

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137691/LO/2023

Date registered valid: 23 August 2023

Proposal: Refurbishment of existing sash windows at the property and reinstatement of sash windows to replace PVC windows.

Address: 12 Tib Lane, Manchester, M2 4JB

Ward(s): Deansgate Ward

Applicant: Mrs Joanne Scott Truth Design Limited

Agent (if any):

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: 11 September 2023

Standard consultations:

Printed: 11 September 2023 Expired: 2 October 2023

Neighbour notifications

Printed: 11 September 2023 Expired: 2 October 2023

Site notice

Posted: 11 September 2023 Expired: 2 October 2023

Press advert

Published: 19 September 2023 Expired: 3 October 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Albert Square Conservation Area 1972

Tree Preservation Order: NA

Description of area

The application building stands in Manchester City Centre, where it is situated on the south side of Tib Lane. The property was built as offices in 1876 and is a tall, narrow fronted structure of four-storeys plus basement, located within the central business zone of the city to the north of Albert Square. The rear is set back from a narrow service street named Bow Lane. Its immediate surroundings are dominated by 19th century commercial premises that represent the legacy of Manchester's heyday as the global centre of the textile trade.

The application property is listed at Grade II, having been first designated in 1994. It stands at the northern boundary of the Albert Square Conservation Area.

Description of development

The proposal involves the replacement of the existing UPVC windows by painted timber examples, matching the framing pattern that originally existed. These works would enhance the appearance of the listed building, and to its contribution to the conservation area.

Consultations & Notification Responses

The proposal has been advertised in the press and a site notice posted on site. Neighbours have also been notified by letter.

No representations have been received.

Manchester City Council Urban Design and Conservation Team - supports the proposal.

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 UPVC windows and some existing timber windows that are beyond repair. The windows would be replaced with new timber windows in a design that is considered to be historically and aesthetically appropriate.

Whilst some remnants of original glass will be lost as part of the proposal new glazing will be double glazed giving better thermal insulation and noise protection properties whilst maintaining an appropriate design and appearance.

The proposal would amount to a low level of less than substantial harm to the listed building. As directed by paragraph 202 of the NPPF, it is necessary to consider whether the required public benefits exist to outweigh the harm. The proposal would be replaced with windows which are sympathetic to the building in terms of appearance fenestration and materiality. There are also benefits associated with improving the thermal efficiency of the listed building.

On this occasion it is considered appropriate to impose a condition requiring submission of samples of materials including final details of final paint and other finishes.

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.

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

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:

Drawing - Location Plan	26 Jul 2023		
Drawing - Visuals	26 Jul 2023	2 PAGE DRAWING PACK	LARGE DRAWINGS WITH SETTING OUT
Drawing - Visuals	26 Jul 2023	2 PAGE DRAWING PACK	LARGE DRAWINGS WITH SETTING OUT
Drawing - Visuals	26 Jul 2023	2 PAGE DRAWING PACK	SECTION DRAWINGS
Drawing - Visuals	26 Jul 2023	3 PAGE DRAWING PACK	DETAIL DRAWING
Drawing - Visuals	26 Jul 2023	3 PAGE DRAWING PACK	DETAIL DRAWING
Drawing - Proposed	26 Jul 2023		DETAIL DRAWING

Large setting out.
Design and Access Statement Refurbishment of period windows. Address: 12 Tib Lane, Manchester, M2 4JB. Date: 25th July, 2023.
HERITAGE ASSESSMENT GARRY MILLER Heritage Consultancy PROPOSED works at 12 tib lane (ROYLE'S CHAMBERS) Manchester City Centre Heritage Assessment February 2021.
Supporting Information 26 Jul 2023 SLIM HERITAGE DOUBLE GLAZED UNITS.
Supporting Information 23 Aug 2023 NEW WINDOW REVEAL SECTION.

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)Notwithstanding the details as set out in condition 2 above prior to the commencement of the following elements, final details (including where appropriate specification and method statement) of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- (a) Full and final details and specifications of paint finishes, sealants, fillers, mortars and putty used in new windows and cills.
- (b) Full and final details and specifications of the new window panes.
- (c) Full and Final details and specifications of new timber window frames and where used sash weight and cord assemblies including their housings.

(d) Full and final details of window handles, locks and latches.

e) Full and final details of any associated remediation works to historic fabric including plasterwork, brickwork and masonry.

All of the above shall be implemented in accordance with the approved details before the works commence

.
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

57 Cross Street, Manchester, M2 4JW
Fifth Floor, Phoenix House, 45 Cross Street, Manchester, M2 4JF
First And Second Floor, 59 Cross Street, Manchester, M2 4JW
Ground Floor, 59 Cross Street, Manchester, M2 4JW
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
Fourth Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
First Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
55 Cross Street, Manchester, M2 4JN
43 Cross Street, Manchester, M2 4JF
Third Floor, 9 Princess Street, Manchester, M2 4DN
The Town Hall Tavern, Tib Lane, Manchester, M2 4JA
Top Flat, The Town Hall Tavern, Tib Lane, Manchester, M2 4JA
Fourth Floor, 1 Princess Street, Manchester, M2 4DD
Second Floor Offices, 1 Princess Street, Manchester, M2 4DF
Third Floor Office, 1 Princess Street, Manchester, M2 4DF
First Floor Offices, 9 Princess Street, Manchester, M2 4DN
Sixth Floor, 9 Princess Street, Manchester, M2 4DN
Fourth Floor, 9 Princess Street, Manchester, M2 4DN
First Floor, 1 Princess Street, Manchester, M2 4DF
1 Princess Street, Manchester, M2 4DF
Second Floor, Bow Chambers, 8 Tib Lane, Manchester, M2 4JB
Northern Assurance Building, 9 - 21 Princess Street, Manchester, M2 4DN
Basement, 9 Princess Street, Manchester, M2 4DN
Ground Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
Johnson THE CLEANERS, 61 Cross Street, Manchester, M2 4JW
Fifth Floor, 9 Princess Street, Manchester, M2 4DN
Ground Floor And First Floor, 3 - 5 Princess Street, Manchester, M2 4DN
Ground Floor, 7 Princess Street, Manchester, M2 4DF
Clarence House, 2 Clarence Street, Manchester, M2 4DW
59A Cross Street, Manchester, M2 4JW
47 Cross Street, Manchester, M2 4JF
Basement, 3 - 5 Princess Street, Manchester, M2 4DF
Third Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
8 - 10 Clarence Street, Manchester, M2 4DW
29 Bow Lane, Manchester, M2 4FW
7 Princess Street, Manchester, M2 4DN
3 - 5 Princess Street, Manchester, M2 4DN
Phoenix House, 45 Cross Street, Manchester, M2 4JF
10 Tib Lane, Manchester, M2 4JB
9 Princess Street, Manchester, M2 4DN
First Floor, Bow Chambers, 8 Tib Lane, Manchester, M2 4JB
Second Floor, 9 Princess Street, Manchester, M2 4DN
Ground Floor, 57 Cross Street, Manchester, M2 4JW
Second Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
Fifth Floor, Clarence House, 2 Clarence Street, Manchester, M2 4DW
17 Bow Lane, Manchester, M2 4FW

53 Cross Street, Manchester, M2 4JN
Fourth Floor, Bow Chambers, 8 Tib Lane, Manchester, M2 4JB
Fourth Floor Suite 1, Bow Chambers, 8 Tib Lane, Manchester, M2 4JB
Third Floor, Bow Chambers, 8 Tib Lane, Manchester, M2 4JB

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 - Albert Square Conservation Area 1972
Area Team Boundary - Name: CENTRAL