

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135368/FO/2022 and 135369/LO/2022
Date registered valid: 3 November 2022
Proposal: Installation of 2no. conservation rooflights
Address: Finlay Warehouse , 56 Dale Street, Manchester, M1 2HN
Ward(s): Piccadilly Ward

Applicant: Ms Susan Lees Three Popes Ltd 4 College Close, Wilmslow, SK9 5PY
Agent (if any): Mr Charles Egan Stephenson Hamilton Risley Studio 3 Riverside
Mews, 4 Commercial Street, Manchester, M15 4RQ
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 21-12-22

Application details

Type of application: Full Application Consent and Listed Building Consent
Development type: Minor Other
Date of site visit: 16-11-22

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
Printed: 15 November 2022 Expired: 6 December 2022

Site notice
Posted: 16-11-22 Expired: 07-12-22

Press advert
Published: 22 November 2022 Expired: 13 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

Description of site/building

Listed building: Grade II

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not Applicable

The applications relate to a building known as Finlay's Warehouse is located at 56 Dale Street, on the corner of Mangle Street. Specifically the applications relate to Apartment 3.5 is on the third floor, occupying 2 bays (4 windows) on the Mangle Street elevation. The building is Grade II Listed and lies within the Stephenson Square Conservation Area.

Description of area

The application 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. The site also lies close to the major transport hubs of Piccadilly Train station and the Bus and Tram stops at Parker Street within Piccadilly Gardens.

Description of development

Approval was granted in 2014 for internal and external works associated with conversion of basement to third floor of building to 28 no. apartments (7 x 1 bed, 16 x 2 bed, 5 x 3 bed) including creation of mezzanine level within 3rd floor (Application ref no 104422/LO/2013/C2 and 131207/FO/2021). This development is now completed. Approval has also been granted (Application ref no 115529/FO/2017 and 115530/LO/2017) for the construction of 14 new build residential apartments (Use Class C3) and associated ancillary spaces. This development known as Finlays Yard is currently under construction.

In 2021 consent was granted under application ref no's 131207/FO/2021 and 131208/LO/2021 for the addition of 2 no. conservation rooflights to the roof of 56 Dale Street (Finlays Warehouse) to ensure adequate daylight within an apartment, the level of daylight within which there were to be reductions, due to the adjacent Finlays Yard development. One of these has now been installed but it has not been possible to install the 2nd small rooflight on the rear pitch due to the technical challenge in relation to flashings being needed to the adjacent wall abutments.

An additional 2 velux conservation rooflights are now proposed on the hipped roof facing Dale Street. The applicant has stated that the requirement for the roof lights arises from a commercial and legal arrangement with the property owner, in compensation for a loss of light caused by new development on the adjacent site. As it is not possible to provide the small rooflight on the rear pitch, consent is now sought to install it in an alternative location in the front pitch along with a further rooflight. Both would measure 660mm wide x 1180mm height.

Consultations & Notification Responses

Publicity

131207/FO/2021: The application was advertised in the local press as affecting a conservation area and listed building and a site notice was displayed adjacent to the site. Occupiers of adjacent properties were notified about the proposals. No representations have been received.

131208/LO/2021: The application was advertised in the local press as affecting a listed building and a site notice was displayed adjacent to the site. One representation has been received which makes a number of comments about ongoing disruption resulting from the various developments. Further information on this has been provided and they have confirmed that they have no further comments.

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 12. Achieving Well- Designed Places; States that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 16 Conserving and enhancing the historic environment – 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.

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

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 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.

DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

Sections 16, 66 and 72 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.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of “sustainable development” (NPPF Paragraph 8). 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 states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁶⁶. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Paragraph 197 states that 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.

Paragraph 199 states 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 (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 200 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.

Paragraph 201 states that: 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.

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

Paragraph 203 states that: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Design Issues and impact on the Character and Fabric of the Listed Building and character of the Conservation Area

– The main issues to consider are whether the impact of the proposed works on the character and fabric of the listed building and the character of the conservation area are acceptable.

The building was re-roofed during the 20th century and the front pitch of the roof has been altered with the addition of four conservation-style roof lights (three to neighbouring apartments, carried out as part of the 2015 consented works and the one to apartment 3.5, consented retrospectively as detailed above). The 2015 scheme also included the removal of sections of the non-street-facing pitches to accommodate roof terraces.

Whilst the form and structure of the roof contribute to the archaeological interest of the listed building and to character of the Conservation Area, and the principal roof structure internally is of architectural / constructional interest, the 20th century roof covering itself does not contribute to the significance. The insertion of two additional roof lights would not impact on the significance of the designated asset. There would be no loss of historic fabric and the visual impact would be negligible.

Although the roof lights would technically in a highway-facing elevation, they would not be visible from the adjacent streets due to them being tucked away behind a parapet.

Whilst it might be desirable visually for the roof lights to be aligned with the three consented roof lights further along the same pitch, they are of the same size and conservation style, and in a symmetrical arrangement with the existing rooflight above them. It is necessary for them to be where they are in order to light the living space they serve, and to avoid the roof purlins.

Although not a heritage consideration, roof light 1 is a condition of a legal agreement with the developer of the adjoining new build scheme, to compensate for blocking a window into the former lightwell. And both roof lights lessen the requirement for artificial lighting, and thus reduce the environmental load of the apartment.

In the context of the NPPF and S66 and S72 of the Act, it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets. The roof lights would cause an extremely minor change to the appearance of the roof which would be mitigated by the use of conservation rooflights. They would not lessen the contribution that the roof makes to the Conservation Area roofscape and character. Given this the proposals do not constitute harm to either the listed building or the Conservation Area, and thus there is no requirement to consider further the tests set out in National Planning Policy Framework paragraphs 200 – 202 or any mitigation measures.

Notwithstanding the considerable weight that must be given to considering the impact on and preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act, it is considered for the reasons outlined above that the overall approach to the proposed works would, have an acceptable impact on the character and historic fabric of the listed building and the character of the conservation area.

It is considered that the proposed development would on balance be consistent with the development would be consistent with sections 12 and 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.

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: 135368/FO/2022 : Approve
and 135369/LO/2022 : Approve

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

135368/FO/2022

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 and operated in accordance with the following drawings and documents:

(a) Site Location Plan AL(05) 0080 and 0081 and Site Plan AL(05) 0082 stamped as received on 03-11-22; and

(b) Dwgs AL(05)0092 P03 and AL(05)0091 P03

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC9, EN3 and DM 1 and saved Unitary Development Plan policies DC18.1 and DC19.1

135369/LO/2022

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 and operated in accordance with the following drawings and documents:

(a) Site Location Plan AL(05) 0080 and 0081 and Site Plan AL(05) 0082 stamped as received on 03-11-22; and

(b) Dwgs AL(05)0092 P03 and AL(05)0091 P03

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC9, EN3 and DM 1 and saved Unitary Development Plan policies DC18.1 and DC19.1

Appendix 1 – List of consultees & neighbours notified

58 Dale Street, Manchester, M1 2HN
Flat 28, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 27, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN

Flat 26, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 25, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 24, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 23, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 22, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 21, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 20, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 19, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 18, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 17, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 16, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 15, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 14, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 12, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 11, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 10, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 9, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 8, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 7, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 6, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 5, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 4, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 3, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 2, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
Flat 1, Finlay Warehouse, 56 Dale Street, Manchester, M1 2HN
16 Newton Street, Manchester, M1 2AE
36 Dale Street, Manchester, M1 2AF
3 - 5 China Lane, Manchester, M1 2EL
Basement And Ground Floor, 6 Newton Street, Manchester, M1 2AW
VS MANCHESTER LTD, Basement, 36 Dale Street, Manchester, M1 2HN
Fourth Floor, 14 Newton Street, Manchester, M1 2AF
Second Floor, 14 Newton Street, Manchester, M1 2AF
Third Floor, 14 Newton Street, Manchester, M1 2AF
First Floor, 14 Newton Street, Manchester, M1 2AF
Ground Floor, 14 Newton Street, Manchester, M1 2AF
Basement, 14 Newton Street, Manchester, M1 2AF
Fourth Floor, 16 Newton Street, Manchester, M1 2AE
First Floor, 16 Newton Street, Manchester, M1 2AE
Third Floor, 16 Newton Street, Manchester, M1 2AE
Ground Floor, 16 Newton Street, Manchester, M1 2AE
Second Floor, 16 Newton Street, Manchester, M1 2AE
6 Newton Street, Manchester, M1 2AW
14 Newton Street, Manchester, M1 2AF
8 - 10 Newton Street, Manchester, M1 2AN
12 Newton Street, Manchester, M1 2AN
Ground Floor, 8 Newton Street, Manchester, M1 2AN
10 Newton Street, Manchester, M1 2AN
Basement, 8 - 10 Newton Street, Manchester, M1 2AN
Ground Floor, 12 Newton Street, Manchester, M1 2AN
Basement And Ground Floor, 12 Newton Street, Manchester, M1 2AN
First Floor, 12 Newton Street, Manchester, M1 2AN

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 - Stevenson Square Conservation Area 1987

Area Team Boundary - Name: CENTRAL