

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138399/LO/2023

Date registered valid: 27 February 2024

Proposal: Listed Building Consent for internal works for Unit G1/F1 (Minto and Turner).

Address: Minshull House And Minto & Turner Buildings , Former Manchester Metropolitan University Aytoun Street Campus, Chorlton Street, Manchester, M1 3FY

Ward(s): Piccadilly Ward

Applicant: Philippa Middlehurst Noodlehaus Ltd

Agent (if any): Andy Bellerby Shedkm

Case officer: Angela
Tel: 0161 234 Leckie
Email: angela.leckie@manchester.gov.uk 4651

Recommendation: Approve

Date of recommendation: 16-04-24

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 2 April 2024

Standard consultations:

Printed: 5 March 2024 Expired: 26 March 2024

Neighbour notifications

Printed: 5 March 2024 Expired: 26 March 2024

Site notice

Posted: 07-03-24 Expired: 28-03-24

Press advert

Published: 12 March 2024 Expired: 26 March 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The site measures 0.32 hectares and is located at the junction of Chorlton Street and the Rochdale Canal. It contains two vacant grade II listed buildings known as Minshall House (47 Chorlton Street) which directly adjoins the Phase 1 site and the Minto and Turner Building (45 Chorlton Street) located adjacent to the Rochdale Canal and abutting a small cottage at it's Canal Street elevation. Little David Street is a cobbled route between the 2 buildings which is in a poor state of repair and overgrown. The Site also includes a walled area of hardstanding on Chorlton Street, previously used as a surface car park associated with Minshall House. Part of the proposal involves work on land owned by the local highways authority and by the Canal and River Trust.

The site is adjacent to Whitworth Conservation Area which is characterised by Victorian and Edwardian architecture constructed between 1850 and 1920 and has historical importance due to its significance for the textile industry in Manchester.

To the north on the opposite side of the canal is the Grade II* Listed Crown Courts and the Grade II* Listed London Road Fire & Police Station is to the south east. The Shena Simon Sixth Form College, Grade II, is on the opposite side of Chorlton Street and the University of Manchester Sackville Building, Grade II, is to the south.

Planning and listed building consent was granted in 2017 for - Conversion of buildings to provided 58 residential apartments (Class C3) (26 x 1 bed and 32 x 2 bed) (41 units in Minshall House and 18 units in Minto Turner Building) above lower ground and ground floor Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Cafe), A4 (Drinking Establishment), B1 (Offices), D1(Non-residential Institutions creche, nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure - Gymnasium, indoor sport and recreation only), ground floor extension to Minshall House to provide additional commercial space (uses as specified above), creation of 59 secure cycle parking spaces and works to provide hard and soft landscaping including new public square in front of Minshall House and pedestrian route along Little David Street to the Kampus Courtyard, servicing and access (application ref no's 115570/FO/2017 and 115571/LO/2017). The consents have now been implemented and as tenants are secured for the commercial units applications for internal fit outs and external alterations to each unit are being submitted.

Unit G1/F1 which is the subject of this application is set over two floors, including part of the lower ground floor (basement) and ground floor levels. The principal front elevation of the unit is on Chorlton Street.

Elements of high significance within Unit G1/F1 include: external brick walls (now exposed) and exposed original cast iron columns/surviving timber beams. Elements of no significance include: the existing, modern concrete floor, plasterboard ceilings, modern studwork, modern windows and doors.

Description of development

Consent is sought for tenant fit out works for a restaurant (Lower ground floor) / cookery school (Upper Ground Floor) consisting of:

- Insertion of a new staircase and passenger lift, which is to be constructed within the current void to the southern end of the unit.
- Construction of a second, timber staircase will be constructed to the northern corner, forming an emergency exit onto Little David Street.
- Insertion of new studwork walls forming new rooms being all fixed into the modern stud walls, ceilings and floors.
- Installation of lighting and air conditioning units internally.

The kitchen and refuse store utilising the existing service grilles fronting the canal to the north-western elevation of the building for ventilation. It has previously been agreed that any areas of louvres facing the Canal which are not required by tenants would be replaced by windows.

Consultations & Notification Responses

Publicity – The application was advertised as affecting a listed building, a site notice was displayed adjacent to the site. No representations have been received.

Issues

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy CC9 (Design and Heritage) - The proposals would preserve the character of the listed building.

Policy EN 3 Heritage – The proposals would enable the reuse of a heritage asset in a manner that consistent with its significance.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC19.1 (Listed Buildings) – The proposals would secure the retention, restoration, maintenance and continued use of part of a listed building and have no adverse effect on its architectural or historic character.

Places for Everyone - The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Policy JP-P 2 (Heritage) The development proposals would not have an adverse impact on the overall character of the listed building or undermine its significance. The low level of harm is clearly justified and outweighed by the public benefits of the proposal.

National Policies

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

Section 16 Conserving and enhancing the historic environment – which states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to sustainable harm, total loss or less than substantial harm to its significance.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development" (NPPF Paragraph 7). In order to meet this key planning objective, in this instance the development should sustain and contribute to the stimulation of a thriving historic environment.

203 In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

205. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

208. 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, where appropriate, securing its optimum viable use.

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 in the case of the proposed demolition, to section 12 (Conserving and Enhancing the Historic Environment).

Design Issues and impact on the Character and Fabric of the Listed Building and Conservation Area – The interior design scheme would retain all existing brick walls as exposed, with any proposed new studwork walls to form the proposed WC, kitchen/back of house space and refuse area, would be fixed into the modern ceilings and floors. The introduction of new party walls of studwork would not visually impact on the currently open-plan character of the wider space or the appreciation of the special quality of the spaces, as these areas were always subdivided by historic partitioning. Likewise subject to agreement of final details to be controlled by a condition, the insertion of the lift and staircases would not impact on this or the wider appreciation of the character of the space.

There is potential now that this unit is being fitted out, that some of the previously installed louvres facing the Canal will be redundant and a condition will require the replacement of any redundant louvres within windows.

The proposed interventions would be clearly understood as new additions to the listed building and are required to facilitate the introduction of a new tenant, which forms part of the next phase of works relating to the now completed redevelopment of Minshull House and wider Kampus development. Consequently, it is considered that the current light touch proposals would result in no impact on the special interest of the Grade II listed Minshull House as a whole.

Whilst it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets it is considered that the small instances of physical harm resulting from the proposed amendments are necessary in terms of progressing a suitable scheme which is fit for purpose and that the impact on the special character and fabric of the Mill Buildings would be less than substantial, and is balanced by the legislative requirement to secure a viable future use for the heritage asset.

As any harm is considered to be 'less than substantial', paragraph 207 of the NPPF requires that the impact of the development should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme including securing its optimum viable use which can include heritage benefits

The public benefits of the proposals include the following:

- The proposed works have been developed with a detailed understanding of the architectural and historic significance of the building, as set out within the Heritage Statement. The proposed works form part of a wider refurbishment and repair of a Grade II listed building enabling it to be brought back into active use. There are therefore demonstrable heritage benefits.
- The delivery of the proposed use would support growing sectors and act a stimulus to economic growth, delivering wider regeneration benefits within the Aytoun Street East SRF area and Manchester city centre.
- Potential reinstatement of windows/

In the context of the NPPF and S66 of the Act , it is considered that the scheme strikes the right balance between the impact of the changes on the significance of the building, and the public benefits and where there is harm, this would be less than substantial. It is considered for the reasons outlined above that the overall approach to the conversion of the space would, subject to conditions relating to matters of detail have an acceptable impact on the character and historic fabric of the listed building.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 of the Listed Buildings Act, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 205 and 207 of the NPPF and that in view of the above it is considered that the proposed development would on balance be consistent with the development would be consistent with sections 12 and 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 and of the Core Strategy and saved UDP policies and 19.

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 in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this application

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:

(a) Site location plan G1.F1 SK01; and

(b) Dwg no's G1.F1 SK06, G1.F1 SK07, G1.F1 SK08, G1.F1 SK12 and 138399/LO/2023 Rev P02

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP1 and DM 1 and saved UDP policy DC19.1

3. Prior to commencement of the installation of the staircase and lift final details of these elements and their interface with the building fabric 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 visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this

building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

4. Prior commencement of the installation of the fume extraction / ventilation system, details of all required ventilation louvres facing onto Canal Street and confirmation of where these can be replaced by windows to match those installed within other Canal facing openings at lower and upper ground floor level (item 11 in dwgs G1.F1 SK06 and G1.F1 SK07 and item 06 on G1.F1 SK11) 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 visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Flat 201, 3 Little David Street, Manchester, M1 3GA
Flat 108, 4 Little David Street, Manchester, M1 3GA
Flat 215, 4 Little David Street, Manchester, M1 3GA
Flat 303, 3 Little David Street, Manchester, M1 3GA
Flat 1, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 5, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 26, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 13, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 21, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 4, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 205, 3 Little David Street, Manchester, M1 3GA
Flat 102, 3 Little David Street, Manchester, M1 3GA
2 Little David Street, Manchester, M1 3GA
Flat 210, 4 Little David Street, Manchester, M1 3GA
Flat 311, 4 Little David Street, Manchester, M1 3GA
Flat 103, 4 Little David Street, Manchester, M1 3GA
Flat 25, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 22, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 11, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 301, 3 Little David Street, Manchester, M1 3GA
Flat 105, 3 Little David Street, Manchester, M1 3GA
Flat 310, 4 Little David Street, Manchester, M1 3GA
Flat 107, 4 Little David Street, Manchester, M1 3GA
Flat 204, 4 Little David Street, Manchester, M1 3GA
Flat 201, 4 Little David Street, Manchester, M1 3GA
Flat 304, 4 Little David Street, Manchester, M1 3GA
Flat 102, 4 Little David Street, Manchester, M1 3GA
Flat 105, 4 Little David Street, Manchester, M1 3GA
Flat 8, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 29, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 18, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
45 Chorlton Street, Manchester, M1 3FY
Flat 206, 4 Little David Street, Manchester, M1 3GA
Flat 307, 4 Little David Street, Manchester, M1 3GA

Flat 207, 4 Little David Street, Manchester, M1 3GA
Flat 15, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 2, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
47 Chorlton Street, Manchester, M1 3FY
Flat 203, 3 Little David Street, Manchester, M1 3GA
Flat 109, 4 Little David Street, Manchester, M1 3GA
Flat 101, 4 Little David Street, Manchester, M1 3GA
Flat 306, 4 Little David Street, Manchester, M1 3GA
Flat 313, 4 Little David Street, Manchester, M1 3GA
Flat 203, 4 Little David Street, Manchester, M1 3GA
Flat 213, 4 Little David Street, Manchester, M1 3GA
Flat 28, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 14, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 9, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 6, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 103, 3 Little David Street, Manchester, M1 3GA
Flat 111, 4 Little David Street, Manchester, M1 3GA
Flat 302, 4 Little David Street, Manchester, M1 3GA
Flat 212, 4 Little David Street, Manchester, M1 3GA
Flat 211, 4 Little David Street, Manchester, M1 3GA
Flat 301, 4 Little David Street, Manchester, M1 3GA
Flat 315, 4 Little David Street, Manchester, M1 3GA
Flat 312, 4 Little David Street, Manchester, M1 3GA
Flat 24, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 27, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 23, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 12, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 3, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 20, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 19, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 204, 3 Little David Street, Manchester, M1 3GA
Flat 104, 3 Little David Street, Manchester, M1 3GA
Flat 304, 3 Little David Street, Manchester, M1 3GA
Flat 206, 3 Little David Street, Manchester, M1 3GA
Flat 209, 4 Little David Street, Manchester, M1 3GA
Flat 309, 4 Little David Street, Manchester, M1 3GA
Flat 202, 4 Little David Street, Manchester, M1 3GA
Flat 104, 4 Little David Street, Manchester, M1 3GA
Flat 303, 4 Little David Street, Manchester, M1 3GA
Flat 7, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 17, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 302, 3 Little David Street, Manchester, M1 3GA
Flat 305, 3 Little David Street, Manchester, M1 3GA
Flat 106, 4 Little David Street, Manchester, M1 3GA
Flat 205, 4 Little David Street, Manchester, M1 3GA
Flat 305, 4 Little David Street, Manchester, M1 3GA
Flat 314, 4 Little David Street, Manchester, M1 3GA
Flat 308, 4 Little David Street, Manchester, M1 3GA
Flat 214, 4 Little David Street, Manchester, M1 3GA
Flat 208, 4 Little David Street, Manchester, M1 3GA
Flat 110, 4 Little David Street, Manchester, M1 3GA
Flat 16, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 10, Sheena Simon College, 42 Chorlton Street, Manchester, M1 3HW
Flat 202, 3 Little David Street, Manchester, M1 3GA

Flat 101, 3 Little David Street, Manchester, M1 3GA

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

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: CENTRAL