed Elevation Plan 09
- Proposed Roof Works Cross Section 15

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy and saved policies DC18 and DC19.

3) Notwithstanding the details as set out in condition 2 above, prior to the installation of the zinc coated material to be used to match the existing roof, a sample of the material shall be submitted to and be approved in writing by the City Council as the Local Planning Authority.

The development shall then be implemented in accordance with these approved details.

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 policy and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

4) The replacement windows shall be 'Skyline Box' SPG7 aluminium glazing bars finished in a grey colour.

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 policy 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

Basement, 41 - 43 Oldham Street, Manchester, M1 1JG
Ground Floor, 41 - 43 Oldham Street, Manchester, M1 1JG
Advertising Right BT Inlink Outside 59, Oldham Street, Manchester, M1 1JR
2 Dale Street, Manchester, M1 1JW
First Floor, Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
5 - 6 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
Second Floor, Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
Magma, 24 Oldham Street, Manchester, M1 1JN
22 Oldham Street, Manchester, M1 1JN
First Floor Office 3, 25 Spear Street, Manchester, M1 1JE
First Floor Office 4, 25 Spear Street, Manchester, M1 1JE
First Floor Office 5, 25 Spear Street, Manchester, M1 1JE
Flat 3, 3 Dale Street, Manchester, M1 1BA
Flat 2, 3 Dale Street, Manchester, M1 1BA
Flat 1, 3 Dale Street, Manchester, M1 1BA
4 - 4A Dale Street, Manchester, M1 1JW
Second Floor Office 22, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 23, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 24, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 25, 25 Spear Street, Manchester, M1 1JE
Basement Floor Room, 25 Spear Street, Manchester, M1 1JE
First Floor Office 1, 25 Spear Street, Manchester, M1 1JE
First Floor Office 2, 25 Spear Street, Manchester, M1 1JE
Flat 23, 3 Dale Street, Manchester, M1 1BA
Flat 22, 3 Dale Street, Manchester, M1 1BA
Flat 21, 3 Dale Street, Manchester, M1 1BA
Flat 20, 3 Dale Street, Manchester, M1 1BA
Flat 19, 3 Dale Street, Manchester, M1 1BA
Flat 18, 3 Dale Street, Manchester, M1 1BA
Flat 17, 3 Dale Street, Manchester, M1 1BA
Flat 16, 3 Dale Street, Manchester, M1 1BA
Flat 15, 3 Dale Street, Manchester, M1 1BA
Flat 14, 3 Dale Street, Manchester, M1 1BA
Flat 12, 3 Dale Street, Manchester, M1 1BA
Flat 11, 3 Dale Street, Manchester, M1 1BA
Flat 10, 3 Dale Street, Manchester, M1 1BA
Flat 9, 3 Dale Street, Manchester, M1 1BA
Flat 8, 3 Dale Street, Manchester, M1 1BA
Flat 7, 3 Dale Street, Manchester, M1 1BA
Flat 6, 3 Dale Street, Manchester, M1 1BA
Flat 5, 3 Dale Street, Manchester, M1 1BA
Flat 4, 3 Dale Street, Manchester, M1 1BA
Ground Floor, 29 - 30 Oldham Street, Manchester, M1 1JG
Second Floor Office 16, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 15, 25 Spear Street, Manchester, M1 1JE
First Floor Office 14B, 25 Spear Street, Manchester, M1 1JE
Flat 7, 24 Oldham Street, Manchester, M1 1JN
25 Spear Street, Manchester, M1 1JE
Flat 6, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA

Flat 4, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
Serviced Apartment 1, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
Flat 7, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
24 Oldham Street, Manchester, M1 1JN
49 Oldham Street, Manchester, M1 1JR
Third Floor, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 21, 25 Spear Street, Manchester, M1 1JE
First Floor Office 6, 25 Spear Street, Manchester, M1 1JE
First Floor Office 7, 25 Spear Street, Manchester, M1 1JE
First Floor Office 8, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 20, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 19, 25 Spear Street, Manchester, M1 1JE
Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
61 Church Street, Manchester, M4 1PD
28 - 30 Oldham Street, Manchester, M1 1JN
Basement, 20 Spear Street, Manchester, M1 1JE
Second Floor Office 17, 25 Spear Street, Manchester, M1 1JE
First Floor Office 9, 25 Spear Street, Manchester, M1 1JE
Second Floor Office 18, 25 Spear Street, Manchester, M1 1JE
Flat 5, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
Flat 3, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
Serviced Apartment 2, Dale Street Chambers, 1 Dale Street, Manchester, M1 1JA
18 Oldham Street, Manchester, M1 1JN
Flat 9, 24 Oldham Street, Manchester, M1 1JN
Flat 8, 24 Oldham Street, Manchester, M1 1JN
Flat 6, 24 Oldham Street, Manchester, M1 1JN
Flat 5, 24 Oldham Street, Manchester, M1 1JN
Flat 4, 24 Oldham Street, Manchester, M1 1JN
Flat 12, 24 Oldham Street, Manchester, M1 1JN
Flat 3, 24 Oldham Street, Manchester, M1 1JN
Flat 2, 24 Oldham Street, Manchester, M1 1JN
Flat 14, 24 Oldham Street, Manchester, M1 1JN
Flat 11, 24 Oldham Street, Manchester, M1 1JN
Flat 10, 24 Oldham Street, Manchester, M1 1JN
Flat 1, 24 Oldham Street, Manchester, M1 1JN
Basement And Ground Floor, 18 Oldham Street, Manchester, M1 1JN
29 - 30 Oldham Street, Manchester, M1 1JG
20 Spear Street, Manchester, M1 1JE
41 - 43 Oldham Street, Manchester, M1 1JG
26 Oldham Street, Manchester, M1 1JN
20 Oldham Street, Manchester, M1 1JN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL