

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135935/JO/2023
Date registered valid: 10 January 2023
Proposal: Variation to condition 2 (Approved Dwgs and Documents) attached to application Ref no 129431/FO/2021 to amend internal courtyard to facilitate improved disabled access arrangements and increase extent of extension to 3rd floor level and include build up the parapet to 3rd floor roof terrace area.
Address: 21-23 Oldham Street, Manchester, M1 1JG
Ward(s): Piccadilly Ward

Applicant: Mr Elias Planetree Estates Lyd
Agent (if any): Andrew Burns Atelier MB
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 02-03-23

Application details

Type of application: Variation or Removal of Condition

Development type: Notifications

Date of site visit: 24 January 2022

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 20 January 2023 Expired: 10 February 2023

Site notice

No site notice has been produced

Press advert

Published: 24 January 2023 Expired: 14 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

The application relates to a building at 21-23 Oldham Street known as Planetree House. It is part of a wider block of buildings which includes Sachas Hotel (former C+A) to one end and Afflecks Palace (former Affleck and Brown department store) to the other.

The front section (Oldham Street) is three storeys, faced in stone block and has a flat roof. The rear section (facing Tib Street) is four storeys, plainer in style with brick elevations beneath a pitched slate roof. The Building also has elevations to Short Street and a ginnel off Tib Street.

The ground floor is in use as a retail second-hand clothing outlet and a hair/beauty product retailer. Above, the units are in various uses including office accommodation. The basement, originally used for storage, currently houses a nightclub (accessed off Tib Street)

Description of area

The site lies within an area of the City Centre known as the Northern Quarter which contains a variety of uses including bars, restaurants, commercial, residential, hotel uses and places of worship.

Description of development

Consent was granted under application ref no 129431/FO/2021 for works to reconfigure a small part of the second floor and third floor to improve fire escape, access and external amenity for the office tenants. At second floor a new external and communal areas was to be created on the existing flat roof, accessed by replacing the window and door with wide doors.

The small, redundant, plant room was to be removed, and the resulting void infilled with a wall and windows (brickwork and windows to match existing). The space above was to form a new external amenity space for the third floor. A number of glass balustrades were to be fitted to the edges of new roof top spaces and roof lights fitted to a) the external space at second floor level over first floor and b) to both sides of the existing third floor roof of the Short Street block. The latter was a reinstatement of those seen on historical aerial images, and later removed.

A small second floor infill extension to the side elevation was also proposed. The brickwork was to match the existing brickworks and the window design was inspired by the existing windows on the Tib Street building. In addition rooflights were to be introduced at third floor level to the building to the rear.

The proposed hours of use of the external terraces were to be 09.00 to 18.00 Monday to Friday.

Consent is now sought to make some minor material amendments to the above consent to provide disabled access to the 3rd as well as the 2nd floor terrace which has necessitated some

further amendments to the approved elevations with a new infill extension at 3rd floor level visible from the ginnel facing elevation. An existing parapet would be raised by 1100 and existing stone coping reinstated. An existing window would also be relocated to lower the cill for improved light levels within the first floor office.

Consultations & Notification Responses

Publicity – The application was advertised as affecting the setting of a conservation area occupiers of adjacent properties were also notified. A site notice was displayed close to the site. No representations have been received.

Issues

Relevant National Policy

On 27th March 2012 the Department for Communities published the National Planning Policy Framework, which replaced planning policy statements and planning policy guidance notes, including PPS5 and PPG19.

The following sections of the National Planning Policy Framework are of relevance to this application:

Section 12 (Requiring Good Design) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Section 16 Conserving and enhancing the historic environment – which 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.

And 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In terms of the NPPF the following should also be noted:

Paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

195. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

197 In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

199. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

201. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

202. 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, where appropriate, securing its optimum viable use.

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) –which identifies that City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

Policy SP1 (Spatial Principles), - which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;

- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- Provide good access to sustainable transport provision.

Policy DM1 (Development Management) – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy EN 3 Heritage – which states that 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.

Policy CC9 (Design and Heritage) States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC18.1 (Conservation Areas) - which seeks to preserve and enhance the character of its designated conservation areas.

Impact on the character of the Conservation Area and Principle of the proposed external alterations – The new infill extension would not be visible from surrounding streets with the exception of oblique views when standing in the ginnel. The reuse of copings and matching brickwork would mitigate any minor visual impact. The new window would be steel to match existing and the replacement cill and head would match existing.

In the above context the proposed amendments are considered to be minor material but would not alter the previous conclusion that overall the proposals are considered to be an enhancement to both the existing building and the surrounding area and as such any harm would be less than substantial and outweighed by the public benefits including making the offices more attractive to occupiers which will ensure the building is retained in active use which will enhance the overall character of the conservation area and in terms of its impact upon visual amenity and the heritage assets is considered to be acceptable.

Given the level of harm paragraph 202 of the NPPF requires that the impact of the development should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme including securing its optimum viable use which can include heritage benefits. It is considered that the small degree of harm would be outweighed by the benefits of the proposals as detailed above.

In the context of the NPPF and Section 72 of the Act, it is considered that the scheme strikes the right balance between the impact of the changes on the significance of the building, and character of the conservation area and the public benefits weighed against the level of harm.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving and enhancing the character of the conservation area and to preserving the building or its setting or any features of special architectural or historic interest which it possess as required by virtue of Section 72 the Listed Buildings Act, the less than substantial would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 197, 199 and 202 of the NPPF and that in view of this, it is considered that the proposed development would on balance be consistent with sections 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 and of the Core Strategy and saved UDP policies 18.1 and 19.1

In view of the above the proposals would be consistent with Core Strategy policies CC1, CC9, EN1, SP1 and DM1 and saved UDP policy DC19.1

Impact on Amenity

It is considered in view of the proposed hours of operation of the external terraces there would be no impact on residential amenity beyond that which would be expected in a vibrant and active City Centre environment.

On this basis the proposals would be consistent with Core Strategy policies CC1, SP1 and DM1 and saved UDP policy DC26

Disabled Access

The proposals would increase the level of accessible external amenity space. On this basis the proposals would be consistent with Core Strategy policies DM1

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

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 ongoing advice about the information required to be submitted to support 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 91 of the Town and Country Planning Act 1990.

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

(a) Site Location Plan stamped as received on 16-02-21; and

(b) Dwgs 1915 P(130)B, P(140)B, P(210)A, P(220), P(300)A and P(301)A

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy CC9, SP 1 and DM1 and saved UDP Policy DC18 and DC26.

3) The external terraces shall not operate outside of the following hours:

09.00 - 18.00 Monday to Friday

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

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.

Appendix 1 – List of consultees & neighbours notified

Basement, 41 - 43 Oldham Street, Manchester, M1 1JG
Ground Floor, 41 - 43 Oldham Street, Manchester, M1 1JG
1 Short Street, Manchester, M4 1AA
BOOKWORM TRANSLATIONS LIMITED, Second Floor Suite C2, 21 - 31 Oldham Street, Manchester, M1 1JG
Second Floor, 21 - 31 Oldham Street, Manchester, M1 1JG
16 Oldham Street, Manchester, M1 1JQ
41 - 43 Oldham Street, Manchester, M1 1JG
Serviced Apartment 1, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 4, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 8, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 12, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 20, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 18, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 16, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 15, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 14, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 11, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 9, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 7, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 5, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Serviced Apartment 3, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 2, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 17, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 19, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 21, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 10, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
Flat 6, Regent Court, 6 Oldham Street, Manchester, M1 1JQ
1 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
3 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
2 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
5 - 6 Central Hall Buildings, Oldham Street, Manchester, M1 1JQ
First Floor, 35 - 39 Oldham Street, Manchester, M1 1JG
First Floor And Second Floor, 35 - 39 Oldham Street, Manchester, M1 1JG
35 - 39 Oldham Street, Manchester, M1 1JG
Unit 2, Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Unit 5, Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Unit 4, Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Unit 3, Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Unit 1, Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Afflecks Arcade, 35 - 39 Oldham Street, Manchester, M1 1JG
Red Republic Bst, 31 Oldham Street, Manchester, M1 1JG
21 - 31 Oldham Street, Manchester, M1 1JG
First Floor And Third Floor, 21 - 31 Oldham Street, Manchester, M1 1JG
C. & M. CONTRACTORS (MANCHESTER), Second Floor Suite C1, 21 - 31 Oldham Street, Manchester, M1 1JG
AMBER PERSONAL MANAGEMENT LTD, Second Floor Office A, 21 - 31 Oldham Street, Manchester, M1 1JG
14 Oldham Street, Manchester, M1 1JQ
Sachas Hotel, Tib Street, Manchester, M4 1SH

Ground Floor, 54 Church Street, Manchester, M4 1PW
33 Oldham Street, Manchester, M1 1JG
6 Oldham Street, Manchester, M1 1JQ
Afflecks Palace, 52 Church Street, Manchester, M4 1PW
4 Oldham Street, Manchester, M1 1JQ
The Emporium, 8 - 10 Oldham Street, Manchester, M1 1JQ
54 Church Street, Manchester, M4 1PW
12 Oldham Street, Manchester, M1 1JQ

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 - Smithfield Conservation Area 1987
Area Team Boundary - Name: CENTRAL