MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135024/LO/2022
Date registered valid:	23 September 2022
Proposal:	Listed Building Consent for the refurbishment, alterations and selective demolition to facilitate office and restaurant use including office fit-out, creation of external terrace on existing flat roof.
Address:	38 - 42 Mosley Street And 57 Spring Gardens, Manchester, M2 3AZ
Ward(s):	Deansgate Ward
Applicant:	Ms Lauren Gavaghan Bruntwood
Agent (if any):	Mr Ralph Taylor Paul Butler Associates
Case officer:	Emily Booth Tel: 0161 234 4193 Email: emily.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	13 September 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 18 October 2022

Standard consultations:
Printed: 18 October 2022 Expired: 8 November 2022

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 18 October 2022 Expired: 8 November 2022

Press advert
Published: 11 October 2022 Expired: 1 November 2022

Departure from Development Plan: No

Environmental Statement: Not required.

<u>Description of site/building</u>

Listed building: Grade II Star

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The proposed site for development is located at 38 - 42 Mosley Street and 57 Spring Gardens. The building is currently undergoing restoration and redevelopment into office space and was most recently used as an RBS bank. The building is a Grade II* building. The original block fronting onto Mosley Street is 3 storeys tall with 7 window bays. At the ground floor is a significant vermiculated plinth, with a double height ground floor. The building is predominantly sandstone with a granite band at the top of the ground floor plinth.

Internally there has been damage to a number to features such as decorative cornices, panelling, picture rails are currently ongoing. There are a number of highly significant spaces within the building such as the domed room and the banking hall. A large part of the interior of the building was rebuilt in the 1970s and has internal features of low significance.

The building is situated in the Upper King Street Conservation Area and there are other surrounding Grade II* and Grade II listed building and modern buildings surrounding it.

Surrounding uses include offices, banks, shops, restaurants, cafes, hotels, the Town Hall Complex, an art gallery and a bus station.

Description of development

Listed Building Consent is currently sought for the following:

- Office fit out works, as well as some minor adjustments to the approved scheme (132737/FO/2022 and Listed Building Consent 132738/LO/2022) to prepare the office spaces for occupation.
- Works to the terrace including replacement of glazing.
- A reduction in the amount of M+E installations previously approved.
- Minimal changes proposed to the main entrance door and within the main entrance following further structural investigation.

Consultations & Notification Responses

Historic England (North West) - Confirmed that in this case they are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Publicity - The application was advertised as affecting a listed building and as affecting a Conservation Area, a site notice was displayed on site and letters were sent to surrounding occupiers. No responses were received.

Issues

Impact on the Character and Appearance of the Listed Building

The main issues for consideration relate to the impact of the proposals on the on the character and appearance of the listed building. The main policies that relate to this proposal are:

The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials.

The Unitary Development Plan for the City of Manchester

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent 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 City Council will:

- not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.
- not permit alterations to a listed building that would prevent the future use of any part of the building.

National Policy

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 to section 16 (Conserving and Enhancing the Historic Environment).

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.

Paragraph 192 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.

Paragraph 189 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 194 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

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.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

All works are deemed to be acceptable and the amendments to the entrance and the reduction of the M&E equipment are considered to be beneficial. The proposals would rationalise services and in some cases they would have less of an impact in the spaces. The changes would result in a lesser impact.

The minimal areas of demolition would not affect significant fabric.

The terrace glazing was installed in 1970s but is an important and prominent feature of the elevation. The proposals include measures to provide openable glazing to allow access onto the terrace and for the cleaning the glass. Detailed discussions have led to acceptable solution.

The breaking through into the adjoining building affects only modern (non-significant elements) of the building so there is no harm caused to the heritage asset by these works. It is a wall within the 1970s interior of the building that adjoins the adjacent building.

Conditions are required to agree samples and to agree the finishes of the main entrance door and due to the fit out of the restaurant and the gym areas not being included in this application.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset 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 due to the public benefit of the restoration and reuse of this Grade II* Listed building and the use of the building as an office.

