

Planning Growth & Development

Delegated officer report for planning application

Application no. 137307/LO/2023
Date registered valid: 21 November 2023
Proposal: Alterations to second floor unit to create new partitions.
Address: Second Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
Ward(s): Piccadilly Ward

Applicant: Mr Tamer Rustum Ear to the Ground (UK) Ltd.
Agent (if any):
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 04/01/2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 23 November 2023

Expired: 14 December 2023

Neighbour notifications

Printed: 23 November 2023

Expired: 14 December 2023

Site notice

Posted: 27 November 2023

Expired: 18 December 2023

Press advert

Published: 28 November 2023

Expired: 12 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the second floor of the six storey Grade II listed building at no35 Dale Street. The property is a former cotton manufacturer's warehouse dating from 1900, that is now in mixed use as offices and other commercial uses, including a café and drinking establishment. The second floor lies in use as offices and features multiple non-original partitions.

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The neighbouring area forms that of the Stevenson Square Conservation Area and consequently the application site neighbours a high number of Grade II listed buildings and non-designated heritage assets. Much of neighbouring built development dates from the late 19th and early 20th centuries and is of a height between five and six storeys. Said buildings generally lie in commercial use, with multiple retail units, drinking establishments and offices being present throughout the street scene.

Description of development

The application seeks listed building consent for the installation of 2no glazed aluminium framed partitions.

The partitions would consist of a diagonal glazed partition that would be situated within the south-western corner of the building, creating an additional meeting room. The second partition would then be situated in an existing door way that currently lies open that would then create a second enclosed meeting room.

The proposed plans depict that the partitions would be secured by screws and rawplugs that would be drilled into a concrete ceiling.

Planning History

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

134964/LO/2022 - LISTED BUILDING CONSENT for installation of 2no. proprietary aluminium-framed glazed partitions to form 2no. new meeting rooms within first floor unit U4, including the formation of plasterboard and stud partition bulkheads above and re-positioning of 1no. existing ceiling-mounted fan coil unit; and for creation of a new painted mural on the existing painted non-original plasterboard and stud partition to the rear of the unit – Application pending consideration.

117563/LO/2017 - LISTED BUILDING CONSENT Internal alterations in association with installation of mechanical ventilation equipment and office space fit out at first and second floor – Approved November 2017.

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 CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester - For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC19 – Listed Buildings

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing 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.

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, 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. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Impact upon Heritage Asset

The development due to its internal nature would not affect the Grade II listed building with regard to its contribution to the character and street scene of the Stevenson Square Conservation Area and neighbouring listed buildings.

The installation of 2no partitions is considered would result in a low level of substantial harm to be caused to the listed building. This harm would derive in undermining the building's original open plan form through the installation of partitions that would sub-divide this space. It is acknowledged that the diagonal proposed partition would be more harmful than that which would infill the doorway by virtue of it cutting across the floor of the property. However, it is noted that features of historical significance, such as the property's brick walls, windows and columns would be left unaffected by the proposals.

The submission has been accompanied by documentation that states the proposals will support the modernisation of the office space on site so that it may be continued to be occupied going into the future. It is considered such justification is in line with the wording put forward under Core Strategy Policy EC3, in that "proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset". On this basis, the Local Planning Authority are of the position that the low level of identified harm that

would be caused to the heritage asset would be outweighed by the benefits of the proposal i.e. the site's continued occupation which would safeguard the future use of the building and damaged that may be incurred as a result of it lying vacant.

On this basis despite the proposal not meeting the statutory test to preserve as put forward under Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990, the public benefits of the proposal would outweigh the recognised harm and as such the proposal is in accordance with policies SP1, 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 Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

In light of the above, the proposal has been found to have a neutral impact on the historical significance of the Grade II listed building in accordance with policies SP1, CC9, EN1, 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 Policy JP-P2, the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application 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 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 acted positively in determining this application by assessing the proposal against relevant planning policies and all material considerations. The nature of the scheme has not necessitated further discussions with the applicant. On this basis it is decided to grant planning permission in accordance with the presumption in favour of sustainable development.

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:

- o DRW_NO: Location Plan (Received 15/06/2023)
- o INS-517-00002 Revision A: Second Floor Partition 1 (Received 21/11/2023)
- o Elevation View 1 (Includes elevations; Received 21/11/2023)
- o Partition 2 (Includes floor plans; Received 21/11/2023)
- o Second Floor - Partition 2 (Includes elevations; Received 21/11/2023)
- o Second Floor - Partition 2 (Includes floor plans and elevations; Received 21/11/2023)
- o Detail of partition head fixing detail (Includes elevation and section; Received 21/11/2023)
- o Detail of partition head fixing detail (Includes section; Received 21/11/2023)
- o INS-517-00005 Revision A: Proposed Second Floor Layout (Received 28/06/2023)

Reason - 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.

3) No materials shall be used on listed building other than those referred to on the approved plans / supporting documentation.

