

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134678/LO/2022

Date registered valid: 21 February 2023

Proposal: Listed building consent for internal works including remove of existing fixtures and fittings associated repairs to facilitate the use of premises for the sale of food and drink (Use Class E(b) to Upper Ground Floor.

Address: 41 - 43 Faulkner Street, Manchester, M1 4EE

Ward(s): Deansgate Ward

Applicant: Mrs Shirley Low

Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20/04/2023

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 8 March 2023

Standard consultations:

Printed: 2 March 2023 Expired: 23 March 2023

Neighbour notifications

Printed: 2 March 2023 Expired: 23 March 2023

Site notice

Posted: 8 March 2023 Expired: 29 March 2023

Press advert

Published: 7 March 2023 Expired: 28 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Not applicable

Conservation area: George Street Conservation Area 1985

Tree Preservation Order: Not applicable

Description of Site/Building

The building is situated on the southern side of Faulkner Street, close to the corner of Charlotte Street, and lies right in the heart of the area known as Chinatown. The building is a classical style building with a facade of coursed sandstone rubble with ashlar dressings, otherwise brick, with a slate roof.

The site is a Grade II listed building within the George Street Conservation Area. There are numerous Grade II listed buildings either adjoining the property or in close proximity to the site, including; 45-47 Faulkner Street, Lindencourt House, 49 Faulkner Street, Fraser House, 44 to 50 Portland Street, and 52 and 54 Portland Street.

Description of Development

The proposal seeks listed building consent for internal works including remove of existing fixtures and fittings associated repairs to facilitate the use of premises for the sale of food and drink (Use Class E(b) to Upper Ground Floor.

The majority of the changes proposed are internal to the unit. Externally, the proposal seek to refurbish the windows to the unit which face Faulkner Street and to the rear elevation of the building two mechanical ventilation units will be removed and replaced with a flue.

Consultations & Notification Responses

Publicity - Letters were posted out to neighbouring properties, a site notice was displayed on site and an advert was placed in the Manchester Evening News.

Policy

The Adopted Core Strategy for the City of Manchester

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

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 DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester

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.

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". 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 189 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 194 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 195 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 197 advises that In determining applications, LPA's 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.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 advises that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 200 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 201 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.

Paragraph 202 advises that Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

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.

Issues

Principle

There is no objection to the principle of internal works including remove of existing fixtures and fittings associated repairs to facilitate the use of premises for the sale of food and drink (Use Class E(b) to Upper Ground Floor. For the Listed Building Consent application, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Impact on the Heritage Asset

Policies EN3 and DM1 of the Core Strategy states that the Council will encourage development that takes advantage of the City's heritage. The NPPF defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. The interest may

be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence but also from its setting.

The agreed upon works will not lead to an unwarranted loss or original/historic fabric and would not harm or conceal any ornate core features of the Grade II Listed Building. The proposed new subdivision would cause some harm to the appreciation of the space, but the removal of the existing infill and other benefits this scheme would deliver would be considered to outweigh any harm to the appreciation of the space. A shadow gap would be incorporated where new fabric meets original/historic features. The cornices and other features of interest will be retained in-situ.

The proposed removal of modern dry-lining/plasterboard to the original/historic walls is supported. Information of the treatment of the revealed features and proposed finishes to them have been added as a condition.

The proposed low-level timber panelling to conceal electrical services and finish/material detail have been added as a condition.

Should the original floors survive, these should be exposed in the first instance, with appropriate sanitary finishes to the proposed kitchen area. The full and final details of the proposed floor finishes have been added as a condition.

The full and final details, showing junctions, M&E services and method of affixing of the proposed treatment of the ceilings has been added as a condition.

The principle of the proposed repairs and redecoration works to the original/historic architraves and windows are supported. Methodology and further detail of these works have been added as a condition.

The proposed routing of the mechanical extract and associated pipe work, to reuse existing opening is considered acceptable from a heritage perspective.

The removal of redundant AC units and other mechanical services internally and externally are supported.

All proposed works are revisable, and it is considered that the level of harm to the significance of the building is considered to amount to less than substantial as defined within paragraph 202 of the NPPF.

The works to the listed building are considered necessary in order to facilitate the use of this space as a premises for the sale of food and drink.

The proposal would result in a low level of less than substantial harm to the listed building. This harm would principally arise from the subdivision of the space and installation of M and E. There would also be heritage benefits, including the repairs of features including floors, cornice and walls together with removal of redundant plant. Public benefits are derived for the use of the property as a complementary use to the area and the heritage benefits listed above. This would outweigh any harm to the listed building.

Conclusion

In view of the above, this application is considered acceptable, as the works are not considered to cause any harm to the special interest and character of the Grade II listed building.

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

Received by the City Council as Local Planning Authority on 12 August 2022:
Existing & Proposed Floor Plan 9807/211 A

Received by the City Council as Local Planning Authority on 07 February 2023:
Heritage Statement

Received by the City Council as Local Planning Authority on 21 February 2023:
Proposed Site Plan 9807/101 B
Proposed GF Plans and Access 9807-214A
Existing & Proposed Reyner Street Elevations 9807/122 A
Location Plan 9807/001A

Received by the City Council as Local Planning Authority on 08 March 2023:
Existing & Proposed Rear Elevations 9807-123D
Existing & Proposed GF and Ceiling Plans 9807-212E
Existing & Proposed Sections 9807-213E
Existing & Proposed GF and Ceiling Plans 9807-231B
Design & Access Statement

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) Prior to the commencement of works to install any relevant mechanical and electrical (M & E) installations (including CCTV and lighting) attached to any listed fabric, detailed plans, method statement and specification showing the location, profile, fixing, sections and suitable samples, where necessary shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details of the removal, alterations and repair of the historic fabric of the building.

The development shall then be carried out in accordance with the details approved and thereafter be retained as approved throughout the life of the development. Should the M & E no longer be required, they should be removed and the elevations should be made good following a scheme previously approved in writing by the City Council, as Local Planning Authority.

Reason:- To ensure the M & E at the development does not harm the Listed structure and is attached appropriately to the historic fabric pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995).

4) Prior to the commencement of repair, restoration and cleaning works to the existing windows a detailed method statement and specification (including material specification) for the repair, cleaning and painting of the windows shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details and method statement shall be implemented as part of the development and completed prior to the first occupation of the development.

Reason - To ensure that a satisfactory restoration and repair of the existing windows in order to ensure that the historic fabric is retained and repaired where possible and appropriate materials used in the restoration of the Listed Building pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

5) Prior to the commencement of repair works to the existing timbers (architraves) present and to be retained in the development, a details method statement and specification (including material specification) for the removal, alteration, repair, replacement works shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved detailed and method statement shall be implemented as part of the development and completed prior to the first occupation of the development.

Best endeavours shall be made to use salvage existing timbers wherever possible in the works associated with the conversion. Should it not be possible to use salvage material in the restoration then notification shall be made to the City Council, as Local Planning Authority, prior to the starting of the works. Suitable materials shall then be agreed with the City Council, as Local Authority, and used where necessary.

Reason - To ensure that a satisfactory restoration and repair of the building in order to ensure that the historic fabric is retained where possible and appropriate materials used in the restoration of the Listed Building pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

6) Prior to the commencement of the works to the floors, a detailed method statement and specification for the repair and restoration of the floors shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details to expose the floors. The works must be carried out in accordance with this method statement and specification and be completed prior to the first occupation of the development.

Reason - To ensure that the works to the floors is appropriate and is done so in a manner which does not harm the fabric of the Listed Building and to ensure that the resulting condition of the buildings which will be revealed is repaired appropriately within a suitable time frame pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

7) Prior to the commencement of work associated with the installation of partitions, walls and ceilings, a detailed method statement associated with the removal, alteration and repair works shall be submitted for approval in writing by the City Council, as Local Planning Authority. The method statement shall include appropriate elevations, sections, materials and specifications together with provision for a shall gap with the junction with original fabric.

The works shall then be carried out in accordance with this method statement and specification as part of the development and be completed prior to the first occupation of the development.

Reason - To ensure that a satisfactory interventions into the Listed Building and retention/repair of as much of the Listed fabric as possible along with appropriate use of materials in the restoration of the Listed Buildings pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

8) Prior to the commencement of repairs to existing plaster work and cornice details, a detailed method statement and specification (including material specification) for the works shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details and method statement shall be implemented as part of the development and completed prior to the first occupation of the development.

Reason - To ensure that a satisfactory restoration and repair of the building in order to ensure that the historic fabric is retained where possible and appropriate materials used in the restoration of the Listed Building pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

9) Prior to the installation of the fume extraction system, a detailed method statement shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include details of the extent of fabric removal together with sections and details of the proposed flue. The approved details shall be implemented as part of the development.

Reason - To ensure that a satisfactory intervention into building in order to ensure that the historic fabric is retained where possible and appropriate materials used in the restoration of the Listed Building pursuant to policy EN3 of the Manchester Core Strategy (2012) and extant policy DC19 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF/NPPG.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Second Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Second Floor Rooms 8 And 9, 41 Faulkner Street, Manchester, M1 4EE
Ground Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Second Floor, 41 Faulkner Street, Manchester, M1 4EE
Flat 3, 54 Portland Street, Manchester, M1 4QU
Flat 2, 54 Portland Street, Manchester, M1 4QU
Flat 1, 54 Portland Street, Manchester, M1 4QU
Third Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
WING FAT SUPERMARKET LTD, 49 Faulkner Street, Manchester, M1 4EE
Third Floor, 41 Faulkner Street, Manchester, M1 4EE
Ground Floor, 41 Faulkner Street, Manchester, M1 4EE
Sub Basement And Basement, 41 Faulkner Street, Manchester, M1 4EE
Second Floor, 52 Portland Street, Manchester, M1 4QU
Fourth Floor, 52 Portland Street, Manchester, M1 4QU
Second Floor, 44 Portland Street, Manchester, M1 4GS
50 Portland Street, Manchester, M1 4QU
44 - 46 Faulkner Street, Manchester, M1 4FH
Third Floor Office, 36 Charlotte Street, Manchester, M1 4FD
Fourth Floor Office, 36 Charlotte Street, Manchester, M1 4FD
Basement And Ground Floor Restaurant, 36 Charlotte Street, Manchester, M1 4FD
First Floor And Second Floor, 36 Charlotte Street, Manchester, M1 4FD
Basement, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD
Ground Floor To Fourth Floor, Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD
First Floor To Third Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE
First Floor And Second Floor Room 7, 41 Faulkner Street, Manchester, M1 4EE
41 Faulkner Street, Manchester, M1 4EE
44 Portland Street, Manchester, M1 4GS
Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Magnus Ltd, Suite B, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Brindle And Yam Solicitors, Suite A, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Fifth Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
Fourth Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4FD
First Floor, Hanover House, 30 - 32 Charlotte Street, Manchester, M1 4EX
45 - 47 Faulkner Street, Manchester, M1 4EE
46 Portland Street, Manchester, M1 4QU
First Floor, 52 Portland Street, Manchester, M1 4QU
Fourth Floor, 44 Portland Street, Manchester, M1 4GS
First Floor, 44 Portland Street, Manchester, M1 4GS
Ground Floor, 45 - 47 Faulkner Street, Manchester, M1 4EE
Second Floor, 36 Charlotte Street, Manchester, M1 4FD
52 Portland Street, Manchester, M1 4QU
48 Portland Street, Manchester, M1 4QU
54 Portland Street, Manchester, M1 4QU
Basement, 52 Portland Street, Manchester, M1 4QU
Third Floor, 44 Portland Street, Manchester, M1 4GS
Sub Basement, 36 Charlotte Street, Manchester, M1 4FD
Basement, 45 - 47 Faulkner Street, Manchester, M1 4EE
39 Faulkner Street, Manchester, M1 4EE
42 Portland Street, Manchester, M1 4GS

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 - George Street Conservation Area 1985

Area Team Boundary - Name: CENTRAL