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 polices 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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included significant ongoing advice about the information required to be submitted to support the application and to address issues and allow determination of the 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:

The location plan referenced 20-059 AXI 010 Rev 01 received by the City Council as local planning authority on 23 May 2023

The drawings referenced:

20-059 AXI 019 Rev 00
20-059 AXI 020 Rev 00
20-059 AXI 021 Rev 00
20-059 AXI 022 Rev 00
20-059 AXI 023 Rev 00
20-059 AXI 040 Rev 00
20-059 AXI 041 Rev 00
20-059 AXI 042 Rev 00
20-059 AXI 043 Rev 00
20-059 AXI 050 Rev 00
20-059 AXI 051 Rev 00
20-059 AXI 052 Rev 00
20-059 AXI 053 Rev 00
20-059 AXI 060 Rev 00
20-059 AXI 061 Rev 00
20-059 AXI 062 Rev 00
20-059 AXI 063 Rev 00
20-059 AXI 070 Rev 00
20-059 AXI B119 Rev 00
20-059 AXI B120 Rev 00
20-059 AXI B122 Rev 00
20-059 AXI B123 Rev 00
20-059 AXI B130 Rev 00
20-059 AXI 200 Rev 00
20-059 AXI 210 Rev 00

20-059 AXI 211 Rev 00
20-059 AXI 500 Rev 00
20-059 AXI B 300 Rev 00
20-059 AXI B 302 Rev 00
20-059 AXI B 303 Rev 00
20-059 AXI B500 Rev 00
20-059 AXI B501 Rev 00
20-059 AXI B502 Rev 00
20-059 AXI B503 Rev 00
20-059 AXI B504 Rev 00
20-059 AXI B524 Rev 00
20-059 AXI B525 Rev 00
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20-059 AXI B531 Rev 00
20-059 AXI B532 Rev 00
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20-059 AXI B613 Rev 00
20-059 AXI B619 Rev 00
20-059 AXI B620 Rev 00
20-059 AXI B622 Rev 00
20-059 AXI B623 Rev 00
S-B-01 Rev A
S-G-05 Rev B
S-G-06
S-G-07
S-G-08
S-01-10 Rev C
S-01-12
S-02-20 Rev D
S-02-22

S-03-30
S-03-32
27618-HM-ZZ-01-DR-ES-4202 Rev 03
27618-HM-ZZ-02-DR-ES-4203 Rev 04
27618-HM-ZZ-03-DR-ES-4204 Rev 04
27618-HM-B1-DR-ES-4200 Rev 03
27618-HM-GF-DR-ES-4201 Rev 04
27618-HM-ZZ-RF-DR-ES-4205 Rev 03
27618-HM-ZZ-01-DR-ES-6202 Rev 03
27618-HM-ZZ-02-DR-ES-6203 Rev 04
27618-HM-ZZ-03-DR-6204 Rev 04
27618-HM-ZZ-B1-DR-ES-6200 Rev 03
27618-HM-ZZ-GF-DR-ES-6201 Rev 04
278618-HM-ZZ-RF-DR-ES-6205 Rev 03
27618-HM-ZZ-01-DR-ES-2202 Rev 03
27618-HM-ZZ-02-DR-ES-2203 Rev 04
27618-HM-ZZ-03-DR-ES-2204 Rev 04
27618-HM-ZZ-B1-DR-ES-2200 Rev 03
27618-HM-ZZ-B1-DR-ES-2201 Rev 04
27618-HM-ZZ-RF-DR-ES-2205 Rev 03
27618-HM-ZZ-01-DR-ES-3202 Rev 03
27618-HM-ZZ-DR-ES-3203 Rev 04
27618-HM-ZZ-03-DR-ES-3204 Rev 04
27618-HM-ZZ-B1-DR-ES-3200 Rev 03
27618-HM-ZZ-GF-DR-ES-3201 Rev 04
27618-HM-ZZ-RF-DR-ES-3205 Rev 03
27618-HM-ZZ-DR-MS-1202 Rev 04
27618-HM-ZZ-01-DR-M2-2202 Rev 04
27618-HM-ZZ-01-DR-PH-1202 Rev 05
27618-HM-ZZ-02-DR-MS-1203 Rev 06
27618-HM-ZZ-02-DR-MS-2203 Rev 07
27618-HM-ZZ-02-DR-PH-1203 Rev 05
27618-HM-ZZ-03-DR-MS-1204 Rev 05
27618-HM-ZZ-03-DR-MS-2204 Rev 05
27618-HM-ZZ-03-DR-PH-1204 Rev 05
27618-HM-ZZ-B1-DR-MS-1200 Rev 04
27618-HM-ZZ-B1-DR-MS-2200 Rev 04
27618-HM-ZZ-B1-DR-PH-1200 Rev 04
27618-HM-ZZ-GF-DR-MS-1201 Rev 05
27618-HM-ZZ-GF-DR-MS-2201 Rev 05
27618-HM-ZZ-GF-DR-PH-1201 Rev 05
27618-HM-ZZ-ZZ-DR-MS-2101 Rev 04
27618-HM-ZZ-ZZ-DR-PH-1101 Rev 04
27618-HM-ZZ-RF-DR-CS-0401 Rev 02
27618-HM-ZZ-RF-DR-MS-2206 Rev 04

received by the City Council as local planning authority on 23 September 2022

20-059 AXI - 502 Rev 3 01
20-059 AXI - 521 Rev 3 00
20-059 AXI - 522 Rev 3 00
20-059 AXI - 524 Rev 3 00
Prop - Lay - BF 'Basement Floor Cat A and Cat B Comparison'
Prop - Lay - GF 'Ground Floor Cat A and Cat B Comparison'