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 and preserving the historical significance of the listed building in accordance with policies SP1, CC9, EN3 and DM1 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

Flat 18, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 22, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 4, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 12, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
1A Tariff Street, Manchester, M1 2FF
First Floor, 6 Tariff Street, Manchester, M1 2FF
Flat 19, 1 Tariff Street, Manchester, M1 2FF
Flat 21, 1 Tariff Street, Manchester, M1 2FF
Flat 9, 1 Tariff Street, Manchester, M1 2FF
Flat 4, 1 Tariff Street, Manchester, M1 2FF
Flat 8, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 17, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 14, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Basement, 14 Newton Street, Manchester, M1 2AF
Flat 3, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Second Floor, 35 Dale Street, Manchester, M1 2HF
V1BE, 37 Dale Street, Manchester, M1 2HF
Basement, 6 Tariff Street, Manchester, M1 2FF
Basement, 45 Dale Street, Manchester, M1 2HF
Flat 10, 1 Tariff Street, Manchester, M1 2FF
Flat 13, 1 Tariff Street, Manchester, M1 2FF
Flat 12, 1 Tariff Street, Manchester, M1 2FF
Flat 3, 1 Tariff Street, Manchester, M1 2FF
16 Newton Street, Manchester, M1 2AE
Flat 2, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
14 Newton Street, Manchester, M1 2AF
Fourth Floor, 14 Newton Street, Manchester, M1 2AF
Flat 24, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 11, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Third Floor, 35 Dale Street, Manchester, M1 2HF
Fourth Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
Fourth Floor, 35 Dale Street, Manchester, M1 2HF
Ground Floor, 35 Dale Street, Manchester, M1 2HF
Fourth Floor, 6 Tariff Street, Manchester, M1 2FF
45 Dale Street, Manchester, M1 2HF
Second Floor And Third Floor, 45 Dale Street, Manchester, M1 2HF
Flat 11, 1 Tariff Street, Manchester, M1 2FF
Flat 22, 1 Tariff Street, Manchester, M1 2FF
Flat 16, 1 Tariff Street, Manchester, M1 2FF
Flat 17, 1 Tariff Street, Manchester, M1 2FF
Flat 26, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Fourth Floor, 16 Newton Street, Manchester, M1 2AE
Ground Floor, 16 Newton Street, Manchester, M1 2AE
Flat 5, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
33 Dale Street, Manchester, M1 2HE
6 Tariff Street, Manchester, M1 2FF
Ground Floor, 6 Tariff Street, Manchester, M1 2FF
Flat 15, 1 Tariff Street, Manchester, M1 2FF
Second Floor, 16 Newton Street, Manchester, M1 2AE
First Floor, 14 Newton Street, Manchester, M1 2AF

Flat 19, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 15, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 16, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 First Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
 Flat 2, 1 Tariff Street, Manchester, M1 2FF
 Flat 8, 1 Tariff Street, Manchester, M1 2FF
 Flat 6, 1 Tariff Street, Manchester, M1 2FF
 VS MANCHESTER LTD, Basement, 36 Dale Street, Manchester, M1 2HN
 Flat 10, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 1, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 27, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 20, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Fourth Floor, 33A Dale Street, Manchester, M1 2HE
 33A Dale Street, Manchester, M1 2HE
 Fifth Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
 First Floor, 35 Dale Street, Manchester, M1 2HF
 Third Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
 Basement, Dale House, 35 Dale Street, Manchester, M1 2HF
 Second Floor, 6 Tariff Street, Manchester, M1 2FF
 47 Dale Street, Manchester, M1 2HF
 Ground Floor, 45 Dale Street, Manchester, M1 2HF
 Flat 23, 1 Tariff Street, Manchester, M1 2FF
 Flat 9, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Third Floor, 16 Newton Street, Manchester, M1 2AE
 Second Floor, 14 Newton Street, Manchester, M1 2AF
 Flat 23, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Basement, 33A Dale Street, Manchester, M1 2HE
 2 Tariff Street, Manchester, M1 2FF
 Flat 20, 1 Tariff Street, Manchester, M1 2FF
 Flat 18, 1 Tariff Street, Manchester, M1 2FF
 Flat 1, 1 Tariff Street, Manchester, M1 2FF
 Flat 14, 1 Tariff Street, Manchester, M1 2FF
 Flat 28, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 25, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 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
 Flat 7, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 6, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
 Flat 24, 1 Tariff Street, Manchester, M1 2FF
 Flat 7, 1 Tariff Street, Manchester, M1 2FF
 Beatnikz Republic, Ground Floor, Dale House, 35 Dale Street, Manchester, M1 2HF
 8 Tariff Street, Manchester, M1 2FF
 First Floor, 45 Dale Street, Manchester, M1 2HF
 Flat 5, 1 Tariff Street, Manchester, M1 2FF
 Flat 21, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN

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 - Stevenson Square Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL