

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137808/LO/2023

Date registered valid: 8 August 2023

Proposal: Listed building consent for the removal of liquid plastic waterproofing and replace with lead to top of string course and other projections.

Address: Opera House, Quay Street, Manchester, M3 3HP

Ward(s): Deansgate Ward

Applicant: Mr Stefan Ziemelis Ambassador Theatre Group

Agent (if any): Mrs Alison Smith Osbornes

Case officer: Tony Mitchell
Tel: 0161 234 4776
Email: anthony.mitchell@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 October 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 11 August 2023 Expired: 1 September 2023

Neighbour notifications

Printed: 11 August 2023 Expired: 1 September 2023

Site notice

Posted: 15 August 2023 Expired: 5 September 2023

Press advert

Published: 15 August 2023 Expired: 29 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: N/A

Description of area

The site is the Opera House which is located on Quay Street, Manchester. The frontage is more visible on the approach from the East. The recent addition of the Quay House development to the West has made the frontage less visible as the elevation of Quay house has moved further forward on the street than the previous building.

The Opera House is a Grade II listed building which is situated within the Deansgate Conservation Area.

Description of development

The projecting elements of the façade are currently poorly weathered with a liquid plastic substance with areas that have some plant growth and cracking where standing water is thought to be an issue. It is proposed in these areas to introduce a lead flashing detail to direct water away from the building and removal of and previous repair using a modern material. In this instance the proposal is to remove a previous repair which has used a modern material which has not given the required protection to the building and is starting to fail in areas. Lead is more traditionally used in historic buildings.

Consultations & Notification Responses

The proposal has been advertised in the press, notice placed on site and neighbours notified. No representations have been received.

Manchester City Council Urban Design and Heritage – Supports the proposal.
Theatres Trust – Supports the proposals.

Issues

Policy

Statutory duty Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Relevant policies Chapter 16 of the National Planning Policy Framework provides the guidance on how the statutory duty is to be put into practice. Paragraph 192 states that in determining 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 Regarding designated heritage assets, paragraph 193 states that 'great weight' should be given to their conservation and the more important the asset, the greater that weight should be; that significance can be lost through development within its setting. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 196 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.

Local development plan. Relevant in this case are: • Policy EN3 of the City Council's Local Development Framework Core Strategy, adopted July 2012. This states: Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. New developments must be designed so as to support the council in preserving, or where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Saved policy DC18 of the Unitary Development Plan (Conservation Areas), which states that the council will seek to preserve and enhance the character of its designated conservation areas

Saved Policy DC19 (Listed Buildings), which states: In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or historic Interest, 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 policy states furthermore that the council will not permit a change of use of a listed building where it would have a detrimental effect on its character or appearance; and not permit any external or internal alteration or addition where there would be an adverse effect on its architectural or historic character.

The impact of the proposed works upon the Character, significance and appearance of this grade II listed building.

The works would involve the removal of existing inappropriate plastic and other modern repairs to flashings and their replacement with lead flashings. Whilst there is no evidence that lead was previously used in some of these areas the use of lead for waterproofing and flashings is a more traditional approach and more durable than the inappropriate materials currently in place.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above described works and are consistent with paragraphs 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The benefits of the proposals are that the proposal consists of works that would enhance the efficiency of the building and its character and appearance.

The proposal would not have an impact upon the character of the Deansgate 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 in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Concerns were raised

during the processing of the application about the need to reduce the impact on the character of the listed building in terms of the level of intervention. Suggestions were made about ways in which the scheme could be revised such that it would be acceptable.

Condition(s) to be attached to decision for approval

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.

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

Design Access & Heritage Statement

22-114 - LOC1

22-114 - RE3

22-114 - RE4

22-114 - RE5

All received by the City Council 8 August 2023.