Prop - Lay - 1F '1st Floor Cat A and Cat B Comparison'
Prop - Lay - 2F '2nd Floor Cat A and Cat B Comparison'
Prop - Lay - 3F '3rd Floor Cat A and Cat B Comparison'
Ovrly - 1F - R0 '1st Floor Overlayed Electrical Containment'
Ovrly - 2F - R0 '2nd Floor Overlayed Electrical Containment'
Ovrly - 3F - R0 '3rd Floor Overlayed Electrical Containment'
Ovrly - GF - R0 'Ground Floor Overlayed Electrical Containment'

received by the City Council as local planning authority on 13 January 2023

FM-PROP-LAY-BF
FM-PROP-LAY-1F
FM-PROP-LAY-2F
FM-PROP-LAY-GF
FM-PROP-LAY-3F

received by the City Council as local planning authority on 24 March 2023

Glazed Screen 1 Cross Section Plan (System: SMA Alitherm Heritage Square (W20170))
Glazed Screen 2 Cross Section Plan (System: SMA Alitherm Heritage Square (W20170))

received by the City Council as local planning authority on 2 June 2023

20-059 AXI-B130 Stage 3 Rev 03

received by the City Council as local planning authority on 12 July 2023

20-059 AXI-B100 Rev 06
20-059 AXI-B101 Rev 05
20-059 AXI-B102 Rev 07
20-059 AXI-B103 Rev 06
20-059 AXI-040 Rev 01
20-059 AXI-040 Rev 01
DW2022

received by the City Council as local planning authority on 31 July 2023

The following documents:

The Method Statement Heritage Restoration and Reinstatement Works by Gazelle Art Plaster.
The Conservation Method Task Statement Timber Repairs.
The Conservation Method Task Statement for Soft-Strip Out.
The Method Statement Flooring to 38 Mosley Street, Manchester.
The Painting & Decorating Method Statement prepared by Cubic Works.
The Terrace Method Statement information, including: Removal of Glass from 38 Mosley Street Terrace, Installation of New Aluminium Capping / Cladding at 38 Mosley Street Terrace, Installation of New Aluminium Frames and Glass at 38 Mosley Street Terrace
Additional Terrace Demolition information, Risk assessment for : City Glass (Manchester) Co Ltd.

received by the City Council as local planning authority on 23 September 2022

Smart - Alitherm Heritage Brochure
Smart - The Heritage Collection Brochure

received by the City Council as local planning authority on 2 June 2023

Heritage Addendum dated 16.8.23 Ref 21.1590

received by the City Council as local planning authority on 16 August 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC1, CC4, EN1 and DM1 of the Core Strategy, saved policies DC18.1 and DC19.1 of the Unitary Development Plan and Sections 6, 7 and 12 of the National Planning Policy Framework.

3) (a) Notwithstanding the details submitted with the application, prior to the removal of any glazing from the terrace elevations the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

(a) Samples and specifications of all material to be used in all works to the terrace and terrace elevations and detailed drawings and specifications of the glazing and frames and junctions and fixings and a strategy for quality control management.

(b) Submission of a Construction Environmental Management Plan (CEMP) (Materials) to include details of the strategy for securing more efficient use of non-renewable material resources and to reducing the lifecycle impact of materials used in construction and how this would be achieved through the selection of materials with low environmental impact throughout their lifecycle.

(c) The quality control management strategy.

The approved materials shall be used in the construction 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 so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the information detailed within Condition 2 of this application, full and final details of the fit out of the gym areas of the building and the restaurant areas of the part ground floor and basement shall be submitted to and approved in writing by the City Council as local planning authority prior to the first use of either of these areas of the building to be supported by method statements, heritage statements and detailed scaled drawings to demonstrate all aspects of the fit out. These works shall be carried out fully and only in accordance with the approved information.

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 so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the information detailed within Condition 2 of this application, the final paint finishes of the original main entrance door to be informed by a paint analysis shall be submitted

to and approved in writing by the City Council as local planning authority prior to the redecoration of the door. These works shall be carried out fully and only in accordance with the approved information and the door shall be redecorated in the approved paint finish prior to the completion of the works.

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 so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Work & Skills Team
Greater Manchester Ecology Unit
Historic England (North West)
Heritage & Urban Design

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 - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL