

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134301/JO/2022
Date registered valid: 7 July 2022
Proposal: S19 application to vary condition 3 (Contract for works to amend the triggers for the additional support and strengthening works required to stabilise the structure of 7 Kelvin Street to be carried out) attached to application ref no 130475/LO/2021 ,
Address: 42-46 Thomas Street, Manchester, M4 1ER
Ward(s): Piccadilly Ward

Applicant: Real Estate Development Partnership Ltd 80 Mosley Street, Manchester, M2 3FX
Agent (if any):
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 03-08-22

Application details

Type of application: Variation or Removal of Condition
Development type: Listed building alteration
Date of site visit: 07-07-22

Standard consultations:
Printed: 7 July 2022 Expired: 28 July 2022

Neighbour notifications
Printed: 7 July 2022 Expired: 28 July 2022

Site notice
Posted: 8 July 2022 Expired: 29 July 2022

Press advert
Published: 12 July 2022 Expired: 2 August 2022

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 the grade II listed 3 storey former weaver's cottages at 42-46 Thomas Street (including 41, 43 and 45 Back Turner Street) which are located within the Smithfield Conservation Area and are Grade II Listed. They form part of a wider site which has planning permission (application ref no 113475) which approved the erection of a 4/5 storey building that retained and incorporated the Grade II Listed 7 Kelvin Street, to provide 20 dwellings, with active ground floor uses, following the demolition of 42 to 46 Thomas Street (113475). Applications to discharge pre-commencement conditions on application relating to the parts of the site which are to be redeveloped have been approved. (CDN/20/0379)

42-46 Thomas Street were subsequently listed (Grade II) and listed building consent for their demolition was subsequently granted permission limited to a period of 12 months on 3rd August 2021 (application ref no 130475/LO/2021). The wider site has elevations to Thomas Street, Back Turner Street and Kelvin Street. It abuts 40 Thomas Street.

7 Kelvin Street, listed in 1994, has been comprehensively scaffolded, to ensure that it would not collapse, in advance of the implementation of the consented development. 7 Kelvin Street is the most significant building on site from a heritage perspective as a rare example of an early small-scale warehouse.

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

Conditions attached to the consents required structural condition and historical surveys and recording to be undertaken. Since the granting of consent in August 2021, the applicant has struggled to find relevant professionals prepared to enter the listed building to carry out the works, owing to their dilapidated condition, which delayed the start on site.

In addition since the Listed Building Consent was granted the applicant has been working to securing financing and a contractor to undertake the challenging redevelopment of the whole site. The applicant is now at a point where funding has been secured a contractor is in place and the relevant surveys have commenced. However, due to the limited timeframe within which stabilisation works to 7 Kelvin Street could take place before the Listed Building Consent expires it necessary to vary the wording of the condition to amend the triggers within the condition for the carrying out and completion of the package of stabilisation works .

Consultations & Notification Responses

Publicity: The application was advertised as affecting a listed building and a conservation area. Site notices were displayed adjacent to the site and occupiers of adjacent properties were notified about the application. 1 letter of support has been received as follows:

- Definitely want to see plans for this development moving forward & completed asap

Historic England – Have made no comments and recommend that the views of our specialist conservation and archaeological advisers are sought.

National Amenity Society's (The Ancient Monuments Society, The Council for British Archaeology, The Society for the Protection of Ancient Buildings, The Georgian, The Victorian Society and The Twentieth Century Society) – No comments received.

GMEU - have no comments to make on the variation of conditions per se, however we note that the originally submitted Bat Survey will be due for updating in May.

Issues

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

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 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.

Paragraph 204 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

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 change to the triggers in the Contract condition (3) are acceptable in terms of impact on the character and fabric of the listed building and the character of the conservation area are acceptable. As detailed above the applicant struggled to find relevant professionals prepared to enter the listed building to carry out the works, owing to their dilapidated condition, which delayed the start on site. 42-46 Thomas Street were listed prior to discharge of conditions and the demolition taking place. The re-wording of condition 3 is required to reflect the programme of works so as to allow the development phasing to commence. A contract for the works to the Listed Building has been signed (and evidenced (application ref no CDN/22/0477) submitted 13.07.2022)). This information is considered on balance to meet the requirements for

Section 204 of the NPPF and saved UDP Policy DC DC18.1 and 19.1 whilst allowing work to commence on the listed building and allow the wider redevelopment proposals to be implemented and the benefits of the redevelopment of a site with a current poor quality appearance which is harmful to the character of the conservation area and setting of listed buildings to be fully realised within the current limited timescale for implementation (the reasons for which are accepted as set out above).

It is considered for the reasons outlined above that the overall approach to the proposed works and changes to the condition that this necessitates, is acceptable and complies with the requirements of the NPPF and 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. The planning balance in the original application considered that the harm caused by the demolition would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 199, 202 and 203 of the NPPF. In view of this and the above it is considered that the proposed development which this amended condition would facilitate would on balance, be consistent section 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 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: 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. All remaining issues can be dealt with by condition.

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

1) The development must be begun not later than 03-08-22 beginning with the date of this permission.

Reason - In line with the approval under 130475 and to ensure a satisfactory development in line with the requirements of Section 16 of the NPPF and sections 16,66 and 72 of the Listed Building Act 1990 and 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 plans 05013 MP 01 2201, BP 00 0001 and MP 01 220;

(b) Dwgs 05013 B1 02 5099, 05013 B1 02 5100, 05013 B1 02 5101, 05013 B1 02 5102 and 05013 B1 02 5103 ;

(c) Dwgs 05013 B1 02 2199 Rev A, 2200 Rev A, 2201 Rev A, 2203 Rev A, 2204 Rev A, 2205 Rev A and 2206 Rev A (113475/FO/2016 and 113476/LO/2016);

(d) Dwgs 05013 B1 04 2200 Rev A and 2201 Rev A (113475/FO/2016 and 113476/LO/2016);

(e) Dwgs 05013 B1 05 2201 Rev A, 2202 Rev A, 2203 Rev A and 2204 Rev A (113475/FO/2016 and 113476/LO/2016); and

(f) Dwgs 05013 B1 10 4200 Rev A, 42001 Rev A, 4210 Rev A, 4300 Rev A, 4301 Rev A, 4310 Rev A, 4401 Rev A, 4400 Rev A and 4401 Rev A (113475/FO/2016 and 113476/LO/2016);

(g) Dwgs 05013 B1 03 2200 , 05013 B1 12 3204, 3205, 3207, 3206, 3208 and 3209 (113475/FO/2016 and 113476/LO/2016);

(h)RED PARTNERSHIP Climate Emergency - Carbon Statement Residential Development, 42-50 Thomas Street, Manchester and WSP's e-mail dated 22-05-20 in relation to Embodied Carbon and the Sustainability Agenda

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1,CC9 , EN3 and DM 1 and saved Unitary Development Plan polices DC18.1, DC19.1 and DC20.

3) The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site as approved under application ref no's 113475/FO/2016 has been agreed and signed and evidence of that contract has been supplied to the City Council as local planning authority and the programme, scope and nature of the enabling works in relation to the additional support and strengthening works required to stabilise and repair the structure have been agreed (CDN/22/0434)

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building pursuant to saved policy DC18 of the Unitary Development Plan for the City of Manchester, policies SP1, EN3 and DM1 of the Core Strategy and the National Planning Policy Framework.

4) The development shall be implemented in accordance with the following:

(a) Details of a Phasing Plan and programme for the delivery of the consented schemes 113475/FO/2016

*Programme for Delivery -Thomas St Main Works Programme_Rev 4 and Thomas Street, 7 Kelvin Street Level 2 Programme Rev 2 28/07/2022

and with the

- * Demolition Plan (PCS-DOC-42TS-001_02 Demolition Plan)
- *Stage 1 Demolition RAMS (PCS-RAMS-42TS-003_01 Stage 1 Demolition RAMS)
- *Demolition Specification (PCS-DOC-42TS-002_00 Demolition Specification)
- *Stage 1 Soft Strip Scope of Works (Stage 1 Soft Strip Scope_R1)

(b) Details of a package of enabling works in relation to the additional support and strengthening works required to stabilise the structure of 7 Kelvin Street;

This part of the condition is discharged on the basis of the:

- *Structural Condition Report (No.7 Kelvin St - Structural Survey Report June 2020 Rev 03); and

Compliance with the following:

- *Stabilisation Concept Design and Performance Specification (TST-REN-B-ZZ-DR-S-01100 and TST-REN-B-ZZ-SP-S-01100 P02)
- *Vibration and Movement Monitoring Performance Specification (TST-REN-0-XX-SP-S-00060_Monitoring Specification)
- *Stabilisation RAMS (PCS-RAMS-42TS-004_00 7KS Stabilisation RAMS) UPDATED 18/07/2022

And

subject to ongoing compliance during design development and project delivery as set out in :

- *Programme for Delivery -Thomas St Main Works Programme_Rev 4 and Thomas Street, 7 Kelvin Street Level 2 Programme Rev 2 27/07/2022);

and with the :

- *Quality Inspection and Test Plan by Mountain Earth Ref TS/QMP/QITP/7KS/001 Rev PO3 (Draft) subject to final sign off as detailed in the Programme for Delivery -Thomas St Main Works Programme_Rev 3 and Thomas Street, 7 Kelvin Street Level 2 Programme Rev 1 28/07/2022

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

Reason - Given the further deteriorated condition of 7 Kelvin Street since the granting of the 2017 consents, to ensure that works are sequenced to ensure the prioritisation of stabilising 7 Kelvin Street and necessary structural works to secure its retention and refurbishment prior of any demolition of 42-46 Thomas Street taking place. In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the findings within Bat Survey Report (REC, August 2019) and Emergence Survey May 2021, if demolition works have not commenced by April 2023 an updated survey including an assessment of change and any new mitigation and/or licensing that may be

required as a result of new evidence shall be submitted to and approved in writing by the City Council as Local Planning Authority

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

Appendix 1 – List of consultees & neighbours notified

Historic England (North West)
Greater Manchester Archaeological Advisory Service
Greater Manchester Ecology Unit
National Amenity Societies

34 Marley Road, Manchester, M19 2ta
Apartment 10 Knightsbridge Court, 2 Blackburn Street, Salford, M3 6FY
8 Len Cox Walk, Manchester, M4 5LA
Apt 10, 113 Newton Street, Manchester, M1 1AE
39 Carberry Road, Gorton, Manchester, M18 8PR
1065BR, Amsterdam, BR
5 Ribston St, Manchester, M15 5RH
133 Lapwing Lane, Manchester, M20 6US
Flat 812, 2 Lampwick Lane, Manchester, M4 6bx
11 Barnfield, Urmston, Manchester, M41 9EW
14 Whitworth Street, Flat 21, Manchester, M1 3BS
301 Asia House,, 82 Princess Street, Manchester, M1 6BD
Flat 9, 77 Thomas Street, Manchester, M41LQ
330 Yew Tree Road, Withington, M2 0FR
27 Junction Works, 40 Ducie St, Manchester, M1 2DF
Flat 504, 25 Church St, Manchester, M4 1PE
New Heys Farm, Plantation Rd, Turton, BL7 0DB
63 Granite Court, Fairfax Road, Prestwich, M25 1GW
A94, 1 Watson St, Manchester, M3 4EE
31 Raymond Street, Pendlebury, Swinton, Manchester, M276DY
44 Cranbourne Avenue, Cheadle Hulme, Cheadle, SK8 7AS
63 Mauldeth Road, Heaton Mersey, Stockport, Sk43nb
Chetham's School Of Music, Manchester, M3 1SB
MC 606, 16 Jersey St, Manchester, M4 6JA
20 King's Lane, Stretford, Trafford, M32 8GQ
22 Willow Tree Road, A, Altrincham, WA14 2EG
Flat 48, 47 Bengal Street, Manchester, M4 6BB
11 Wadebridge Avenue, Manchester, Manchester, M23 9LS
Apartment MC 505 Royal Mills, 16 Jersey Street, Manchester, M4 6JA
17 London Road, Alderley Edge, SK9 7JT
40 Thomas Street, Manchester, M4 1ER
33, Piccadilly Lofts, MANCHESTER, M1 2PE
Flat 407, 36 Hilton Street, Manchester, M1 2EH
8 Lower Ormond St, Manchester, M15QF
430 Hilton Lane, Worsley, Salford, M28 3tl
1108 Oxid House, 78 Newton Street, Manchester, M1 1AQ
6 Oldham Road, Manchester, M4 5DB
504 Specturn Apartments, Blackfriars Road, Salford, M3 7DZ
Flat 15, 3 Joiner Street, Manchester, M4 1PP
Riverside, Derwent Street, Salford, M5 4SU
Flat 402 The Birchin, 1 Joiner Street, Manchester, M4 1ph

1 Lees Row, Padfield, Glossop, Sk13 1en
16A, WHITTLE STREET, MANCHESTER, M4 1LT
108 High Street, Manchester, M4 1HT
16 Cronshaw Street, Manchester, M19 2TE
2 Warley Road, Manchester, M16 0HZ
15 Hall Drive, Alkrington, Middleton, M24 1NA
114 The Royal, Salford, M3 6FT
5th Floor, Margolis House, 37 Turner Street, Manchester, M4 1DG
Flat Above, 98 Tib Street, Manchester, M4 1LR
67 Rockdove Avenue, Hulme, Manchester, M15 5EH
22 Chadwick Street, Inverted Audio, Ashton-Under-Lyne, OL6 6RE
18 Kirkman Avenue, Eccles, Manchester, M307AH
GA Studio, 44 Edge Street, Manchester, M4 1HN
5 Kensington Road, Chorlton, Manchester, M21 9GH
13 Woodlawn Court, Whalley Range, Manchester, M16 9RH
104 Houldsworth Mill, Waterhouse Way, Stockport, SK5 6DD
28 Dale Street, Todmorden, OL14 5px
78 Swann Lane, Cheadle Hulme, Stockport, SK8 7HU
Agecroft Investment Co Ltd, 17 London Rd, Alderley Edge, SK9 7JT
Apartment 202 Chatsworth House, 19 Lever Street, Manchester, M1 1BY
Apartment 202, Chatsworth House, 19 Lever Street, Manchester, M1 1BY

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