

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139806/LO/2024

Date registered valid: 20 June 2024

Proposal: Listed building consent for the re-roofing of part of Presbytery, addition of external rainwater goods, removal of decorative steelwork and associated works.

Address: 17 Mulberry Street, Manchester, M2 6LN

Ward(s): Deansgate Ward

Applicant: Monsignor Canon Anthony Kay Parish of St Mary, Manchester, Diocese of Salford

Agent (if any): Mr Andrew Bodenham Crosby Granger Architects Ltd

Case officer: Danielle Cooper
Tel: 0161 234 1658
Email: danielle.cooper@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 08/08/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 2nd July 2024

Standard consultations:

Printed: 1 July 2024 Expired: 22 July 2024

Neighbour notifications

Printed: 1 July 2024 Expired: 22 July 2024

Site notice

Posted: 2 July 2024 Expired: 23 July 2024

Press advert

Published: 9 July 2024 Expired: 30 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Albert Square (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of site/area

The premises under consideration are designated at Grade II, and in use as a presbytery attached to the Grade II* listed St Mary's Church located to the west. These assets have an important group value, both constructed in a similarly elaborate continental styles with polychromatic façades (red brick and sandstone) in the mid to late 19th century. St Mary's Presbytery is more domestic in scale and contribution to the local street scene, but similarly retains a relatively intact and accomplished exterior and interior, including a grand staircase, moulded cornices, stained glazing, ceiling roses, decorative arches/surrounds and elaborate panelled doors.

Description of development

Listed building consent for the re-roofing of part of Presbytery, addition of external rainwater goods, and associated works.

The application is for external alterations to the Grade II listed asset, including new roof to south portion of the Presbytery (facing onto Mulberry Road), 1 no. new rainwater pipe to the Presbytery and other minor works.

Planning history

139083/LO/2024 - Listed Building Consent for installation of fire alarm system and emergency lighting system to the Presbytery basement, stairwell, and kitchen – Approved 24.04.2024

Consultations & Notification Responses

Historic England – No objection

Publicity - This application was advertised by site notice, the press and neighbour notification letters. No representations have been received.

Policy

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

The Adopted Core Strategy for the City of Manchester

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

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

Policy 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 for the City of Manchester

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-P1 (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-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Policy 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

Sections 16, 66 and 74 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 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local planning authorities 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, LPA's 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.

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.

Issues

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Principle of Development

The principle of the development is considered to be acceptable as the works proposed are required to repair and upgrade both the Grade II church and Presbytery building.

Impact on Heritage Asset

The application is for external alterations to the Grade II listed building, including new roof to south portion of the Presbytery (facing onto Mulberry Road), 1 no. new rainwater pipe to the Presbytery and other minor works.

The proposed reroofing, the installation and associated works are considered to be acceptable, having a neutral impact on the character and appearance of the listed building.

The reroofing works involve the existing slate roof tiles to be carefully lifted with the intention of replaying. The slates will be tested for soundness and set aside for reuse if appropriate. If the slates can not be reused, they will be replaced. Slates are to be re-laid to headlaps and sidelaps as set out in BS5534:2014, with consistent coursing across the three facets of the roof. A condition will be implemented to ensure the proposed replacement slate roof tiles are submitted to the LPA. Whilst the roof is un-slatted any timbers which are affected by decay will be repaired by jointing in new matching timber locally.

The proposed insulation of the roof is considered acceptable and will be more conducive to the preservation of the timber roof structure.

The existing lead gutters will see improvements to the geometry of the gutter beds, and to re-lay the gutters entirely with new lead fitted to the standards laid down by the Lead Sheet Association or successor organisations. The flow direction of the cornice gutter will be reversed by altering the fall of the shallow channel cut into the top of the masonry. A new lead lining will connect to a new outlet, discharging to a new downpipe on the south elevation. The LPA have no concern with these necessary alterations and are considered to have a neutral impact to the appearance of the listed building.

The proposed replacement conservation rooflight is considered to be appropriate to ensure no visual harm to the character and appearance of the listed building and is therefore acceptable.

The proposed works to the purlin ends, to protect the interior of the grade II listed building and the existing timber from decay is supported and raises no concern.

Re-pointing works are also proposed due to decay. The existing pointing is a mix of styles and materials and as such the new pointing mixtures are considered acceptable in principle however a condition will be attached to ensure sample materials are submitted prior to the development commencing to ensure the pointing is acceptable against the brickwork and to ensure the appearance of the listed building is protected.

Conclusion

In view of the above, this application is considered acceptable, as the works are considered to cause a neutral impact on the heritage significance and will therefore conserve the listed building in accordance with policies SP1, CC9, EN1 and DM1 of the Manchester Core Strategy, saved UDP policies DC18 and DC19, Places for Everyone Plan policy JP-P2, and the guidance within the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

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/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

LOCATION PLAN (Received 18/04/2024)

PRESBYTERY SOUTH ELEVATION Ref: 016 (Received 09/05/2024)

PRESBYTERY ROOF PLAN Ref: 006 (Received 09/05/2024)

PART ROOF PLAN (Received 18/04/2024)

ADDITIONAL PLANS (Received 18/04/2024)

EXISTING & PROPOSED PRESBYTERY ROOF DETAIL Ref: 219D(27)001 (Received 01/08/2024)

ROOF DETAIL SECTION AA Ref: 219D(27)002 (Received 01/08/2024)

ROOF DETAIL SECTION BB Ref: 219D(27)003 (Received 01/08/2024)

ROOF DETAIL SECTION CC Ref: 219D(27)004 (Received 01/08/2024)

ROOF DETAIL SECTION DD Ref: 219D(27)005 (Received 01/08/2024)

PROPOSED ROOF PLAN PHASE 3A REV A Ref: 219D(04)006 REV B (Received 01/08/2024)

FLUSH SLATE ROOFLIGHT INSTALLATION DETAILS Ref: CR_WRSF_LS_A Ref: (Received 01/08/2024)

PROPOSED PRESBYTERY WEST ELEVATION-02 Ref: 219_D(05)017 REV B (Received 01/08/2024)

ADDITIONAL SUPPORTING INFORMATION (Received 01/08/2024)

SCHEDULE OF WORKS (Received 01/08/2024)

DATASHEET CONSERVATION ROOFLIGHT

PRODUCTSHEET CONSERVATION ROOFLIGHT (Received 01/08/2024)

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 the National Planning Policy Framework

3) Notwithstanding the details as set out in condition 2 above, prior to the work being carried out, samples and specifications of the replacement slate roof tiles, proposed re-pointing mixtures, and proposed brickwork (if any), shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

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 for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Historic England (North West)

Wings Restaurant, 1 Lincoln Square, Manchester, M2 5LN
34 John Dalton Street, Manchester, M2 6LE
Flat 45, 31 John Dalton Street, Manchester, M2 6AL
Flat 32, 31 John Dalton Street, Manchester, M2 6AL
Flat 5, 31 John Dalton Street, Manchester, M2 6AL
Flat 55, 31 John Dalton Street, Manchester, M2 6AL
Flat 30, 31 John Dalton Street, Manchester, M2 6AL
Flat 14, 31 John Dalton Street, Manchester, M2 6AL
Flat 52, 31 John Dalton Street, Manchester, M2 6AL
Flat 38, 31 John Dalton Street, Manchester, M2 6AL
11 St James's Square, Manchester, M2 6DN
Greggs, Brazennose Street, Manchester, M2 5EA
Ground Floor Unit 1, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Flat 43, 31 John Dalton Street, Manchester, M2 6AL
Flat 9, 31 John Dalton Street, Manchester, M2 6AL
The Dalton Street Salon, Unit B, 11 St James's Square, Manchester, M2 6DN
Flat 21, 31 John Dalton Street, Manchester, M2 6AL
Flat 60, 31 John Dalton Street, Manchester, M2 6AL
Flat 16, 31 John Dalton Street, Manchester, M2 6AL
11 Brazennose Street, Manchester, M2 5AD
Basement Store, 38 John Dalton Street, Manchester, M2 6LE
Second Floor, 34 John Dalton Street, Manchester, M2 6LE
Basement, 2 - 10 Albert Square, Manchester, M2 6LW
Ground Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Fifth Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Duttons, 2 - 10 Albert Square, Manchester, M2 6LW
Maray Restaurant, 2 - 10 Albert Square, Manchester, M2 6LW
Flat 3, 31 John Dalton Street, Manchester, M2 6AL
Flat 25, 31 John Dalton Street, Manchester, M2 6AL
Serviced Apartment 4, 42 John Dalton Street, Manchester, M2 6LE
Flat 47, 31 John Dalton Street, Manchester, M2 6AL
Flat 35, 31 John Dalton Street, Manchester, M2 6AL
Flat 8, 31 John Dalton Street, Manchester, M2 6AL
Xana Health Manchester Clinic, 1 Albert Square, Manchester, M2 6LW
Second Floor, 1 Albert Square, Manchester, M2 6LW
Flat C, 44 - 46 John Dalton Street, Manchester, M2 6LE
Ground Floor Unit 2, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Ground Floor, 38 John Dalton Street, Manchester, M2 6LE
First Floor, 34 John Dalton Street, Manchester, M2 6LE
28 - 30 John Dalton Street, Manchester, M2 6HQ
First Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY

Fourth Floor, 2 - 10 Albert Square, Manchester, M2 6LW
50 - 52 Brazennose Street, Manchester, M2 5EA
40 Brazennose Street, Manchester, M2 5EB
Flat 18, 31 John Dalton Street, Manchester, M2 6AL
Flat 28, 31 John Dalton Street, Manchester, M2 6AL
My Thai, Unit C, 11 St James's Square, Manchester, M2 6DN
Flat 2, 42 John Dalton Street, Manchester, M2 6LE
Serviced Apartment 3, 42 John Dalton Street, Manchester, M2 6LE
Flat 56, 31 John Dalton Street, Manchester, M2 6AL
Flat 49, 31 John Dalton Street, Manchester, M2 6AL
Flat 31, 31 John Dalton Street, Manchester, M2 6AL
Flat 37, 31 John Dalton Street, Manchester, M2 6AL
Flat 11, 31 John Dalton Street, Manchester, M2 6AL
Flat 40, 31 John Dalton Street, Manchester, M2 6AL
Basement, 11 St James's Square, Manchester, M2 6DN
Malmin Dental Manchester, Basement And Ground Floor, 44 - 46 John Dalton Street, Manchester, M2 6LE
Fifth Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Second Floor, 2 - 10 Albert Square, Manchester, M2 6LW
44 - 46 Brazennose Street, Manchester, M2 5EB
Flat 23, 31 John Dalton Street, Manchester, M2 6AL
Flat 33, 31 John Dalton Street, Manchester, M2 6AL
Flat 51, 31 John Dalton Street, Manchester, M2 6AL
Unit A, 11 St James's Square, Manchester, M2 6DN
Flat 27, 31 John Dalton Street, Manchester, M2 6AL
Flat 19, 31 John Dalton Street, Manchester, M2 6AL
Flat 29, 31 John Dalton Street, Manchester, M2 6AL
Flat 50, 31 John Dalton Street, Manchester, M2 6AL
36 John Dalton Street, Manchester, M2 6LE
Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Seventh Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
First Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Second Floor, Heron House, Albert Square, Manchester, M2 5EA
Flat 54, 31 John Dalton Street, Manchester, M2 6AL
Flat 2, 31 John Dalton Street, Manchester, M2 6AL
Flat 44, 31 John Dalton Street, Manchester, M2 6AL
Flat 22, 31 John Dalton Street, Manchester, M2 6AL
Flat 53, 31 John Dalton Street, Manchester, M2 6AL
Little Mr Male Grooming, The Kiosk, 11 St James's Square, Manchester, M2 6DN
Flat 13, 31 John Dalton Street, Manchester, M2 6AL
Flat 10, 31 John Dalton Street, Manchester, M2 6AL
40 John Dalton Street, Manchester, M2 6LE
Flat 26, 31 John Dalton Street, Manchester, M2 6AL
Optimax Laser Eye Clinic, Third Floor, 1 Albert Square, Manchester, M2 6LW
Flat B, 44 - 46 John Dalton Street, Manchester, M2 6LE
Third Floor, 34 John Dalton Street, Manchester, M2 6LE

Sixth Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Third Floor, 2 - 10 Albert Square, Manchester, M2 6LW
Flat 4, 31 John Dalton Street, Manchester, M2 6AL
Flat 41, 31 John Dalton Street, Manchester, M2 6AL
Flat 1, 42 John Dalton Street, Manchester, M2 6LE
Flat 59, 31 John Dalton Street, Manchester, M2 6AL
Flat 36, 31 John Dalton Street, Manchester, M2 6AL
Flat 24, 31 John Dalton Street, Manchester, M2 6AL
Flat 58, 31 John Dalton Street, Manchester, M2 6AL
Flat 48, 31 John Dalton Street, Manchester, M2 6AL
Flat 1, 31 John Dalton Street, Manchester, M2 6AL
1 Albert Square, Manchester, M2 3FU
Flat 15, 31 John Dalton Street, Manchester, M2 6AL
Flat 7, 31 John Dalton Street, Manchester, M2 6AL
Flat 12, 31 John Dalton Street, Manchester, M2 6AL
Skin Clinics, Fourth Floor, 1 Albert Square, Manchester, M2 6LW
Third And Fourth Floors, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
38 John Dalton Street, Manchester, M2 6LE
First And Second Floor, 38 John Dalton Street, Manchester, M2 6LE
Third And Fourth Floor, 38 John Dalton Street, Manchester, M2 6LE
Ditto, 2 - 10 Albert Square, Manchester, M2 6LW
48 Brazennose Street, Manchester, M2 5EB
42 Brazennose Street, Manchester, M2 5EB
Flat 42, 31 John Dalton Street, Manchester, M2 6AL
Flat 39, 31 John Dalton Street, Manchester, M2 6AL
Flat 20, 31 John Dalton Street, Manchester, M2 6AL
Flat 6, 31 John Dalton Street, Manchester, M2 6AL
Flat 46, 31 John Dalton Street, Manchester, M2 6AL
Flat A, 44 - 46 John Dalton Street, Manchester, M2 6LE
Flat 57, 31 John Dalton Street, Manchester, M2 6AL
Flat 34, 31 John Dalton Street, Manchester, M2 6AL
Flat 17, 31 John Dalton Street, Manchester, M2 6AL
Basement To First Floor, 1 Albert Square, Manchester, M2 3LW

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
Conservation Area - Albert Square (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL