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.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Fourth Floor, 1 Hardman Square, Manchester, M3 3EB
8 Byrom Street, Manchester, M3 3BF
10 Byrom Street, Manchester, M3 3BF
1 Hardman Square, Manchester, M3 3EB
Eighth Floor, 1 Hardman Square, Manchester, M3 3EB
Third Floor, 1 Hardman Square, Manchester, M3 3EB
Tenth Floor, 1 Hardman Square, Manchester, M3 3EB
Eleventh Floor, 1 Hardman Square, Manchester, M3 3EB
Twelfth Floor, 1 Hardman Square, Manchester, M3 3EB
Fourteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Ninth Floor, 1 Hardman Square, Manchester, M3 3EB
Second Floor, 1 Hardman Square, Manchester, M3 3EB
First Floor, 1 Hardman Square, Manchester, M3 3EB
Ground Floor, 1 Hardman Square, Manchester, M3 3EB
Seventeenth Floor, 1 Hardman Square, Manchester, M3 3EB
Store, 1 Hardman Square, Manchester, M3 3EB
Seventh Floor, 1 Hardman Square, Manchester, M3 3EB
Sixth Floor, 1 Hardman Square, Manchester, M3 3EB
Fifth Floor, 1 Hardman Square, Manchester, M3 3EB
5 Hardman Square, Manchester, M3 3EB
Nineteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Eighteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Thirteenth Floor, 1 Hardman Square, Manchester, M3 3EB
Part Thirteenth And Mezzanine Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Thirteenth Floor Room 1B, Sunlight House, Quay Street, Manchester, M3 3LE
Flat, Sunlight House, Quay Street, Manchester, M3 3JZ
Third Floor, 15 Quay Street, Manchester, M3 3HN
First Floor, 15 Quay Street, Manchester, M3 3HN
Second Floor, 15 Quay Street, Manchester, M3 3HN
Suite 101 Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Fifth Floor, 15 Quay Street, Manchester, M3 3HN
Fourth Floor, 15 Quay Street, Manchester, M3 3HN
Eleventh Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
111 Sunlight House, Quay Street, Manchester, M3 3LE
Fourth Floor And Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Thirteenth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Fifteenth And Sixteenth Floor, 1 Hardman Square, Manchester, M3 3EB
109 Sunlight House, Quay Street, Manchester, M3 3LE
1302 Sunlight House, Quay Street, Manchester, M3 3LE
Bannatyne Health Club And Spa, Sub Basement And Basement And Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Pt Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Rooms 625 627 And 629, Sunlight House, Quay Street, Manchester, M3 3LE
Suites 110 And 112 And 114, Sunlight House, Quay Street, Manchester, M3 3JZ
Suite 114, Sunlight House, Quay Street, Manchester, M3 3JZ
624 - 628 Sunlight House, Quay Street, Manchester, M3 3LE
Suite 106, Sunlight House, Quay Street, Manchester, M3 3JZ
Room 1301, Sunlight House, Quay Street, Manchester, M3 3LE
Second Floor, Sunlight House, Quay Street, Manchester, M3 3JZ

Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
MANSON INSURANCE LTD, Ground Floor, 15 Quay Street, Manchester, M3 3HN
1 Little Quay Street, Manchester, M3 3JU
First Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
1 Byrom Place, Manchester, M3 3HG
Sunlight House, Quay Street, Manchester, M3 3JZ
Third Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
17 Quay Street, Manchester, M3 3HN
19 Quay Street, Manchester, M3 3HN
Thirteenth Floor Maintenance Room, Sunlight House, Quay Street, Manchester, M3 3LE
Sixth Floor Room 631, Sunlight House, Quay Street, Manchester, M3 3LE
Room 614, Sunlight House, Quay Street, Manchester, M3 3JZ
5 - 7 Byrom Street, Manchester, M3 4PF
Seventh Floor, Sunlight House, Quay Street, Manchester, M3 3LF
Eighth Floor, Sunlight House, Quay Street, Manchester, M3 3LU
15 Quay Street, Manchester, M3 3HN
Suite 608 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 102A Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 603 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 202 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 201 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 102B Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE

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