

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137524/LO/2023
Date registered valid: 27 September 2023
Proposal: Internal alterations to facilitate new fire protection works.
Address: 37 Cross Street, Manchester, M2 4JE
Ward(s): Deansgate Ward

Applicant: Mr Jason Wadsworth JBH Property Consulting Ltd
Agent (if any): Mr Jason Wadsworth JBH Property Consulting Ltd
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 7 November 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 28 September 2023

Expired: 19 October 2023

Neighbour notifications

Printed: 28 September 2023

Expired: 19 October 2023

Site notice

Posted: Expired:

Press advert

Published: 3 October 2023

Expired: 17 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to 37 Cross Street, an address that forms part of the Grade II-listed 74 King Street (formerly known as Northern Rock Building Society) that lies towards the southern end of Cross Street. The building dates from c.1900 and is constructed in the Flemish Renaissance style.

Listed building: Grade II

Conservation area: Upper King Street Conservation Area 1970

Tree Preservation Order: n/a

Description of area

The area relates to Cross Street, a prominent address in Manchester's city centre, that runs from Albert Square to Market Street, parallel with Deansgate. The street has a number of significant listed buildings along its length, including the Grade II-listed Royal Exchange. The character of the area comprises several different uses, including retail, dining, entertainment, arts, residential and offices. The portion of Cross Street under consideration lies within the Upper King Street Conservation Area.

Description of development

The development relates to fire protection works to the entrance, stairwell and apartments at 37 Cross Street. A Type 4 Fire Risk Assessment identified deficiencies in the passive fire protection works in the building and the proposed works are required to mitigate these issues. These include the stopping up and compartmentalisation of penetrations within the modern stud walls, replacement of unsafe modern timber doorways and entrances with new fire doors, fire rated glass and intumescent seals and the application of intumescent paint to a historic timber staircase.

Consultations & Notification Responses

Publicity - a notice was displayed on site informing passers-by of the development. Letters were sent to surrounding occupiers informing them of the development. An notice was posted in the local press advertising the works as those affecting a listed building and a conservation area. No representations have been received as a result of this publicity.

Issues

Policies

The main policies that relate to this application are DM1 (Development Management), SP1 (Spatial Principles), EN3 (Heritage), CC9 (Design and Heritage) of the Manchester Core Strategy (2012), DC19 (Listed Buildings) of the Unitary Development Plan for Manchester (1995) and Section 16 (Conserving and enhancing the historic environment) of the National Planning Policy Framework.

Principle

The proposed works are to improve the fire safety in the residential part of the building. The building has a significant level of modern fit out dating from c1980s, which has been poorly installed from a fire protection standpoint. The service penetrations between floors leave significant gaps around the services themselves, the doorways from landings into the stairwell are not fire rated and the timber staircase that runs the height of the building is entirely unprotected. The works would be undertaken to improve the fire safety of the building. The principle of the works is considered acceptable pursuant to policies SP1 and DM1 of the Manchester Core Strategy, which support development that is beneficial to public safety.

Impact on the listed building

The greatest impact on the historic fabric of the building would come from the repainting of the original timber staircase in intumescent paint. By virtue of the staircase's timber construction, it is a significant fire risk and it is necessary to treat it to mitigate against this risk. The selected intumescent paint is clear, which would allow the timber to remain visible.

Therefore, it is considered that the degree of less than substantial harm is very low, as although it would involve applying a modern finish to historic fabric, the staircase would be visibly unaltered and therefore it would be possible to appreciate this feature as at present. This degree of harm is considered to be outweighed by the public benefit of improving the building's fire safety and ensuring the most significant internal historic feature would be preserved from potential fire damage.

In the basement, there is pipework that has been insulated using foam. The proposal would see this removed and new boarding to close the gaps around the pipework installed to close the gaps. The agent has confirmed by email that this would be installed so as to avoid damaging or obscuring the historic cornice directly above. This aspect of the works would help tidy up the appearance of this area, removing the large amounts of insulation foam and replacing it with a area of boarding which would be cut to size, thereby providing a small heritage benefit.

The other proposed works would impact modern fabric only, with modern entranceways refitted with fire doors, fire rated glass and intumescent sealant and interventions into modern plasterboard stud walls and suspended ceilings to allow for the installation of fire collars around services housed internally within. These penetrations necessary to gain access to these services would be repaired and returned to their current state following the cessation of the works.

Although these modern interventions are highly unsympathetic to the character and appearance of the building, once completed the works would not result in any visible changes to the modern fit out and so there would be no increased harm to the building.

Given the above, the proposal is considered to be acceptable pursuant to policies EN3 and CC9 of the Manchester Core Strategy, DC19 of the Unitary Development Plan and Section 16 of the NPPF as the works would not be detrimental to the character or appearance of the building whilst helping to secure the building's ongoing preservation.

Impact on the conservation area

Although the building sites within the Upper King Street Conservation Area, the proposed works would be entirely external and therefore there would be no impact on the character or appearance of the conservation area.

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 based on seeking solutions to problems arising in relation to dealing with the planning 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 advertisement hereby approved shall be displayed in accordance with the following drawings and documents:

-Design & Access Statement DESIGN AND ACCESS STATEMENT

-Supporting Information SPECIFICATION OF WORKS

Received by the City Council, as Local Planning Authority, on 11/07/2023

-Heritage Statement HERITAGE STATEMENT

-Supporting Information MATERIALS LIST

Received by the City Council, as Local Planning Authority, on 12/09/2023

-Supporting Information REV A X 5 FLOOR PLANS WITH WORK SITE LOCATIONS

Received by the City Council, as Local Planning Authority, on 26/09/2023

-Correspondence EMAIL RE: BASEMENT WORKS

Received by the City Council, as Local Planning Authority, on 07/11/2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007, Sections 12 of the National Planning Policy Framework, policies CC9, EN3, DM1 and SP1 of the Core Strategy (2012) and saved policy DC19 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Fifth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Sixth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Fourth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Seventh Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Third Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
First Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
Flat 301, 56 Cross Street, Manchester, M2 7AR
Flat 205, 56 Cross Street, Manchester, M2 7AR
Flat 204, 56 Cross Street, Manchester, M2 7AR
Flat 203, 56 Cross Street, Manchester, M2 7AR
Flat 202, 56 Cross Street, Manchester, M2 7AR
Flat 201, 56 Cross Street, Manchester, M2 7AR
Flat 305, 56 Cross Street, Manchester, M2 7AR
Flat 304, 56 Cross Street, Manchester, M2 7AR
Flat 303, 56 Cross Street, Manchester, M2 7AR
Flat 302, 56 Cross Street, Manchester, M2 7AR
43 Cross Street, Manchester, M2 4JF
ALEC FINCH GROUP LIMITED, Fourth Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Fifth Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Sixth Floor Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Flat 402, 37 Cross Street, Manchester, M2 4JE
Flat 201, 37 Cross Street, Manchester, M2 4JE
Flat 202, 37 Cross Street, Manchester, M2 4JE
Flat 203, 37 Cross Street, Manchester, M2 4JE
Flat 204, 37 Cross Street, Manchester, M2 4JE
Flat 301, 37 Cross Street, Manchester, M2 4JE
Flat 302, 37 Cross Street, Manchester, M2 4JE
Flat 303, 37 Cross Street, Manchester, M2 4JE
Flat 304, 37 Cross Street, Manchester, M2 4JE
Flat 401, 37 Cross Street, Manchester, M2 4JE
Flat 403, 37 Cross Street, Manchester, M2 4JE
Flat 404, 37 Cross Street, Manchester, M2 4JE
Basement And Ground Floor, 76 King Street, Manchester, M2 4NH
74 King Street, Manchester, M2 4NJ
Fourth Floor, 76 King Street, Manchester, M2 4NH
Third Floor, 76 King Street, Manchester, M2 4NH
Second Floor, 76 King Street, Manchester, M2 4NH
BERWIN LEIGHTON PAISNER LLP, First Floor, 76 King Street, Manchester, M2 4NH
Second Floor, 64 Cross Street, Manchester, M2 4JQ
62 Cross Street, Manchester, M2 4JQ
47 Cross Street, Manchester, M2 4JF
Basement To First Floor, 37 Cross Street, Manchester, M2 4JE
66 - 68 Cross Street, Manchester, M2 4JQ
64 Cross Street, Manchester, M2 4JQ
Phoenix House, 45 Cross Street, Manchester, M2 4JF
Third Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG
Third Floor, 64 Cross Street, Manchester, M2 4JQ
First Floor, 64 Cross Street, Manchester, M2 4JQ

Third Floor Front, 64 Cross Street, Manchester, M2 4JQ
Third Floor Rear, 64 Cross Street, Manchester, M2 4JQ
41 Cross Street, Manchester, M2 4JE
39 Cross Street, Manchester, M2 4JE
70 - 72 Cross Street, Manchester, M2 4JG
74 Cross Street, Manchester, M2 4JG
51 King Street, Manchester, M2 7AZ
Second Floor, Steam Packet House, 76 Cross Street, Manchester, M2 4JG

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 - Upper King Street Conservation Area 1970
Area Team Boundary - Name: CENTRAL