MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139719/LO/2024
Date registered valid:	5 April 2024
Proposal:	Listed building consent to subdivide the existing commercial space and installation of kitchenette to match existing on multiple floors.
Address:	Cheetwood House , Newton Street, Manchester, M1 1FZ
Ward(s):	Piccadilly Ward
Applicant:	Mr Matthew Wellfair Kamani Commercial Property Ltd.
Agent (if any):	Mrs Katie Harries Donald Insall Associates Ltd
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 30/05/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:
Printed: 18 April 2024 Expired: 10 May 2024

Neighbour notifications
Printed: 18 April 2024 Expired: 10 May 2024

Site notice
Posted: 22 April 2024 Expired: 14 May 2024

Press advert
Published: 23 April 2024 Expired: 7 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the five storey Grade II listed building, named Cheetwood House, located at the junction Newton Street intersects with Dale Street. The application property is completed in red brick with timber sash windows. Its ground floor is sub-divided into two separate commercial Class E units. Its upper floors are vacant, having last been in use as offices, with said space featuring modern furnishings.

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The application site lies to the north of Piccadilly Gardens within the heart of Manchester City Centre and the Stevenson Square Conservation Area. Neighbouring built development consists of a high number of Victorian and Edwardian Grade II listed buildings in various commercial uses, with some featuring residential uses in their upper floors.

Description of development

The application seeks listed building consent for the installation of 4no kitchenette units and 4no partitions to create 2no segregated office spaces per floor on the first, second, third and fourth floor.

Planning History

A high number of applications are on record for the application site, the most relevant of which is shown below:

125944/LO/2020 - Listed Building Consent for internal and external works to the building, including the demolition of a non-original staircase, installation of four air conditioning units within the loading bays on Cavell Street and refurbishment of the upper floors associated with the use of the building for a yoga studio (D2) in the basement, a cafe (A3) and barbers (A1) at ground floor and continued use of the upper floors as offices (B1) – Approved March 2020.

125943/FO/2020 - Use of building as yoga studio (D2) in the basement, cafe (A3) and barbers (A1) at ground floor level and continued use of the upper floors as offices (B1), and external alterations including the installation of new shop fronts and four air conditioning units within the loading bays on Cavell Street – Approved March 2020.

111999/LO/2016 - Listed Building Consent for internal and external works to the building, including the demolition of a staircase and the installation of four air conditioning units on the roof, to create 16 apartments (use class C3) on first, second, third and fourth floors, with commercial uses including retail (use class A1), cafe (use class A3) and mixed use restaurant/takeaway (use class A3/A5) provided at ground floor and basement level – Approved April 2017.

111998/FO/2016 - Change of use and internal/external works to the building, including the installation of four air conditioning units on the roof, to create 16 apartments (use class C3) on the first, second, third and fourth floors, with commercial uses including retail (use class A1), cafe (use class A3) and mixed use restaurant/takeaway (sui generis) provided at ground floor and basement level – Approved April 2017.

106314/FO/2014/C2 - Change of Use of part of 4th floor from B1 office use to D2 leisure use, with associated internal alterations – Approved October 2014.

106314/FO/2014/C2 - Change of Use of part of 4th floor from B1 office use to D2 leisure use, with associated internal alterations – Approved October 2014.

Consultations & Notification Responses

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:
- Policy SP1 – Spatial Principles
- Policy EC2 – Existing Employment Space
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC9 – Design and Heritage
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 66 of the LBCA Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and considerable importance and weight should be given to the desirability of preserving the setting.

Issues

Impact upon Heritage Asset

The application site is a Grade II listed building noted for its brick façade with decorative sandstone window surrounds. The significance of the internal space of the application site, whilst lower than that of the external façade, is of importance, with the original layout being largely preserved. Modern kitchenette units and toilets are present on all floors.

As noted previously within this report, the application site is vacant office space. The supporting information accompanying the proposal states that the proposed insertion of partitions within the original doorways located to the western end of the building over the first to fourth floors is to allow for the creation of segregated office units to make the site more attractive to potential occupiers. Similarly, the installation of kitchenettes over said floors is also to facilitate the creation of self-contained and segregated office units.

The proposed partitions would be situated within existing doorways, the proposed plans make clear however that the door surrounds and skirting boards would be preserved and that their installation would be reversible. In a similar manner, the proposed kitchenette units would not cut across areas of architectural or historical merit i.e. the property's window sills nor its chimney breast. Subject to a condition that would require the submission of MEP details on how these kitchenette's will be serviced, this element of the proposal is acceptable.

Taking into account how the proposed works would be reversible, would not harm historical material and would assist in securing the future use of the building, it is considered the proposal would have a neutral impact on the significance of the heritage asset.

In light of the above, the proposal would meet the statutory test to preserve as put forward under Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and as such is in accordance with policies SP1, EC2, EC3, CC1, CC9, EN3 and DM1 of the Manchester Core

Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2 and the National Planning Policy Framework.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to be acceptable and have a minimal impact on the historical significance of the Grade II listed building in accordance with policies SP1, EC2, EC3, CC1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC19.1 of the Unitary Development Plan for the City of Manchester (1995), Places for Everyone Plan Policies JP-Strat2 and JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis permission is 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: 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 (Reference PP-12818387v1; Received 05/04/2024)
- MAN.CH.01 2000 3P Revision3: First Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2001 3P Revision3: Second Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2002 3P Revision3: Third Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2003 3P Revision3: Fourth Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2300 3P Revision 0: First Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2301 3P Revision 0: Second Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2302 3P Revision 0: Third Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 2303 3P Revision 0: Fourth Floor As Proposed (Received 30/05/2024)
- MAN.CH.01 3400 1F Revision 1: Typical Opening Infill Details 1st to 3rd Floors (Received 05/04/2024)
- MAN.CH.01 3401 1F Revision 1: Typical Opening Infill Details 4th Floor (Received 05/04/2024)

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.

3) Prior to the commencement of any works relating to the installation of the kitchenette units hereby approved, details of the mechanical, electrical and plumbing services, including penetrations into historic building fabric, that would serve the units shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved details shall be implemented as part of the development.

Reason - In the interests of preserving and protecting the historic character, material and appearance of the listed building in accordance with policies CC9 and EN3 of the Core Strategy, saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

First Floor, 24 Dale Street, Manchester, M1 1FY
24 Dale Street, Manchester, M1 1FY
First Floor, 26 - 28 Dale Street, Manchester, M1 1FY
Second Floor, 26 - 28 Dale Street, Manchester, M1 1FY
Flat 2, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Ground Floor, 12 Newton Street, Manchester, M1 2AN
41A Newton Street, Manchester, M1 1FT
First And Second Floor, 31 Dale Street, Manchester, M1 1EY
Ground Floor, 31 Dale Street, Manchester, M1 1EY
Basement, 14 Newton Street, Manchester, M1 2AF
Basement, 12 Lever Street, Manchester, M1 1LN
11 Newton Street, Manchester, M1 1HF
Flat 12, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 11, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 17, Kingsley House, 15 Newton Street, Manchester, M1 1HE
12 Newton Street, Manchester, M1 2AN
Love Creative Ltd, Third Floor, 31 Dale Street, Manchester, M1 1EY
41 Newton Street, Manchester, M1 1FT
Basement Floor, 41A Newton Street, Manchester, M1 1FT
16 Newton Street, Manchester, M1 2AE
14 Newton Street, Manchester, M1 2AF
Fourth Floor, 14 Newton Street, Manchester, M1 2AF
Third Floor, 20 Dale Street, Manchester, M1 1EZ
Top Floor Flat, 12 Lever Street, Manchester, M1 1LN
First Floor, 12 - 14 Lever Street, Manchester, M1 1LN
14 Lever Street, Manchester, M1 1LN
Ground Floor, 12 - 14 Lever Street, Manchester, M1 1LN
Flat 2, 31 Back Piccadilly, Manchester, M1 1HP
Flat 20, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 14, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 10, Kingsley House, 15 Newton Street, Manchester, M1 1HE
First Floor, 12 Newton Street, Manchester, M1 2AN
10 Newton Street, Manchester, M1 2AN
Fourth Floor, 16 Newton Street, Manchester, M1 2AE
Ground Floor, 16 Newton Street, Manchester, M1 2AE
33 Dale Street, Manchester, M1 2HE
Fourth Floor, 20 Dale Street, Manchester, M1 1EZ
Second Floor, 20 Dale Street, Manchester, M1 1EZ
12 Lever Street, Manchester, M1 1LN
Ground Floor, 14 Lever Street, Manchester, M1 1LN
Flat 16, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 3, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Fourth Floor, 31 Dale Street, Manchester, M1 1EY
31 Dale Street, Manchester, M1 1EY
Second Floor, 16 Newton Street, Manchester, M1 2AE
First Floor, 14 Newton Street, Manchester, M1 2AF
Basement, 20 Dale Street, Manchester, M1 1EZ
33 Back Piccadilly, Manchester, M1 1HP
Flat At, 33 Back Piccadilly, Manchester, M1 1HP
Flat 3, 31 Back Piccadilly, Manchester, M1 1HP

Flat 5, 31 Back Piccadilly, Manchester, M1 1HP
Flat 5, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 9, Kingsley House, 15 Newton Street, Manchester, M1 1HE
8 - 10 Newton Street, Manchester, M1 2AN
VS MANCHESTER LTD, Basement, 36 Dale Street, Manchester, M1 2HN
Basement, 29 Dale Street, Manchester, M1 1EY
33A Dale Street, Manchester, M1 2HE
Flat 7, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 15, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 8, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Third Floor, 16 Newton Street, Manchester, M1 2AE
Second Floor, 14 Newton Street, Manchester, M1 2AF
Basement, 33A Dale Street, Manchester, M1 2HE
12 - 14 Lever Street, Manchester, M1 1LN
31 Back Piccadilly, Manchester, M1 1HP
Flat 1, 31 Back Piccadilly, Manchester, M1 1HP
Basement And Ground Floor, 24 Dale Street, Manchester, M1 1FY
Flat 18, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 13, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 4, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 19, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Kingsley House, 15 Newton Street, Manchester, M1 1HE
Basement And Ground Floor, 12 Newton Street, Manchester, M1 2AN
Ground Floor, 8 Newton Street, Manchester, M1 2AN
First Floor, 16 Newton Street, Manchester, M1 2AE
Third Floor, 14 Newton Street, Manchester, M1 2AF
Ground Floor, 14 Newton Street, Manchester, M1 2AF
36 Dale Street, Manchester, M1 2AF
Ground Floor, 20 Dale Street, Manchester, M1 1EZ
Fifth Floor, 20 Dale Street, Manchester, M1 1EZ
First Floor, 20 Dale Street, Manchester, M1 1EZ
Merchants Hotel, Back Piccadilly, Manchester, M1 1HP
Second Floor, 12 - 14 Lever Street, Manchester, M1 1LN
Serviced Apartment 4, 31 Back Piccadilly, Manchester, M1 1HP
Second Floor, 24 Dale Street, Manchester, M1 1FY
Ground Floor And Basement, 26 - 28 Dale Street, Manchester, M1 1FY
26 - 28 Dale Street, Manchester, M1 1FY
Flat 1, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 6, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Basement, 8 - 10 Newton Street, Manchester, M1 2AN
CTI DIGITAL LTD, Fifth Floor, 31 Dale Street, Manchester, M1 1EY
29 Dale Street, Manchester, M1 1EY

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL