

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
125871/LL/2020	17th Feb 2020	27th Aug 2020	Piccadilly Ward

**Proposal** Demolition of 42, 44 and 46 Thomas Street (including 41, 43 and 45 Back Turner Street) to facilitate redevelopment of the wider site under extant planning permission and listed building consent ref: 113475/FO/2016 and 113476/LO/2016

**Location** 42 - 46 Thomas Street (including 41-45 Back Turner Street), Manchester, M4 1ER

**Applicant** Real Estate Investment (Thomas Street) Ltd, C/o Agent,

**Agent** Miss Hannah Payne, Indigo Planning, 8th Floor St James Tower , 7 Charlotte Street, Manchester, M1 4DZ

## **BACKGROUND**

At its meeting on 27th August 2020 the Committee resolved that it was 'minded to refuse' this application on the basis that the demolition would be contrary to policies on the conservation of historic assets in the city which represent Manchester's working class heritage. They requested officers to bring a report to the next meeting to address their concerns.

Officers believe that the case setting out why these buildings cannot be retained was clearly set out in the previous report and on that basis they do not believe that a reason for refusal can be substantiated. However, there are policies that seek to protect the historic environment and if Members remain sufficiently concerned about the validity of the case to support the demolition the following reason for refusal is suggested:

The demolition of 42-46 Thomas Street would fail to preserve or enhance the Grade II designated heritage asset causing irreversible harm through the total loss of the buildings which would not meet the tests set out in section 16 of the National Planning Policy Framework (Conserving and Enhancing the Historic Environment) as a clear and convincing justification for the loss has not been provided and it has not been demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. It is therefore considered to be contrary to Government Guidance contained in Sections 16(2) of (Listed Buildings and Conservation Areas) Act 1990 and The Core Strategy for the City of Manchester, in particular Policy EN3 (Heritage) CC9 (Design and Heritage) and saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Notwithstanding the suggested reason for refusal, for the reasons set out in the remainder of this report, the recommendation of Officers is that this application be approved subject referral to the Secretary of State in accordance with the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015

## INTRODUCTION

Planning permission and listed building consent were granted in August 2017 to develop a site bounded by Thomas Street, Kelvin Street and Back Turner Street. The scheme incorporated 7 Kelvin Street, a grade II listed building, but removed the 3 storey former weaver's cottages known as 42-46 Thomas Street (including 41, 43 and 45 Back Turner Street). 7 Kelvin Street is on the City Council's local Buildings at Risk list.

The Weavers Cottages were not then listed but they were considered to be non designated heritage assets. The impact of their loss was properly considered in the context of national and local planning policies. They have been heavily altered internally and much original fabric and character has been lost.



### Images of approved 2017 scheme and 2017 site plan

The application 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 numbers 42 to 46 Thomas Street (113475).

A related application for listed building consent approved alterations and repair and change of use of 7 Kelvin Street to 3 apartments as part of a 4/5 storey residential development (113476).

In July 2018, following the acquisition of the site, the Weavers cottages were designated as Grade II Listed. As such all remaining buildings on-site are now grade-II listed.

Applications to discharge pre-commencement conditions on the site have been submitted and are currently under consideration (CDN/20/0379 and CDN/20/0398).



### Photos of current site condition

7 Kelvin Street, listed in 1994, has been comprehensively scaffolded, to ensure that it would not collapse, (illustrated above) in advance of the implementation of the consented development. The listing of 42-46 Thomas Street, means that the approved scheme cannot be implemented unless and until a separate listed building consent has been granted for the demolition of these buildings. If listed building consent is not granted, the benefits of the consented scheme (discussed later in the Report) could not be delivered.

The approved scheme supported GM Strategy's key growth priorities by delivering housing for the growing economy and population and promoted sustainable economic growth. It would regenerate a brownfield site with a scheme responsive to its context.

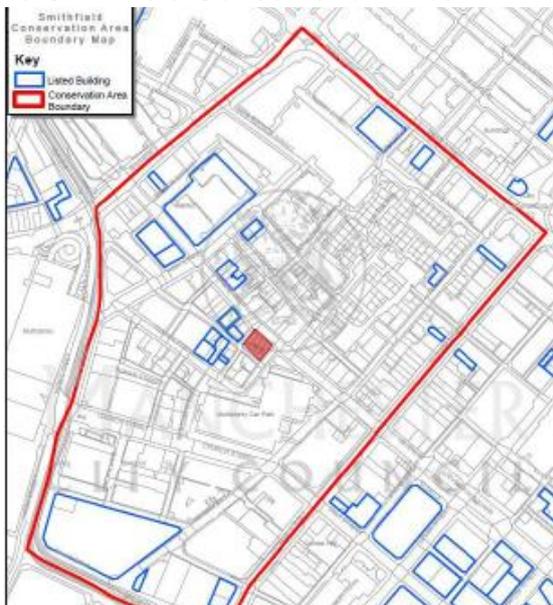
The scale and massing would not cause substantial harm to the character of the Smithfield Conservation Area or the setting of adjacent listed buildings; Street-frontages would be enclosed and the design would complement the vertical rhythms of buildings within the immediate area. The scheme would add activity and vitality to the area and would reintegrate the site into its urban context, reinforcing the character of the streetscape;

Conditions attached to the consents required structural condition and historical surveys and recording to be undertaken. 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. 42-46 Thomas Street were listed prior to discharge of conditions and the demolition taking place.

## DESCRIPTION OF SITE AND PROPOSALS.

The application site is the same as the 2017 consents. However the principle matter for consideration now is the demolition of 42-46 Thomas Street to allow for the 2017 consents to be implemented. The principle of redevelopment has already been considered acceptable. In the Report, any reference to the wider Development Site refers to the 2017 consents rather than just the newly listed 42-46 to which this application specifically relates. The wider Site is occupied by a collection of buildings, forming half a city block owned by the applicant. The properties lie within the Smithfield Conservation Area.



The following listed buildings are part of the setting of the site: 31-35 Thomas Street: Grade II; 36 and 38 Back Turner Street: Grade II; 40 and 42 Back Turner Street: Grade II; 1 Kelvin Street: Grade II; and 30 and 35 Turner Street : Grade II;

42/46 Thomas Street were constructed as workshop/dwellings in the late 18C and were part of a pair of three storey, single fronted red brick houses. The principle reason given for the 2017 listing was the typology of the property and its historic, rather than architectural, significance.

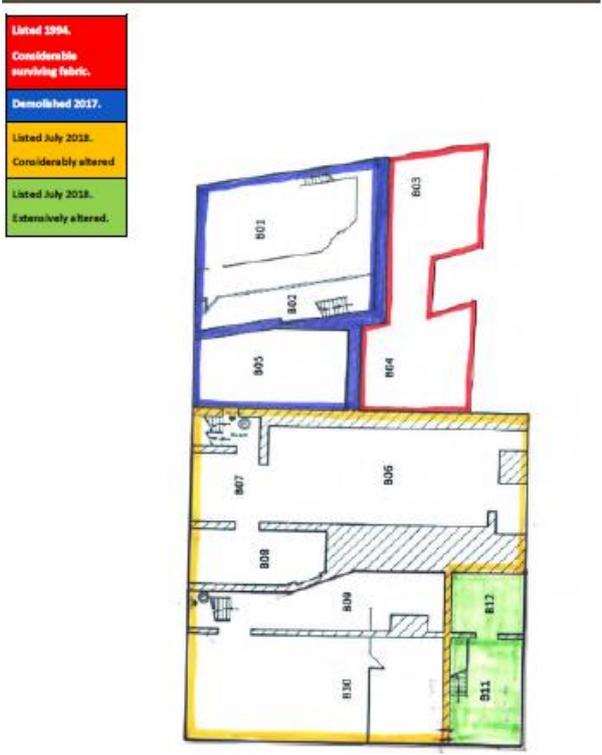
Whilst the origins of the building group have been obscured by significant change to their elevations and plan form, they do retain some historic fabric and spatial elements of their late 18<sup>th</sup> Century Fabric.

On Thomas Street there is a modern ground floor shopfront with wide, off centred upper storey windows. The buildings on Back Turner Street were once separate to those on Thomas Street and residential windows are evident. The ground floor has been altered and there is limited evidence of the historical use along Back Turner Street. Brickwork patching has occurred over time. Whilst 42-46 retain some original fabric and spatial elements, 41-45 Back Turner Street have been substantially altered

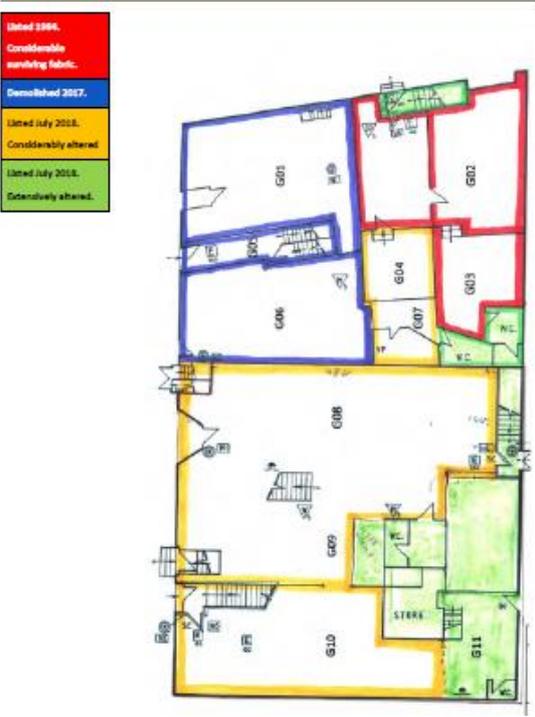
internally both to open the former one-room deep dwellings into the former retail unit at 42-46 Thomas Street and laterally by alterations to create a single business unit, obscuring the plan form and removing the basement access.

The elevations have been altered with windows removed and openings blocked with modern brick. The alterations to the internal layouts to suit occupier requirements, have been detrimental to the historic and architectural value of the building group. The properties have become interwoven to accommodate a single user and there is now little internally of significant historic interest. More recently, the retail use was extended from Thomas Street to Back Turner Street, removing any signs of the original courtyards or separation. The upper levels were used for storage and there are networks of small-interlinked rooms connected by staircases with level changes. The floors are at different levels with different forms of constructions.

**Plans below illustrate the levels of alteration as recorded within the submitted Heritage Assessment that have taken place to the buildings within the site with 42-46 at the bottom of the images (yellow areas indicate considerable alteration).**



**Basement**



**Ground Floor**

Unltd 1994.
Considerable surviving fabric.
Demolished 2017.
Unltd July 2018.
Considerably altered.
Unltd July 2018.
Extensively altered.



**First Floor**

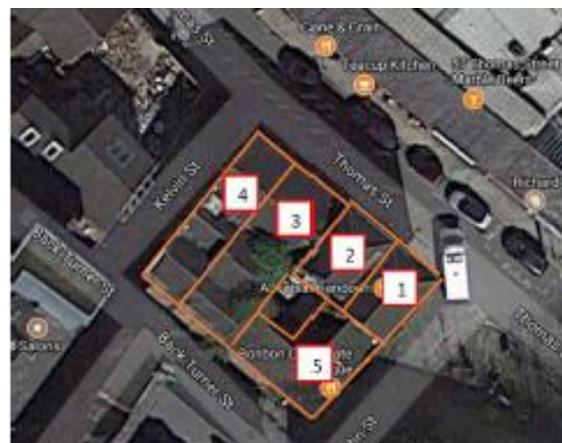
Unltd 1994.
Considerable surviving fabric.
Demolished 2017.
Unltd July 2018.
Considerably altered.
Unltd July 2018.
Extensively altered.



**Second Floor**

Thomas Street contains a diverse mix of building types from Georgian buildings to Victorian weaver’s cottages. Back Turner Street has a mix of back elevations, derelict buildings and bars.

The adjacent site bounded by Thomas Street, John Street, Back Turner Street and Kelvin Street includes a partially cleared site, 52 – 58 Thomas Street and 9 John Street. 52 and 54 Thomas Street were identified as being at risk in September 2018 and were partially demolished to make them safe. Parts of the site are boarded up and Kelvin Street is temporarily closed for safety reasons. That site’s current condition is shown below.





There are a variety of uses nearby including: digital, media and technology-based companies; creative and cultural industries; homes; traditional offices, hotels and serviced apartments, retail units and independent bars and restaurants.

There is a lot of pedestrian activity on Thomas Street and it is a focus of much activity within the Northern Quarter. It has been designated as a main corridor of pedestrian and cycle movement. The deteriorating condition of this site forms the backdrop to this key city centre space with outside seating for bars and cafes.





The site has a detrimental impact on the character of the Smithfield Conservation Area and the setting of listed buildings at 7 Kelvin Street, 42-46 Thomas Street and those adjacent. These impacts are compounded by the condition of the adjacent site such that this part of the Conservation Area has a poor quality environment with a feeling of deteriorating quality, characterised by semi-dereliction and blight. It is clearly in need of significant investment. This negative impact has become even more conspicuous during the City's emergence from Covid -19.

Consent to demolish the now Grade II Listed buildings at 42-46 Thomas Street would enable the consented scheme to be developed and any consent would sit alongside existing consents. However, it would not allow the buildings to be demolished independently.

The design of the proposal and its impact on the character of the Smithfield Conservation Area and the setting and character of the grade II 7 Kelvin Street have been accepted through the previous approval. This is relevant to this current proposal as they need to be considered as part of the planning balance in relation to the loss of the now listed building.

A series of Viability Assessments were prepared when the buildings were listed. This approach has subsequently been agreed as appropriate to support any case for the demolition of these buildings during pre-application discussions. These assessments examined alternative development options including the approved scheme, and the repair and restoration of the surviving buildings with a rebuild of the previously demolished elements. It also assessed façade retention with increased scale and massing and additional storeys above. The viability of these options has been assessed and in each scenario has concluded that the only development considered viable by the applicant is the consented scheme which would require the demolition of 42-46 Thomas Street.

In support of the application the applicants have stated that the delivery of the wider Development would facilitate:

- The current permission lapses in August 2020 with no viable option currently available. The applicants remain committed to this development including the retention of 7 Kelvin Street with funding in place; (Under section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 are now extended to 1 May 2021);
- The proposal will provide retail / restaurant floorspace, contributing to the lively character of Thomas Street. The scheme will contribute positively to the vitality and viability of Thomas Street by providing active uses, creating a dynamic, safe environment consistent with the Northern Quarter's character and mix of uses. It would encourage footfall, activity at ground floor, diversify mix of uses and contribute to local economy. The retention of the building could not deliver equivalent benefits.
- Approval is crucial to the retention and sensitive restoration of the Grade II listed No. 7 Kelvin Street. Redevelopment of the site will generate the funds to deliver the works to 7 Kelvin Street which is the most significant building on site from a heritage perspective as a rare example of an early small-scale warehouse. Substantial investment is required and its retention and refurbishment would not be realised without delivery of the wider proposal.
- The viability of the wider redevelopment scheme is constrained which has guided the developer to promote a scheme that largely introduces a new, modestly scaled buildings, retaining the Grade II listed 7 Kelvin Street. The refurbishment of 42-46 Thomas Street was found previously unviable and this position has been exacerbated since permission was granted. The funds necessary to deliver the scheme would not be realised as part of an alternative proposal which retains the newly listed group which would undermine the future of 7 Kelvin Street.
- A new owner or tenant could not generate sufficient income or funding to repair, retain and operate the existing buildings for retail, commercial and/or residential uses. Without the current proposal the site will deteriorate further bringing the future of 7 Kelvin Street into jeopardy.
- The contribution of the scheme to the conservation area and the preservation and restoration of 7 Kelvin Street will outweigh the strong presumption in favour of retaining 42- 46 Thomas Street. The implementation of the consented scheme would bring this part of the conservation area back into positive, beneficial use and would outweigh the harm to the heritage value of the identified heritage assets.
- The need to resolve the negative impact of this derelict site and the erosion of the fabric and heritage value of 7 Kelvin Street and the character and appearance of the Smithfield Conservation Area remain valid. The loss of 42-

46 Thomas Street and 41-45 Back Turner Street as components of the streetscape and conservation area was accepted as necessary to deliver the approved scheme in August 2017 even accepting the same extent of loss of historic fabric as is now proposed.

- The proposal would sustain and enhance the significance of the adjacent heritage assets and would make a positive contribution to local character and distinctiveness and therefore meets with the requirements of paragraph 194 of the NPPF.
- Throughout the process of bringing forward development on this site we have demonstrated our commitment to delivering a high quality, design led development on the site. We remain fully committed to delivering the consent which we successfully secured. We have obviously considered a multitude of options since the point where the situation changed in terms of the listing status and if there was a more viable solution we would have pursued it. The fact is, that there simply isn't one. The Development Team remain committed to delivering the project because we feel that it will enhance the streetscape and will make a positive contribution to the area. We have hopefully further demonstrated our commitment to delivering on the proposals by continuing to endeavour to discharge the pre commencement planning conditions associated with the original consent, whilst incurring significant additional costs despite the uncertainty of the situation.
- They are eager to demonstrate their commitment to delivering the project as soon as we are able, and aim to commence on site by the end of this year.
- We are a Manchester based company with strong roots to the City and the Northern Quarter area. There has therefore been a frustration that they have been unable to deliver on the plans that were set out but we are hopeful of being able to put that right and providing a scheme that everyone can be proud of.
- Overall the scheme represents sustainable development, by virtue of the identified specific economic, social and environmental benefits as follows:

### **Social benefits**

The scheme would deliver the following social benefits:

- 20 new homes of varying sizes and boost the supply of housing;
- Deliver a policy-compliant end use on a site which is in danger of falling into further dereliction and disuse;
- Facilitate the provision of homes for private sale and comply with NPPF requirement to provide mixed communities and housing choice;
- The vacant site could lead to illicit activities, attracting anti-social behaviour causing problems to existing businesses and residents close to the site and discourages further investment; and

- Ground floor retail / leisure uses which create places for meeting and enjoyment which in turn promote social activity and inclusion.

### **Economic benefits**

The scheme will deliver the following economic benefits

- Jobs would be created during the construction phase;
- The homes would drive sustainable economic growth and regeneration;
- There would be links to a range of employment opportunities including the independent commercial occupiers of the Northern Quarter;
- Provision of small-scale retail and restaurant floorspace which will encourage future investment in the area;
- Jobs within the ground floor uses promote vibrancy of the Northern Quarter and City Centre;
- Support for commercial, retail and leisure operators through increased spending from residents in accordance with the NPPF which welcomes mixed use developments and wider opportunities for growth.

### **Environmental benefits**

The scheme will deliver the following environmental benefits:

- Arrest further deterioration and regenerate the wider site bringing the redundant site back in to positive use;
- Retain and restore the Grade II listed No. 7 Kelvin Street;
- Significantly improve the environment and visual quality of the site which detracts from the streetscene and conservation area;
- Make a positive contribution to local character and distinctiveness;
- Positive visual benefit to the Conservation Area;
- High quality design which will result in a significant improvements to the street scene;
- Promotion of urban vitality and place enhancements.

## **CONSULTATIONS**

**Publicity** – The occupiers of adjacent premises were notified of the applications. The development was advertised in the local press as affecting a Listed Building and affecting a conservation area. 56 letters of objection have been submitted and 5 letter of support have been received. The basis of the objections is summarised below as follows:

- Adverse impact on the character of the conservation area;
- Would take away part of the Northern Quarter, and Manchester's, unique heritage and drastically alter the fabric of one of Manchester's most historical, cultural and important areas which has especially in an area of such high cultural and tourist worth as the Northern Quarter.
- People have found use for these buildings for 250 years, there is no good reason to pull these down other than sheer profiteering.

- Recently numerous buildings have been abandoned in the NQ, and then ultimately knocked down - often in "emergency demolitions" once they have reached a suitably dilapidated and dangerous state and any demolition on this basis should not be supported. A long-standing business was evicted to facilitate this demolition.
- These are such important examples of our built heritage that need to be kept for future generations. It is time to stop smashing away Manchester's historic buildings bit by bit.
- It is clear that these plans go against recommendations from Historic England and do not support the local area. Please respect Historic England's Grade 2 listed buildings.
- Many other places have no sense of place and past, they could be any modern a city scape. Quirky old buildings interspersed with complimentary new is what marks Manchester as having a heart. If there is not enough of this there is much less value in the new. The saving of old buildings is about cherishing ourselves. I accept it may not be viable for the developers for the present scheme. Leave it 5 years and the land value will be such it will suddenly be economic to develop a scheme incorporating the cottages and being more attractive to live in because of it (they would likely be restaurant/social use anyway).
- Destroying listed buildings is unacceptable, I feel we have already lost far too many older and historic buildings in this area, and each one changes the character of the neighbourhood.
- It's not in keeping with the council's declaration of a climate emergency to pull down buildings that can be salvaged.
- The buildings are structurally sound, and would not be in such a state of disrepair if the developer hadn't purposefully left them to rot in an attempt to force demolition.
- There is potential for this to set a precedent for Northern Quarter which would be the worst thing that could happen for this area. The demolition will also go against Policy CC9 of the core strategy to 'preserve heritage assets'. If the demolition would be allowed to go ahead the sense of place in this area would be ruined. Demolition sets a poor precedent for all the landlords and developers that happily let's properties fall into ruin, so that they can build new easier. It's an essential part of the neighbourhoods fabric and needs to be kept
- The decision here will define whether we are a city that cares or city chasing £ whatever the cost.
- The buildings are an important part of Manchester and the Northern Quarters working class heritage and culture and form part of the character of the area that should be preserved. Manchester should be seeking to protect it's unique heritage - little of which is left when compared to other similar sized cities. There is a responsibility to guard and protect this for future generations. The atmosphere of a city with a mixture of old renovated and reinvented ancient buildings gives a face to a city that's unique to that city and renovation and redevelopment of the city should have best regard to its history.
- Manchester is already well supplied with apartments. There are opportunities for commercial development in other parts.
- I believe they did have new plans to incorporate the buildings into their plans, so it is obviously possible. Thomas St. is in a Conservation Area in the heart of

the historic Northern Quarter and any demolition would be making a mockery of the whole system.

- The amounts of listings and conservation zones in the Northern Quarter only work as a group - it's about the neighbourhood feel, the 'meer village' and too much of what attracts people to the area is being destroyed. New developments are selling themselves based on the heritage and uniqueness of the area whilst, at the same time, eradicating any of that identity. Siding with developers over the neighbourhood seems to be the standard approach, and shoddy consultation processes further back this up. The area is meant to be one of DIY culture, its people taking the reins and retaining its heritage and imperfections.
- These buildings have been allowed to sit and rot until land value rocketed, the last tenant in one was in the 1980s, and to suddenly declare it unsafe and part demolish is a ludicrous display of how the city values its heritage: it doesn't. That building should not have been allowed to sit accruing value whilst physically rotting, and siding with the developer now is truly demonstrating how you have played the long game here.
- The history is more important than the money, and enough buildings in the area have already been lost.
- The Council's role is to protect heritage, not tear it down. To grant approval to demolish them would be a scandal and insult to Heritage England.
- The buildings were in use until they were bought by Real Estate who appear not to have complied with the preservation of them. I believe they did have new plans to incorporate the buildings into their plans, so it is obviously possible. Thomas St. is in a Conservation Area in the heart of the historic Northern Quarter and any demolition would be making a mockery of the whole system.

The letters of support are summarised as follow:

- As a local architect we have great pride in the area we live and work, and we are pleased to see the development moving forward. We appreciate the difficulties involved with this site and see its viability is compromised by the retention of 42-46 Thomas Street. As a practice we support the development and the improvement it will bring to Thomas Street and the wider area.
- Our two businesses both back on to this proposed development. From the initial designs we have offered positive feedback that this will hopefully improve an area that has been derelict / neglected for some time and the designs look good and in-keeping with the Northern Quarter.
- I fully support the move forwards for the development which I hope will help move the Northern Quarter forward by providing a mixture of modern and refurbished accommodation in this ever evolving City.
- As owners of the adjacent property, our tenant's businesses (7), and those of our immediate neighbours have been badly affected by the on-going situation at 42-46 Thomas St. The semi-demolished state of the building is very off-

putting to potential customers of the various bars, cafes, galleries, etc., in the street. We have also noticed, since the partial demolition, a marked increase in the number of rats, a problem not previously encountered. We now are also finding that the general run-down appearance has begun to attract some very undesirable behaviour to the Back Turner St Area and it is essential that the impasse over the said development is resolved quickly.

- I can see nothing but good for the Thomas St business community & residents if this application is approved.
- I'm a long standing business on the street and have just had enough of looking at a pile of rubble every day and the negative problems it brings to the neighbourhood. Please can we have the go ahead for the development on Thomas Street

An objection has also been received a **Local Residents Group – the Northern Quarter Forum** on the following basis:

The buildings have been granted Grade 2 listing status and to give permission for them to be demolished would be making a mockery of Heritage England. They have been officially recognised as being of special interest and once lost these buildings cannot be replaced, they represent a finite resource and irreplaceable asset to our neighbourhood.

The Council have declared a Climate Emergency and the committee should take into account that preservation of buildings is of utmost importance. New construction is responsible for 40% of carbon emissions.

The developer must have a more innovative & radical approach to address this by renovating the existing structures. Conservation is inherently environmentally sustainable.

After the buildings were listed we were invited to look round the site. It was not dangerous and we thought it had great potential. It was in fact occupied until the developer purchased it. The Developer took the commercial risks associated with buying buildings of this age which include, the listing of buildings such as these.

The developer claims that it is not viable to develop the site without demolition, that I'm afraid to say is a consequence of property speculation and in this case they speculated unwisely and now they expect the community to pay the historic cost of their mistake.

This site is in a Conservation area, in an area of historic character and if the demolition is allowed it will set a precedent for future developments. There are no exceptional reasons why these buildings cannot be retained in their original or a reasonably modified form. These buildings can have a new lease of life through sympathetic conversion offering potential and exciting challenges to produce imaginative and interesting places to work or live. We strongly object to this application.

**Ward Members**

**Cllr Wheeler:** The buildings concerned are Grade 2 listed. We should not be demolishing listed buildings. The buildings are salvageable according to the developers' own assessment, albeit at a considerable cost. If the developer does not feel the project is economical, they are free to sell the site to another entity.

If they would incur a loss on this sale from their purchase price, that is why they call it speculation. I'm sorry they paid too much for the site, but that isn't really isn't sufficient reason for Piccadilly Ward residents to lose heritage assets.

This demolition proposal should be rejected so the developers have clarity on their situation and can reassess their proposals on that basis.

**Cllr Connor Lyons:** Objects on the basis that the application relates to the demolition of the listed building. Manchester Council has a duty to protect listed buildings, not to protect the profits of developers who have bought buildings which become listed and approved as heritage assets by Historic England, to then complain about loss of profit. This will affect the conservation area which this building sits and would create a dangerous precedent in the Northern Quarter for other listed buildings. The Council should join me as the local Councillor and reject this application, sending a message to developers and those people who own these buildings that allowing them to crumble will not pay off financially, if you want to make your money in this city you need to also help protect our Mancunian Industrial Heritage.

**Manchester Conservation Areas and Historic Buildings Panel** – Have not been consulted on this application but had previously commented on the 2017 scheme and in relation to the proposed demolition of the former Weavers Cottages on the wider Development Site: In terms of this current proposal the following points from those comments are of relevance

They were concerned over the precedent that the demolition would set and proposals for similar characterful buildings will come forward which would further erode the character of the Conservation Area. Removing surviving buildings was misguided and the buildings retain a lot of their character and historic detailing such as hoists, brickwork details, mullions and gutters that should be retained and incorporated into the development.

The buildings have immense group value and are non-designated heritage assets and make a significant contribution to the Northern Quarter and were perhaps of listable quality. They felt that little justification had been provided for demolition in terms of the NPPF the proposals to demolish the buildings would be harmful and other options should be explored that retain these assets. They were not convinced by the viability arguments and felt that there was just as much value in retaining and converting the existing buildings into a successful mix of residential and commercial.

Historic England – Have objected on heritage grounds as the application has not sufficiently met the requirements of paragraph 194 of the NPPF or all of the tests set out in paragraph 195 and a clear and convincing justification has not been made for substantial harm to 42-46 Thomas Street. The Local Planning Authority should 'bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving

listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas’.

The Northern Quarter was a focus for industry, including the textile trade and was often carried out in workers’ cottages, which were three stories in height with the open plan top floor used for weaving, with windows larger and longer than other floors. Their form was influenced by rural Lancashire weaver’s cottages, as architectural influences were mostly local. They were built on their own or as pairs, reflecting the more modest scale of industry and the vertical brick joints on buildings are evidence of this. These buildings are examples of workers’ cottages and the grade II listed buildings reflects their historic interest.

The remaining pockets of 18<sup>th</sup> Century buildings in the Northern Quarter are collectively important, reflecting the critical mass from which the city grew; a number of other workers’ cottages are also listed, reflecting this significance. The goods produced by local weavers required storage and the modest, brick built, Grade II listed, 7 Kelvin Street is a late 18<sup>th</sup> or early 19<sup>th</sup> century small warehouse built to hold produce before sale and/or transit out of the city. It is an important forerunner to the spectacular and opulent Manchester warehouses.

By the mid 19<sup>th</sup> century the factory system dominated the textile industry and the workers’ cottages were converted to uses such as shops, adapting to the changing character of the Northern Quarter which developed as an area with a range of architectural forms and uses, many still linked to the cotton trade such as draperies. The importance of the cotton trade, and associated trades, to Britain cannot be overstated; the early workers’ cottages, from which Manchester developed, are of national, not just local, importance and the surviving pockets of 18<sup>th</sup> century development in the city collectively tells the story of its origins and influence. This is recognised in the Northern Quarter’s inclusion in the Smithfield Conservation Area and includes a number of listed buildings linked to this important period of time. They note that the total demolition of the Thomas Street buildings would result in the removal of all evidence of the three storey workers’ cottages which would result in total loss of significance and therefore cause substantial harm to the listed buildings and the following points:

The workers’ cottages add positively to the architectural and historic interest of the Smithfield Conservation Area, as an example of the early development of the area in the 18<sup>th</sup> century, which has been largely replaced in the 19<sup>th</sup> and 20<sup>th</sup> century. The loss of the buildings would therefore cause a low level of harm to the surrounding conservation area.

The setting 7 Kelvin Street derives some significance through its relationship with the listed workers’ cottages, as they provide the context for the need for the warehouse. The loss of the cottages would impact on the contribution setting makes to significance as well as the group value, causing some harm to the 7 Kelvin Street. However, they also note that they have advised previously that the reuse of this building was a positive of the earlier permitted proposals.

They state that the application seeks to make a distinction between 42-46 Thomas Street as Grade II listed buildings and the Grade II listed 7 Kelvin Street but point out that the some legislation relates to both, applying equally. Section 16 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 of the Act repeats the requirement for having “special regard” when considering whether to grant planning permission; and that Section 72 of the Act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

They also note the following in terms of the National Policy context:

The revised National Planning Policy Framework (NPPF) sets out in paragraph 192 in determining 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 desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that 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 goes on to clarify 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.

Most importantly for this application paragraph 195 sets out where a proposal 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;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- 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 200 sets out that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Section 12 of the NPPF details how well designed places should be achieved, including that decisions should ensure that developments will function well and add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. They should be sympathetic to local character and history, including the surrounding built

environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

In the context of the above they set out the following basis for their current objection:

The total demolition of 42-46 Thomas Street (including 41,43 & 45 Back Turner Street) would cause substantial harm to the Grade II listed buildings and therefore the application should be considered against paragraph 195 of the National Planning Policy Framework. The tests in paragraph 195 are structured to determine whether or not alternative solutions exist for the redevelopment of the site as legislation and the planning system is set up to protect heritage assets, setting out that great weight should be given to an asset's conservation; that the loss of a Grade II listed building should be exceptional and that any harm to an asset requires a clear and convincing justification and note the following:

The first test is that nature of the heritage asset prevents all reasonable uses of the site. They have reviewed the structural surveys submitted to address this point and have visited the site with HE's Structural Surveyor and have concluded that the buildings are physically capable of repair. They note that the buildings are clearly in a poor state of repair due to a lack of maintenance, however, they are of the opinion that the structural defects observed during the visit could be repaired using standard techniques; this includes the crack in the wall which linked to the, now demolished, adjacent buildings. The majority of water ingress is apparent at ground floor level where the shallow pitched roof is defective. Where the internal wall finishes are water damaged, it is most likely due to defective rainwater goods allowing water to run down the external face of the wall. There is little water ingress at upper floors suggesting the roof is in a better condition than originally thought. They therefore cannot accept the argument that the 'nature of the heritage asset prevents all reasonable uses of the site.

A further test is to demonstrate that no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation. The aim of this exercise is to demonstrate that the issues identified are intrinsic to the site, not the result of the current owners own preferred way of addressing matters. No evidence is provided regarding the marketing of the building and therefore this test has not been met. A viability report has been submitted in support of the application; its methodology is sound and the figures produced seem reasonable, however we do not agree with using the value of the land prior to listing of Thomas Street as it should be based on the present situation. Notwithstanding this, the figures provided suggest that viability of the site is questionable. We recommend that the Council has the report reviewed by external professionals for further assurance on this matter. We are also concerned with the limited number of options considered in the viability report and that it does not provide persuasive evidence that there isn't an alternative use for the site. They recommend that this element is also reviewed by the Council's advisors.

Paragraph 195 also requires evidence that conservation by grant-funding or some form of not-for-profit, charitable or public ownership is demonstrably not possible. Whilst high level consideration has been given to this point, it has not been considered in detail and we would expect this to be challenged more deeply,

reviewing the individual funding streams and not just whether the permitted scheme would attract funding, but the site itself.

The final point to demonstrate is that the harm or loss is outweighed by the benefit of bringing the site back into use. The stated aim of this listed building consent is to gain consent for the demolition of 42 - 46 Thomas Street to facilitate the permitted redevelopment scheme to be built; as such the submission stresses that the planning balance has already occurred and been found in favour of the development.

However, this argument does not recognise that the site's status has fundamentally changed with the listing of 42 to 46 Thomas Street as buildings of national importance. Planning permission was previously granted on the basis of these buildings being undesignated heritage assets: their planning status has fundamentally changed since this decision was taken and any balancing exercise now needs to relate specifically to the application currently under consideration.

They consider that the application has not sufficiently met all of the tests set out in paragraph 195 of the National Planning Policy Framework and a clear and convincing justification has not been made for to the total demolition of 42-46 Thomas Street. They therefore object to the application in its current form.

They have advised that should members be minded to grant consent for the application in its current form, in light of their objection we should treat their objection as a request to notify the Secretary of State of this application, in order or them to determine whether to call in the decision for their determination.

Following the completion of an independent analysis of the Viability Assessment Historic England maintain their objection on the basis that the options looked at are limited in scope and have not convinced them that there is no alternative use for the site or that there is no viable re-use for 42-46 Thomas Street. The Viability Reports do not make any adjustments for Covid-19 and marginal viability of the 2017 scheme leads to risk that the proposal might not be achievable.

If Members are minded to recommend approval any consent should be conditional on their being no loss of any building until the redevelopment was certain.

Georgian Society –Note that they were not consulted on the original application. As one of the Georgian Group objectives is to save from destruction or disfigurement Georgian buildings, whether individually or as part of a group and, where necessary, encourage their appropriate repair or restoration they strongly object to the loss of Georgian heritage, especially when it is listed.

They also note the following:

- Since the extant planning permission was granted, 42, 44 and 46 Thomas Street (including 41, 43 and 45 Back Turner Street) have been listed.
- The documents provided disagree strongly with listing in 2018; whilst they didn't oppose the 2016 scheme that was granted planning permission. These buildings have historic and architectural merit and are important as contributors to Manchester's pre-eminence as the world's first industrial city, providing unique contextual evidence of the origins of industry in Manchester based on domestic scale manufacturing. They are architecturally important for their local distinctiveness as urban workshop dwellings and for their rarity as surviving examples of this type of building in Manchester, and including single-

depth examples on Back Turner Street. The buildings were very recently listed, despite the existing planning permission;

- The proposed works would adversely affect the character and special architectural and historic interest of the listed building and would cause substantial harm contrary to paragraph 195/196 the NPPF 2019;
- In line with Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals, special regard should be given to the desirability of preserving the listed building, its setting and any of its features of special architectural or historic interest.

As a result consent should not be given in this instance.

**Greater Manchester Ecology Unit** – Have no objections subject to a condition relating to the provision of nesting boxes and a requirement for further survey work in relation to bats should the demolition be delayed beyond April 2021

**Greater Manchester Archaeology Unit (GMAAS)** – Have recommended that prior to any commencement of any demolition or soft-strip a suitably qualified and experienced archaeological contractor is appointed and commissioned to undertake a HE level 4 archaeological building survey followed by an intra soft-strip/ demolition watching brief in line with an agreed Written Scheme of Investigation (WSI).

## ISSUES

### Local Development Framework

The principal document within the framework is The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") which was adopted on 11 July 2012 and is the key document in Manchester's Local Development Framework. It sets out the long term strategic planning policies for Manchester's future development. The proposal has been considered in the context of the following Core Strategy Policies SP1, CC9, EN1, EN3, and DM1.

### Saved UDP Policies

Whilst the Core Strategy has now been adopted, some UDP policies have been saved. The following saved UDP policies DC18, DC19.1, DC20 are relevant.

Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

### Relevant National Policy

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development. The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraphs 11 and 12 state that:

"For decision- taking this means: approving proposals that accord with an up-to-date development plan without delay" and "where a planning application conflicts with an

up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

The proposal is considered on balance to be consistent with sections 5, 6, 7, 8, 9, 11, 12, 14, 15 and 16 of the NPPF for the reasons set out below.

Paragraph 117 planning decisions should promote effective use of land in providing homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Including giving substantial weight to the value of using suitable brownfield land within settlements for homes.

Paragraph 122 - planning policies and decisions should support development that makes efficient use of land and includes a requirement to take into account local market conditions and viability and the desirability of maintaining an area’s prevailing character and setting or of promoting regeneration and change.

Paragraph 124 the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 131 in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings.

Section 6 - Building a strong and competitive economy and Core Strategy Policy SP 1 (Spatial Principles), Policy CC1 (Primary Economic Development Focus), CC8 (Change and Renewal) – The demolition of the listed buildings would facilitate the delivery of city living. It would be close to sustainable transport and would enhance the built environment, create a well-designed place and reduce the need to travel.

The proposal would allow an underutilised site to be developed and create employment during construction and permanent employment in the commercial units. This would help to build a strong economy and assist economic growth. The development would contribute to the local economy as residents use local facilities and services. On balance the development of the site would enhance the built and natural environment and create a well designed place that would enhance and create character and would create a neighbourhood where people choose to be.

NPPF Section 2 (Ensuring the Vitality of Town Centres) and Core Strategy Policies SP 1 (Spatial Principles) and CC4 (Visitors, Culture and Leisure) - The Regional Centre is the focus for economic and commercial development, leisure and cultural activity and high quality city living. The development would help to make the City Centre competitive and encourage economic activity. It would help to create a neighbourhood which would attract and retain a diverse labour market in a well-connected location and therefore would assist sustained economic growth.

NPPF Section 7 Ensuring the Vitality of Town Centres and Core Strategy Policies SP 1 (Spatial Principles) and CC2 (Retail) – The Regional Centre will be the focus for economic and commercial development, leisure and cultural activity, and city living. The proposal would help to create a neighbourhood which would attract and retain a diverse labour market. It would support GM's growth objectives by delivering housing for a growing economy and population, within a major employment centre in a well-connected location and would help to promote sustained economic growth.

NPPF Section 9 Promoting Sustainable Transport, Core Strategy Policies CC5 (Transport), T1 Sustainable Transport and T2 Accessible Areas of Opportunity and Need - The Site is easily accessible for pedestrians and cyclists, and by a range of transport options. Metrolink stops at Market St, Shudehill and Exchange Square, Victoria and Piccadilly Train Stations and Shudehill and Piccadilly Garden exchanges are all nearby. The proposal would facilitate a development which would contribute to wider sustainability and health objectives and help to connect residents to jobs, local facilities and open space.

NPPF Section 5 (Delivering a sufficient supply of homes) and 11 (Making Effective Use of Land), Core Strategy Policies CC3 Housing, CC7 (Mixed Use Development), Policy H1 (Overall Housing Provision), H2 (Strategic Housing Location), Policy H8 (Affordable Housing) and Policy CC10 A Place of Everyone - The proposal would facilitate the delivery of housing in a sustainable location within part of the City Centre identified as a key location for residential development. It would facilitate an effective and efficient use of land to provide homes within an area identified for housing growth. This is a previously developed site and the development would contribute to the ambition that 90% of new housing should be on brownfield sites. It would on balance have a positive impact on the area and provide accommodation which would meet different household needs.

Housing is required in locations that would support and sustain Manchester's growing economy. The City Centre is the biggest source of jobs in the region and this proposal would provide accommodation to support the growing economy and contribute to the creation of a sustainable, inclusive, mixed and vibrant community.

It is expected that a minimum of 32,000 new homes will be provided within the City Centre from 2016-2025 and this scheme would contribute to meeting the City Centre housing target in the Core Strategy.

A Viability Appraisal demonstrates that alternative proposals for the wider Site which include the retention and conversion of the building or the retention of the buildings facades would not be viable and in any event would involve significant alteration of the building or unacceptable impacts on the character and setting of the Conservation Area and the Grade II Listed 7 Kelvin Street and other nearby listed buildings. This is discussed in more detail below.

It will be necessary to support economic development post the current crisis and investment is required in locations that would support and sustain this growth. The commercial units within the wider development would complement the existing mix of uses.

NPPF Sections 7 (Requiring Good Design) and 12 (Conserving and Enhancing the Historic Environment), Core Strategy Policies EN1 (Design Principles and Strategic Character Areas), CC6 (City Centre High Density Development), CC9 (Design and Heritage), EN3 (Heritage) and saved UDP Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) - This would facilitate a wider high quality scheme would on balance contribute positively to sustainability and place making and would bring significant regeneration benefits.

The wider Development proposals would enhance the character of the area when compared with the current site condition. The new build elements would respond positively at street level and improve legibility within the Northern Quarter. In the context of this application members are only required to consider this in terms of the local and national policy requirements as set out below.

The applicant has sought to demonstrate that the substantial benefits which would be derived from the delivery of the wider development can only be delivered if the demolition of those buildings is supported. This is discussed later in this report.

On balance the delivery of the wider development would contribute positively to sustainability and place making and would bring significant regeneration benefits.

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

Paragraph 192. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm is substantial, total loss or less than substantial.

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

Paragraph 195 states that where a proposal 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 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 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 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Paragraph 201 points out that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. It states that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The proposal would facilitate the redevelopment of an underutilised site which in its current condition makes a limited contribution to the townscape and has a negative impact on the setting of designated and character of non designated heritage assets.

The wholesale loss of the buildings on the site would result in substantial harm in heritage terms and the proposal needs to meet one of the 2 sets of tests within paragraph 195 of the NPPF. Officers are of the view that the demolition, would for reasons set out in more detail below facilitate the delivery of substantial public benefits including heritage and regeneration benefits from the delivery of the wider site and that this would in this particular instance outweigh that loss.

The loss of the Heritage Asset also needs to be balanced against the delivery of a scheme that would facilitate the restoration of 7 Kelvin Street and the negative impact that the vacancy and degree of dereliction of the site has on the quality of the physical and visual environment in the Northern Quarter.

In supporting the demolition of 42-46 Thomas Street as part of the 2017 approvals, the level of harm was identified at the higher end of the spectrum of less than substantial harm. This is a high test to overcome. The evaluation of the case to support additional 'harm' on the basis of the listing needs to acknowledge this.

The planning judgement was that the public benefits outweighed that higher level of less than substantial harm. As a result of the listing, the level of harm would now be substantial. The site has continued to deteriorate and the public benefit which would be derived from facilitating the wider Development through the demolition is considered to be significant and the circumstances are, in relation to paragraph 194 of the NPPF, 'exceptional'.

The demolition would result in less than substantial harm to the character of the Conservation Area as a whole which needs to be weighed against the public benefits as set out in paragraph 196 of the NPPF.

Owing to the fragmented character of the street block of which it forms part, the impact on the setting of the adjacent listed building (7 Kelvin Street) would be less than substantial and this harm also needs to be weighed against the public benefits as set out in paragraph 196 of the NPPF.

A series of option assessments have considered the retention of all or some of 42-46 Thomas Street. . This would require significant internal and external refurbishment, and structural alterations to bring it back into use. The building layout reduces its attractiveness to potential occupiers. The proposal would facilitate offers a good quality design which would enhance the character of the area and the image of Manchester.

The positive aspects of the proposals and the justification for the level of harm and compliance with local and national policies relating to Heritage Assets are discussed in more detail below.

Saved UDP Policy DC20 (Archaeology) - Consideration of the application has had regard to the desirability of securing the preservation of sites of archaeological interest. A condition is recommended for a Level 4 recording of the building.

NPPF Section 10 (Meeting the challenge of climate change, flooding and coastal change), Core Strategy Policies EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon) EN6 (Target Framework for CO2 reductions from low or zero carbon energy supplies), EN 8 (Adaptation to Climate Change), EN14 (Flood Risk) and DM1 (Development Management- Breeam requirements) – This is a highly sustainable location. An Energy Statement (EESS) submitted in 2017 demonstrated that the development would accord with a wide range of principles that promote the responsible development of energy efficient buildings, integrating sustainable technologies from conception, through feasibility, design and build stages and also in operation. The wider Development would follow the principles of the Energy Hierarchy to reduce CO2 emissions and the Standards Statement sets out how the proposals would meet the requirements of the target framework for CO2 reductions from low or zero carbon energy supplies.

The listed status of 7 Kelvin Street means that means that it is difficult to implement renewable energy sources without altering the character or appearance of the buildings. The building is also exempt from compliance to building regulations Part L 2013 if this would unacceptably alter its character or appearance. The wider Development aims to improve energy efficiency as far as is reasonably practical.

The application sites lies within Flood zone 1 and is deemed to be classified as a low risk site.

NPPF Section 11 (Conserving and enhancing the natural environment), Core Strategy Policies EN 9 (Green Infrastructure), EN15 ( Biodiversity and Geological Conservation), EN 16 (Air Quality), Policy EN 17 (Water Quality) Policy EN 18 (Contaminated Land and Ground Stability) and EN19 (Waste) - the 2017 application considered the potential risk of various forms of pollution, including ground conditions, waste and biodiversity and demonstrated that the application proposals would not have any significant adverse impacts in respect of pollution. Surface water run-off and ground water contamination would be minimised.

It would be consistent with the principles of waste hierarchy. A Waste Management Strategy detailed measures to minimise waste production during construction and operation. The onsite management team would manage the waste streams.

The buildings were assessed to provide low bat roosting potential. There are limited cracks and crevices, however a few potential bat roosting features were noted. Based on the urban location of the building and the lack of connectivity with suitable bat foraging habitat, the risk of occupation by bats within the building is considered to be low.

Policy DM 1- Development Management - Outlines a range of general issues that all development should have regard to and of these, the following issues are or relevance to this proposal:-

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that 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;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation , external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

The above issues are considered as relevant to both the propose demolition and the wider development below.

### **Other Relevant City Council Policy Documents**

In 1995 Manchester City Council commissioned a 'Northern Quarter Regeneration Strategy'. The Strategy set out '*a clear Vision for the area to build on its creative base and proximity to the main commercial core to assist its development as an attractive mixed use area*'.

The area experienced substantial investment in the following years but concerns that some of the underlying problems picked out in the 1995 study were not being fully tackled led to the Northern Quarter Development Framework being produced and formalised in 2003 this set out a vision to shape and guide development activities within the Northern Quarter.

The Strategy clarified aspects of development that the City Council wished to avoid in the Northern Quarter which included the loss of architectural and heritage character of the built form.

The Strategy proposed a series of 10 core objectives. The most relevant of these core objectives to this application was the enhancement of the built form through addressing buildings that generally fail to make a positive contribution to the Northern Quarter these may be both derelict, unstable and empty buildings, as well as cleared (empty) sites.

The relevant aspects of the Strategy were considered when the Planning and Listed Building Consent application for the group of buildings formed by 42-50 Thomas Street and 7 Kelvin Street was granted. The August 2017 consented development thus makes a positive contribution to help deliver the policy aspirations and requirements of the Northern Quarter Development Framework

Whilst the Strategy sought to avoid the loss of heritage assets it also acknowledged that there were areas which due to building condition failed to make a positive contribution to the Area. 7 Kelvin Street in its current condition could be seen as being one of those buildings. For reasons outlined later in this Report on balance the benefits in terms of positive contribution to the Northern Quarter are considered to outweigh the harm from the loss of the architectural and heritage character of the built form.

**Guide to Development in Manchester** – Supplementary Planning Guidance (SPG) has the following policies which are of particular relevance to the heritage assets considered within this statement. **Paragraph 11.45** (Conservation Areas) states that the proposals in these areas should preserve or enhance their character. It is important that new developments in conservation areas are not designed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but also to the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

It is considered that the extant Planning Permission and Listed Building Consent confirmed that the proposed development accords with the requirements of this policy.

Manchester City Centre Strategic Plan- The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities

The application site lies within the area identified in the document as the Northern Quarter. This identifies the importance of the areas non-mainstream offer as being important for any global city and giving the Northern Quarter a unique identity within both the city and, to some extent, the UK. The areas growing reputation and attraction to a high number of visitors, is identified as providing an important contribution to the economy of the city centre.

Because of its nature, the regeneration within the Northern Quarter area is described as having been organic and incremental and, therefore, more subtle and ultimately less predictable than in other parts of the city centre. The aim of activity within the area is to bring about change in a way that retains the area's distinct identity. This can be done by building on the area's strengths to produce a creative and cultural destination, with a high-quality built environment attractive to businesses and residents, and providing opportunities for private sector investment. It is considered that the wider Development which the approval of the demolition of the listed buildings would facilitate would be in keeping with these objectives. The proposed commercial units and a further addition to the current well established residential community around the site would help to build on the successes of the area's evening economy by promoting usage as a daytime destination.

Residential Growth Strategy (2016) – This recognises the critical relationship between housing and economic growth. There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population. Housing is one of the key Spatial Objectives of the Core Strategy and the Council aims to provide for a significant increase in high quality housing at sustainable locations and the creation of high quality neighbourhoods with a strong sense of place. The site in its current condition does nothing to contribute to meeting or complementing the housing need within the City nor will it do for the foreseeable future without support for these proposals. The approval of this application would unlock the wider Development of the site allowing it to contribute to achieving the above targets and growth priorities.

Stronger Together: Greater Manchester Strategy 2013 - This is the sustainable community strategy for the Greater Manchester City Region. It sets out a vision for Greater Manchester where by 2020, the City Region will have pioneered a new model for sustainable economic growth based around a more connected, talented and greener City Region, where all its residents are able to contribute to and benefit from sustained prosperity and a high quality of life.

The proposed residential accommodation within the wider development, the delivery of which would be unlocked by the approval of this application, would support and

align with the overarching programmes being promoted by the City Region via the GM Strategy.

There is an urgent need to build more new homes for sale and rent to meet future demands from the growing population and to address undersupply and the Council is adopting measures to enable this. The wider Development represents an opportunity to address these requirements adjacent to a major employment centre and in a well-connected location. The site in its current condition does nothing to contribute to these objectives nor will it do for the foreseeable future without support for these proposals.

## **Climate Change**

Our Manchester Strategy 2016-25 – sets out the vision for Manchester to become a liveable and low carbon city which will:

- Continue to encourage walking, cycling and public transport journeys;
- Improve green spaces and waterways including them in new developments to enhance quality of life;
- Harness technology to improve the city's liveability, sustainability and connectivity;
- Develop a post-2020 carbon reduction target informed by 2015's intergovernmental Paris meeting, using devolution to control more of our energy and transport;
- Argue to localise Greater Manchester's climate change levy so it supports new investment models;
- Protect our communities from climate change and build climate resilience

Manchester: A Certain Future (MACF) - is the city wide climate change action plan, which calls on all organisations and individuals in the city to contribute to collective, citywide action to enable Manchester to realise its aim to be a leading low carbon city by 2020. Manchester City Council (MCC) has committed to contribute to the delivery of the city's plan, and set out its commitments in the MCC Climate Change Delivery Plan 2010-20.

Manchester Climate Change Board (MCCB) Zero Carbon Framework - The Council supports the Manchester Climate Change Board (MCCB) to take forward work to engage partners in the city to address climate change. 1.3 In November 2018, the MCCB made a proposal to update the city's carbon reduction commitment in line with the Paris Agreement, in the context of achieving the "Our Manchester" objectives and asked the Council to endorse these ambitious new targets.

The Zero Carbon Framework - outlines the approach which will be taken to help Manchester reduce its carbon emissions over the period 2020-2038. The target was proposed by the Manchester Climate Change Board and Agency, in line with research carried out by the world-renowned Tyndall Centre for Climate Change, based at the University of Manchester.

Manchester's science-based target includes a commitment to releasing a maximum

of 15 million tonnes of CO<sub>2</sub> from 2018-2100. With carbon currently being released at a rate of 2 million tonnes per year, Manchester's 'carbon budget' will run out in 2025, unless urgent action is taken.

Areas for action in the draft Framework include improving the energy efficiency of local homes; generating more renewable energy to power buildings; creating well-connected cycling and walking routes, public transport networks and electric vehicle charging infrastructure; plus the development of a 'circular economy', in which sustainable and renewable materials are reused and recycled as much as possible.

Climate Change and Low Emissions Implementation Plan (2016-2020) -This Implementation Plan is Greater Manchester's Whole Place Low Carbon Plan. It sets out the steps we will take to become energy-efficient, and investing in our natural environment to respond to climate change and to improve quality of life. It builds upon existing work and sets out our priorities to 2020 and beyond. It includes actions to both address climate change and improve Greater Manchester's air quality. These have been developed in partnership with over 200 individuals and organisations as part of a wide ranging consultation

The alignment of the proposals with the policy objectives set out above is detailed below.

## **Conservation Area Declarations**

### **Smithfield Conservation Area Declaration**

The Smithfield conservation area lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area).

Historically, the predominant building type was food markets. Few of these are still standing, and those that are have been converted to other uses. Around Turner Street and Back Turner Street, there are some very small-scale houses dating from the Georgian period, subsequently converted or used for commercial purposes. These streets and the buildings defining them create a rich tapestry of spaces and built form located hard up to the back of pavement. This character contrasts with that of the buildings to the south of the conservation area, closest to the commercial heart of the regional centre along Oldham Street, Market and Church Street, which are larger and of later date than the rest of the area. A number of sites have been left vacant where buildings have been demolished. Many of these are used as temporary car parks, which detract from the visual appeal of the area as is the case with the application site in its current condition.

### Other relevant National Policy

Section 16 (2) of Listed Building Act provides that “in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area

In relation to the above and in terms of the NPPF the following should also be noted:

The proposals would result in substantial harm to the significance of the listed building through its wholesale demolition. However, for the reasons outlined later in this report, officers consider that substantial public benefits would be derived from the proposal on balance justify the planning judgement that the harm or loss is necessary, in order to deliver the wider Development which would facilitate the optimisation of the use of the site and the retention of the Grade II Listed 7 Kelvin Street.

Consideration of the proposals has taken into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and this has been balanced against the positive contribution that conservation of heritage assets and the protection of the impact of development on the setting of listed buildings and conservation areas can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

It is considered that there is a clear and convincing justification for this exceptional substantial harm.

Whilst the merits of the case to support the level of harm proposed and its fit with policies are set out in more detail later in this report it is noted that notwithstanding this case, special regard has been had to the desirability of preserving the buildings features of special architectural or historic interest which it possesses which included that the proposal would have a beneficial impact on the architectural and historical character of the retained exterior listed building. Special regard has also been paid to the desirability of preserving or enhancing the character or appearance of the conservation area which is demonstrated through with the design solution for the retained exterior and new roof level which are considered to be complementary to the character of the Conservation Area.

The positive aspects of the design of the proposals, the compliance of the proposals with the above sections of the NPPF and consideration of the comments made by Historic England and the Georgian Society is fully evaluated and addressed below.

## **Other National Legislation**

### **Legislative requirements**

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

## **The Schemes Contribution to Regeneration**

Regeneration is an important planning consideration. The City Centre is the primary economic driver of the region and will play a critical role in its longer term economic success. There is an important link between economic growth, regeneration and the provision of new housing and as the national economy has entered a new growth cycle, it is essential that new homes are provided.

The condition the site including the listed buildings has a negative impact on the street scene, the Smithfield Conservation Area and the Northern Quarter. Its open nature creates a poor appearance and fragments the built form of the conservation area and its low level of environmental quality creates a poor impression. The investment facilitated by the demolition of the listed buildings would allow 7 Kelvin Street to be refurbished and repaired and would reinstate the historic building line with a high quality mixed use residential scheme and repair the streetscape.

The complete loss of 42-46 Thomas Street would cause substantial harm, however the wider Development would deliver significant regeneration benefits and a viable economic use from which the public would benefit. Paragraph 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land and includes a requirement to take into account local market conditions and viability and the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change.

The buildings on the site have a run down and unused appearance. 7 Kelvin Street, a local Building at Risk, is an important historical asset due to its affiliation with Manchester's cotton industry. 42-46 Thomas Street have some significance as former Weavers cottages but their individual and domestic character has been extensively lost through adaptation of the group. The value of these listed buildings is discussed below.

High quality development would repair key street-frontages and help to establish a sense of place. It would support population growth, contribute to the economy and help to sustain the Northern Quarter as a vibrant place to work and live. The wider benefits are detailed later in this Report. It would create employment during construction, along with permanent employment from the proposed commercial uses. The ground floor uses would complement the retail and leisure offer within the Northern Quarter. The city block would be re-instated.

The development facilitated would be consistent with a number of the GM Strategy's key growth priorities by delivering appropriate housing to meet the demands of a growing economy and population, adjacent to the city centre. Manchester's population has increased significantly since 2001 and the wider development would be consistent with growth priorities and help to realise the target set within Manchester's Residential Growth Strategy which have recently been updated to seek to deliver 32,000 homes by 2025. This area has been identified as being suitable for new homes and the quality, mix and the size of apartments would appeal to a range of potential occupier and would therefore help to promote sustainable economic growth.

It would not be viable to deliver those benefits if the newly listed buildings are not demolished. The condition of the site is likely to deteriorate with the risk of further deterioration of 7 Kelvin Street and potential diversion of investment from the area due to the overall impressing of dereliction and decline from this and the adjacent site.

### **Impact on Character and Fabric of Listed Building, character of the Conservation Area and Design Issues and review of relevant Policy Context in relation to Heritage Assets:**

#### Case required to support demolition and potential impact of alternatives

Local and national planning policies require a robust and convincing justification setting out the exceptional circumstances which would support the proposed total loss of 42-46 Thomas Street (paragraph 194 of the NPPF). It could be argued that listing of 42-46 Thomas Street following the grant of planning permission in 2017 is an exceptional circumstance which could support the proposed demolition.

The total loss of 42-46 Thomas Street would be substantial harm and in addition to the need to demonstrate exceptional circumstances, there is a requirement under paragraph 195 of the NPPF to demonstrate:

- Either that the total loss is necessary to achieve substantial public benefits; or
- That the development meets the 4 tests (a-d) which are set out earlier in this Report.

Whilst a decision that cannot be taken lightly, it could be argued that in order to realise the regeneration benefits set out above, it is necessary to demolish 42-46 Thomas Street. In addition allowing demolition may be the only viable, practical and realistic option to prevent 7 Kelvin Street from deteriorating further.

It is also necessary to consider what impact alternative forms of viable development, which retains all or some of the fabric of 42-46 Thomas Street, might have on the setting of 7 Kelvin Street and the Smithfield Conservation Area in line with the paragraph 193 of the NPPF and sections 16, 66 and 72 of the Listed Buildings Act 1990.

The impact of the 2017 consent on the setting of 7 Kelvin Street and the Conservation Area has been established as acceptable. The applicant has also explored whether it would be possible to retain 42-46 Thomas Street, or as a minimum its façade and deliver a viable development which would have similar levels of impact.

#### Substantial Public Benefits Which Outweigh the Harm

Neither Historic England nor the Georgian Society have made any comment on whether they believe that the proposals would meet the first test (i.e. that the total loss is necessary to achieve public benefits which outweigh that loss) however Officers consider that delivery of the wider Development which an approval would facilitate would meet that test.

Public benefits could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should benefit the public at large and not just be a private benefit. However, they do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed dwelling which secure its future as a designated heritage asset could be a public benefit. There is no definition within any of the legislation of national or local policy guidance as to what constitutes substantial public benefits and it is a balanced judgement dependent on the particular circumstances of each case.

Heritage benefits set out within paragraph 20 of the NPPG may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset; and
- securing the optimum viable use of a heritage asset

The demolition of 42-46 Thomas Street to facilitate the delivery of the 2017 consent would deliver benefits in relation to 7 Kelvin Street that would not otherwise be delivered. The principle benefit would be the sites regeneration and the positive impact it would have on the Conservation area and the Northern Quarter. It is likely that had 42-46 not been listed, the 2017 consent would have commenced the benefits would be emerging.

A number of key social, environmental, economic and heritage benefit which the approval of the demolition would unlock are listed below:

- Bring a site which has a negative effect on townscape value, back into viable, active and positive use arresting further deterioration of 7 Kelvin Street;
- Arrest further deterioration and regenerate the wider site bringing the redundant site back in to positive use;

- Regenerate a City Centre island site, containing underutilised and vacant buildings, which will improve the street environment and visual quality of the site and the current poor impression of the area that it exudes;
- Establish a strong sense of place, making a positive contribution to local character and distinctiveness, enhancing the quality and legibility of the streetscape and the architectural fabric of the City Centre;
- Optimise the potential of the site to accommodate and sustain an appropriate mix of uses, providing the quality and specification of accommodation demanded by modern business requirements and by potential residents;
- Provide a new facilities for residents, workers and visitors to the area promoting activity and social inclusion;
- Positively respond to the local character and historical development of the City Centre, delivering an innovative and contemporary design which reflects and complements neighbouring buildings and local context;
- Create a safe and accessible environment with increased street level activity, clearly defined areas and active public frontages providing overlooking, natural surveillance and increasing feelings of security within the city centre to enhance the local quality of life;
- Provide equal access arrangements for all into the building;
- Provide 20 new homes of varying sizes and boost the supply of housing, complying with NPPF requirement to provide mixed communities and housing choice contributing to sustained economic growth and regeneration;
- Investment in a vacant site whose continued deterioration could lead to illicit activities, attracting anti-social behaviour causing problems to existing businesses and residents close to the site discouraging further investment in the area;
- Creation of jobs would be during the construction phase and operational phases;
- Providing opportunities for provision of small-scale retail and restaurant floorspace which would appeal to the independent commercial occupiers that characterise the Northern Quarter;
- Support for commercial, retail and leisure operators through increased spending from residents in accordance with the NPPF which welcomes mixed use developments and wider opportunities for growth.
- Unlock investment in the retention and restoration of the Grade II listed No. 7 Kelvin Street;

- Significantly improve the environment and visual quality of the site which detracts from the streetscene and conservation area;
- Make a positive contribution to local character and distinctiveness;
- Deliver positive visual benefit to the Conservation Area; and
- Deliver a high quality design which will result in a significant improvements to the street scene.

The site is in a single ownership and was purchased with the intention to bring forward comprehensive regeneration and the future of the site and its buildings are inextricably linked.

Many of the benefits would benefit the community and businesses in the area. These benefits would not be delivered if the demolition is refused. Any approval should be linked to the benefits delivered by the 2017 consent and should only be granted until April 2021 when that consent expires. A contract for that development would have to be approved by the City Council before any demolition could take place.

#### Assessment of Significance

An assessment of the relative significance of the building group has been carried out which assessed the evidential, historical, aesthetic and communal value. The Heritage Assessment has used HE's Guidance –Conservation Principles, Policies and Guidance (2008).

Structural Reports illustrate the deteriorating condition of buildings within the site. Historic England have advised that whilst the buildings are in a poor state of repair due to a lack of maintenance, structural defects could be repaired using traditional techniques. The exterior has been much altered with a modern shopfront extending across the Thomas Street frontage. However original sash windows and some curved brick detailing has been retained to cills and jams.

There is some earlier floor structure in the basement such as timber beams but it has been much altered, it is thought, to facilitate use as an air raid shelter. Original fabric was removed to increase head height and doorways have been cut through brickwork to connect spaces. Lath and plaster ceilings are retained in some areas as has some evidence of original building separation.



### Images of exterior and basement spaces

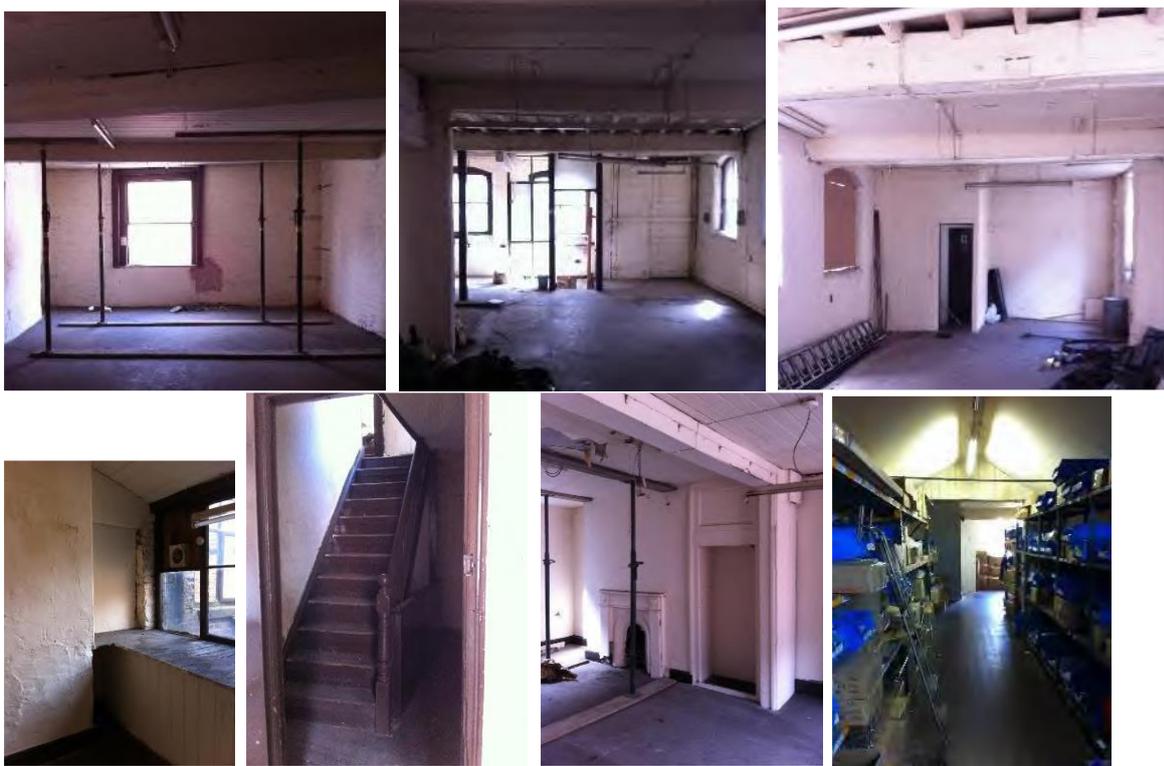
In the ground floor there are cast iron columns, timber partitions, clerestory windows and an original fireplace with some evidence of the original shop front but this is in poor condition. Floor joists spanning main cross walls are propped, parts of original staircases have been removed. There are many instances of level changes which indicate that separate buildings have been merged and courtyards infilled such that the principle defining character is of a series of convoluted spaces which do not connect in any meaningful manner. Any understanding of the original historic plan layout has been severely compromised.





### Images of ground floor spaces

There is historic fabric at first floor with some examples of original tongue and groove boarding, lath and plaster to walls, timber loading doors, inspection areas, some original portions of staircases and a cast iron fireplace. However, many level changes indicate the merging of separate buildings with courtyards infilled. The principle defining character is a series of convoluted spaces which do not connect in any meaningful manner. Thus any understanding of the original historic plan layout of the buildings has been severely compromised.



### Images of 1<sup>st</sup> floor spaces

There is evidence of the original weavers loft/ attic loomshop at second floor with open roof structure with trusses, purlins and tongue and groove boarding to the roof soffit. Many areas are propped and internal faces have temporary structural ties. Hoist gear to the loading bay has been retained as have some chimney breasts, fireplaces and stone hearths.



The above images show retained historic features. They are not uncommon features in buildings of this age and can be seen in many other buildings of a similar use throughout the City.

Evidential values are those that derive from the potential of a place to yield evidence about past human activity. These values usually comprise physical remains and tend to be archaeological. The building group could yield evidence about its past use but the level of alteration has diminished any evidential value. Whilst the site could yield considerable evidential value this could be subject to recording.

The historical value is strengthened as the buildings are early survivors of a new phase of development in Manchester's history and are linked with the growth of Manchester as the first industrial city. The grouping of the principal buildings off Thomas Street with the rear dwellings off Back Turner Street is relatively rare and of considerable historical value. However, it is noted that Historic England's listing report concluded that there may be some 60 workshop/dwelling buildings in Manchester centre.

Alterations over time have impacted on the aesthetic value and the integrity of the buildings which is determined by levels of retention of original detailing. Historic England have acknowledged the loss of original details. Its appearance provides clues as to the social history and status of those who constructed and lived in them. Key architectural features such as the low, wide loft windows are crucial to this type of building and the architecture is of some importance to the Smithfield Conservation Area. The surviving building- group are considered to have relatively low aesthetic value as streetscape components and a significantly negative impact on the character and appearance of the conservation area.

Elements of the original layout of late-C18th houses are partially legible, but nos. 42-44 are significantly altered, extending and opening into the parts of dwellings off Back Turner Street which originally were separate.

It is considered that with respect to the planning balance that the buildings relative overall merit in terms of the impact of loss heritage value should be considered in the context of the above. It should also be cognisant that Historic England acknowledged when listing that 42-46 Thomas Street and 41-45 back Turner Street are not the best examples of the type, but are altered and compromised versions of a building type which remains in evidence across the city.

Although the entire group of buildings has some heritage value, the most significant is 7 Kelvin Street. 42-46 Thomas Street are considered to make a modest contribution to the Smithfield Conservation Area.

Historically the wider Development site made an important contribution to the Smithfield Conservation Area. That important contribution has seriously diminished due to its deteriorating condition and apparent dereliction, exacerbated by the stalled implementation of the August 2017 scheme. The individual buildings have all been subject to considerable change, both externally and particularly internally. These changes diminish their authenticity and character and their contribution to the conservation area.

The demolition of 42-46 Thomas Street would result in 7 Kelvin Street being reused and refurbished. It is a rare example of an early small-scale purpose built warehouse, and an example of how early dwellings were adapted for this purpose and has considerable historical value. There are considerably fewer surviving examples of these small-warehouse type building, hence its earlier listing.

#### Impact on significance and consideration of alternatives

The proposal has not changed and consequently consideration of the heritage impact of the scheme is only required as a result listing of 42-46 Thomas Street and 41-45 back Turner Street. Therefore, it is the impact of the loss of the newly listed buildings that has to be considered and not the impact of the wider Development on the character and appearance of the conservation area

Notwithstanding this, within the wider Development the impact of the consented scheme on the character and appearance of the conservation area would be beneficial and accords with the requirements of NPPF paragraphs 193 and 196. The re-use and restoration of 7 Kelvin Street would be beneficial and secure its future in accordance with the requirements of NPPF paragraphs 193 and 196.

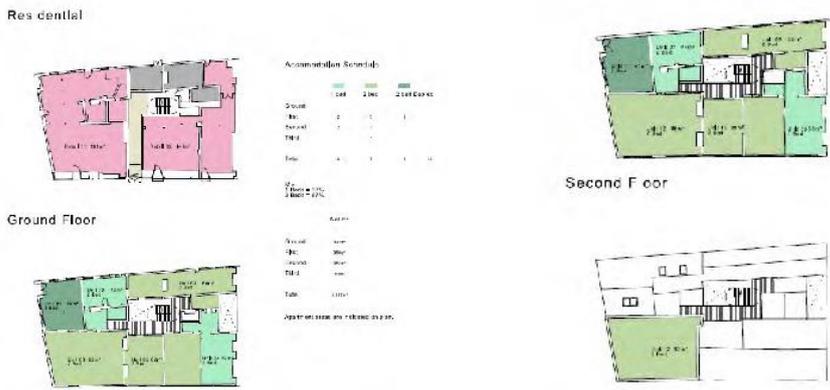
Development should minimise any adverse impact and ensure that it is outweighed by demonstrable public benefits. This was met in August 2017 when the public benefits were judged to outweigh the harm (paragraph 196 of the NPPF). However as the buildings are now listed, it has been necessary to explore if there are less harmful forms of development which could have similar public benefits to the consented scheme and alternatives which would retain some expression of the Thomas Street frontage have been explored.

Thus Alternatives have been explored which retain all or part of the buildings as residential accommodation as well as considering offices. Each of these options have presented challenges. Nevertheless the financial viability has been independently tested to assess their deliverability and is discussed in the next section.

Scenario 1 and 4 : (a) Residential or (b) Office – Retaining 42 - 46 Thomas Street and 41, 43 & 45 Back Turner Street and 7 Kelvin Street with a 4 storey new build to the corner of Thomas Street to provide 12 apartments and ground floor retail space) / additional office space:

Notwithstanding the challenges around viability of delivering this option (which are detailed below) this would still require significant internal alteration to implement for example sub-division to create residential or work spaces, as the previous internal alterations described above have removed much of the original interior.

**Plan study of Option 3 to retain the majority of the fabric of 42-46 Thomas Street.**



Some of the constraints of working with the existing building fabric and re-purposing it to modern day standards are summarised below:

- The internal, partially cellular layout and lack of direct connections between spaces would create challenges which could lead to inefficient space planning and mitigate against delivering accommodation to a standard that would be expected within a high quality product at a price point which would be necessary to maximise viability;
- Without the removal of further external fabric, within the constraints of the existing structure and rooms would be limited to working with the existing fenestration and in several locations the existing window positions would not allow for daylight into all rooms and as such apartments would be poorly lit.
- Aligning of the floor levels of the disparate buildings and integrating these with a new build (with its modern floor to ceiling height requirements) accessible

cores and adequate circulation spaces would be challenging without further significant modification to the internal structure. This would include filling in the existing void between the Thomas Street frontage and the Back Turner Street blocks, to create an accessible (although unsatisfactory) central staircase;

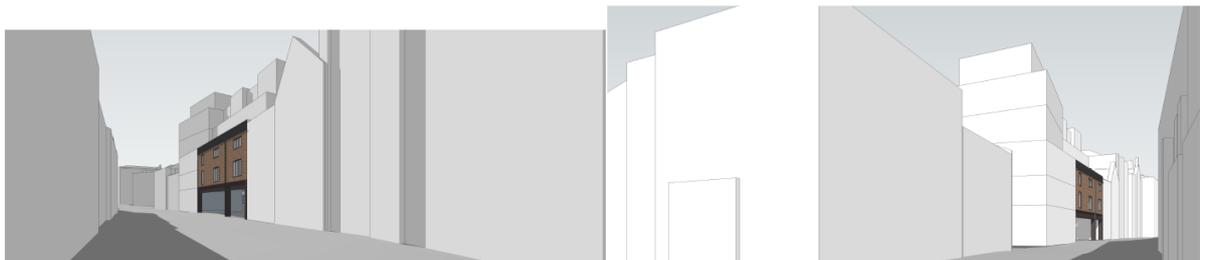
- In respect of office use, the retention of the existing structure would limit the usability and office space planning. Limited floor to ceiling heights would also impact on the servicing / ventilation strategy;

In summary the layouts seriously compromise the usability of the buildings for a number of alternative uses. These constraints would be equally applicable other potential uses. It is also notable that the previous owner relocated to alternative business premises.

Scenario 2: This considered massing studies to identify the extent of additional accommodation required to allow a meaningful retention of the façade. A final option involved the retention of the facades to Thomas Street and Back Turner Street with a five storey extension, with the retention of 7 Kelvin Street and a 6 storey new build to the corner of Thomas Street to provide 18 apartments.

This option overcomes the potential technical issues of working with the internal building fabric but is considered to have an unacceptable impact on the setting of 7 Kelvin Street and other adjacent listed buildings and the character and setting of the conservation area. It would not enhance the quality and local distinctiveness of this part of the Smithfield Conservation Area. .

The level of harm to the building would be reduced but building above and around the retained facades would significantly alter the setting, would dominate the streetscape and negate the purpose of the retained façade as a streetscape component. It would have a negative visual impact upon the character of the conservation area as can be seen in the images below. It can be concluded therefore that any level of façade retention would at best have limited positive benefits and the façade is in any event of less historical value than the remnants of the building's interior layout.



A further Viability Assessment demonstrates that in order to retain 42-46 Thomas Street and deliver a development with the same level of return as that of the 2017 approval a 10 storey building would be required on the corner of Thomas Street and Kelvin Street.

### Viability Assessment

An appraisal of the options in scenarios 1 and 2 has been independently assessed, this has used the Existing Use Value (EUV) plus a premium that a landowner would require in excess of EUV to sell the site in line with the NPPG advice on the setting of Benchmark Land Values (BLV) rather than the purchase price.

This analysis has considered a profit of 20% on GDV as the level a developer would require for a development of this scale and complexity, with listed buildings and new structures combined. By way of a sensitivity analysis, this has also been assessed at 15%. The analysis has concluded that none of the scenarios are viable as none produce a positive land value and the level of the BLV becomes irrelevant. This supports the Applicant's assessment that the retention 42 to 46 Thomas Street or its facades are not viable.

Scenario 3 and 3b were not reviewed as these are for the implementation of the consented scheme which can only be achieved by demolishing the listed buildings. Similarly, their option for office use, also relates to the consented scheme.

Based on this independent assessment, the applicants have concluded that in order to retain 42-46 Thomas Street in their entirety, it would be necessary to build a 17 storey building at the junction of Thomas Street and Kelvin Street, to deliver a 20% profit with zero land value or a 10 storey building to deliver the same profit level as the 2017 consent. This level of development would have an adverse impact on the setting of 7 Kelvin Street, other adjacent listed buildings and the character of the conservation area.

The applicants have stated that the design risk involved with achieving a solution which retains the buildings is such that it would be unviable regardless of the scale of the new build corner block.

### Impact on the Character and setting of the Conservation Area and setting of 7 Kelvin Street.

The cumulative impact of any development on this site needs to contribute positively to the long-term protection and enhancement of the Conservation Area as an entity and to the setting of 7 Kelvin Street.

The total loss of 42-46 Thomas Street and the change in character of the streetscape as per the 2017 consent, would have less of an impact on the character and setting of the conservation area than the viable alternatives set out above. The approved development would facilitate the authentic restoration/repair of 7 Kelvin Street which is recognised as being the most significant component of the building group. This would be a heritage benefit which would balance the less than substantial impact.

The newly listed building would be balanced by the restoration of 7 Kelvin Street and the restoration and enhancement of this prominent part of the streetscape.

### Conclusions and Case to support demolition

Alternative forms of development could deliver some of the same benefits as the 2017 consent and retain some of the historic fabric of 42-46 Thomas Street. In terms of heritage impacts, both a façade retention and conversion would result in the loss of a substantial amount of historic fabric. It would also require a tall building on Thomas Street to make it viable in a manner comparable with the 2017 approval. This would cause harm to the setting of 7 Kelvin Street, the character and setting of the conservation area and the streetscape. This would clearly diminish some of the benefits that would be delivered through the implementation of the 2017 consent.

These scenarios assume a write off of the purchase price and the costs of securing planning permission and so the comparison of the level of return against the consented is not a true like for like comparison.

The buildings have continued to deteriorate but in line with paragraph 191 of the NPPF, the deteriorated state of the listed buildings has not been taken into account in the evaluation of this application. The future of the site is bleak unless the consented scheme progresses.

Values might change in the longer term but without the funding that the Development would release or some form of grant funding, the restoration and secure future of 7 Kelvin Street cannot be assured. A number of local businesses have made representations to support the proposals and it is evident from these that the continued deterioration of the site is having a detrimental impact on the area and attracting anti-social behaviour which could discourage potential customers which at this time could be even more of an issue for the continuing viability of adjacent businesses.

Response to Historic England's and Georgian Society's comments - Officers believe that the demolition would release substantial public benefits which outweigh the loss of 42-46 Thomas Street.

Notwithstanding this in terms of the alternative tests the following is noted:

*a) the nature of the heritage asset prevents all reasonable uses of the site;*

There are physical challenges associated with converting 42-46 Thomas Street to alternative uses which could prevent all reasonable uses of the site, not least the level of harm caused by the alterations required to facilitate those alternative uses.

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*

A Viability Assessment concludes that any form of development involving the retention of all or part of 42-46 Thomas Street is not viable, and it is difficult to see how an alternative residual development appraisal would produce a positive land

value for these buildings in isolation. It may be difficult for developers to secure finance for acquisition and refurbishment. This does not mean that the building has no commercial value and, theoretically, a buyer may buy it now on the basis of potential uplift in the future. It is therefore questionable whether it would be worth going through a market testing exercise. As detailed above even at zero value the retention of 42-46 Thomas Street would require a 10 storey building to be built at the junction of Kelvin Street and Thomas Street to facilitate the retention, restoration and repurposing of the listed buildings.

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible;*

The applicants have contacted the National Lottery Heritage Fund, Heritage Trust for the Northwest and Architectural Heritage Fund. Architectural Heritage Fund. The National Lottery Heritage Fund have confirmed they would not be willing/are able to support the site. The Heritage Trust for the Northwest did not respond as they are no longer operating. On the basis of the Viability Assessments it is highly likely that there is any charity, non for profit or private developers who are willing to acquire the site at a loss with the listed buildings retained.

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

The arguments in relation to facilitating the development of the wider site are clearly set out above.

In pre-application discussions in December 2014 in relation to 42-48 Thomas Street Historic England stated that:

- “the many alterations of the interior during C20 have to a large extent erased the original floor plan and layout of the buildings and very little of significance remain”
- “The facades have been altered over time and the current expression is confused in its detailing” ;
- “the interior of the buildings are much altered and of no significance in their own right”
- “We acknowledge the difficulties of operating a successful business within the current layout and also welcome the potential to bring more life back to Back Turner Street. We therefore consider it acceptable to demolish the buildings provided the replacement respects the current rhythm of the existing buildings in the streetscape and enhances the character of the conservation area.

### **Summary and conclusions in relation to consideration of the merits of the proposals within the National and Local Policy Context relating to Heritage Assets**

Development decisions should also accord with the requirements of Section 16 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Section 66 of the Listed Buildings and Conservation Areas Act 1990 requires members to give special consideration and considerable

weight to the desirability of preserving the setting of listed buildings when considering whether to grant planning permission for proposals which would affect it. However section 72 of the Act also requires members to give special consideration and considerable weight to the desirability of preserving the setting or preserving or enhancing the character or appearance of a conservation area when considering whether to grant planning permission for proposals that affect it. Of particular relevance to the consideration of this application are paragraph's 192, 193, 194, 195, 197 and 200.

The NPPF (paragraph 193) stresses that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Significance of an asset can be harmed or lost through alteration or destruction or by development within its setting. As heritage assets are irreplaceable, any harm or loss should clearly and convincingly justified.

The demolition of 42-46 Thomas Street would cause substantial harm. The tests required to be met by paragraph 195 relating to assessment of substantial harm are set out above. The impact on the Smithfield Conservation Area and setting of 7 Kelvin Street and other adjacent listed buildings would be less than substantial and this was acceptable in the determination of the 2017 applications. Paragraph 20 of the NPPF Planning Practice Guidance states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (paragraph 7). Public benefits may include heritage benefits. The public benefits arising from the development, are clearly set out above. The harm to the setting of 7 Kelvin Street and character of the Smithfield Conservation Area will not be fundamentally compromised and the impacts would be outweighed by the public benefits.

It is considered that there would be substantial public benefits realised from the wider Development which the demolition of 42-46 Thomas Street would facilitate and, in the case of impacts on the conservation area, these benefits would outweigh the level of harm caused. The benefits are consistent with paragraphs 195 and 197 of the NPPF. For the reasons set out above it is also considered that there has been special regard to the desirability of preserving the building, its setting and the features of special architectural or historic interest which it possesses and in relation to sections 16,66 and 72 of the Planning Act the case for demolition has considered the desirability in relation to preservation and enhancement in respect of both the listed buildings on the site, their setting and the conservation area.

Given the exceptional circumstances and relative historic value of 42-46 it is not viable or practical to retain and adapt the buildings to accommodate a new use. The applicants are committed to delivering the consented scheme and has submitted applications to discharge the pre-commencement conditions attached to the 2017 consents.

It is considered that alternative options would all have a detrimental impact on the setting of 7 Kelvin Street, any retained element of 42-46 Thomas Street itself as well as the character and setting of the conservation area. A retained façade would present an entirely unsatisfactory solution to the conservation of the site which would

be dominated by the new build elements and also compromise the architectural integrity of the streetscape. The result would be both architecturally unsatisfactory, compromising the character and appearance of the streetscape.

Paragraph 015 in the NPPG states that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset notwithstanding the loss of significance caused, and provided the harm is minimised.

Alternative schemes that are viable which would be necessary to allow the site owners to bring forward a viable development and retain the buildings would cause a high level of harm to the character of the conservation area and the setting of 7 Kelvin Street and indeed the retained building at 42-46 Thomas Street as illustrated in the images above.

The elevational rhythms, massing, scale, and alignment of the new-build component would respond positively to its context: The design would successfully mitigate the impact of the increased scale on the setting of 7 Kelvin Street. The contemporary design responds positively to the local character, history and the fabric of the immediate surroundings, in accordance with NPPF paragraph 127 adding interest to its setting, such that it causes no material harm. It is considered that none of the unviable alternatives would achieve that same positive response. This equally applies to the setting and character of the Conservation Area.

The historic fabric of 42-46 Thomas Street could be repaired and the building re-used. However there would be challenges with matters such as thermal and acoustic upgrades etc. The level of historic incremental alteration overtime which has eroded the understanding of the original any layout of these buildings shows the difficulties of using the internal spaces effectively for modern occupation. Further impacts on the layout and its type which was a key determinant in the decision to list it would be required and would not be financially viable. The acknowledged and substantial benefits to be derived from the consented scheme would therefore be lost.

### **Archaeology**

It is noted that should the total loss of 42-46 Thomas Street be supported that a condition would be attached to any consent granted which would require a Level 4 Building Recording. This requires a comprehensive analytical record drawing on the full range of available resources and discuss the building's significance in terms of architectural, social, regional or economic history and would comprehensively record the evidence that remains of the three storey workers' cottages and this will provide an additional level of mitigation for it loss.

### **Sustainability and Embodied Carbon**

Good practice sustainability measures in the design to would ensure an energy efficient development but the listed building is exempt from compliance with Part L of the 2013 building regulations.

The design applies a range of environmental design principles and achieves high levels of fabric energy and water efficiency. Policy EN 6 requires development to

achieve a 15% Carbon Reduction over Part L 2010 Compliancy of the Building Regulations. This equates to a 6% Carbon Reduction over Part L 2014 Compliancy. The predicted site wide reduction in CO<sub>2</sub> over Part L 2014 of the Building Regulations is 7.7%. This would be achieved through: PV's at roof level; the use electric heating and hot water, the U Value and design targets specified exceed Part L 2014 compliance. Other measures include high levels of insulation with minimal thermal bridges, Passive solar gains and internal heat sources, excellent level of airtightness, good indoor air quality by openable windows.

If the current building fabric was retained and upgraded to meet Building Regulation standards, the annual operational carbon of the apartments would be 42.9 Tonnes of CO<sub>2</sub>. Comparatively, the annual operational carbon of the apartments within the approved scheme is 24.1 Tonnes of CO<sub>2</sub>, which is a 43.8% reduction and saving of 18.8 Tonnes of CO<sub>2</sub> per year. Based on a minimum 60-year building lifespan of the new build development, the refurbished development would produce 2,572 Tonnes of CO<sub>2</sub>, compared with the 1,445 Tonnes of CO<sub>2</sub> from the new build scheme.

About 20-30 years ago when you looked at whole life carbon profile of buildings the split would have been a third to two third embodied vs operational. However, the decarbonisation of the national grid, improved building envelope performance and the improved energy efficiency of equipment has resulted in a significant shift, whereby the operational aspect is now much lower in proportion, and for well-designed buildings, moving ever closer to zero. Meanwhile the embodied energy has remained static and is the current challenge in construction.

Therefore, reducing embodied energy in buildings is a key target for the Thomas Street development. The civil and structural design seeks to provide an optimal built form and promote the recycling of materials. This is being achieved by the following: -

1. **Optimisation of structural form:** The column grid would work within both the residential and ground floor spaces so a large transfer structures is not required at Level 01. This has reduced the overall use of material and embodied carbon. This lean approach to design ensures that the building is not overdesigned, meeting the clients brief and performance specification with a minimum use of structural material.
2. **Material specification:** where viable, the specification of materials would use the lowest embodied carbon option. For example, when specifying concrete, it is possible to almost half the amount of CO<sub>2</sub> by specifying "eco" mixes and is dependent on supplier experience and availability, within the commercial bounds of the project.
3. **Material reuse and sourcing:** Aside from the retained existing building on the site, the development seeks to explore the re-use of demolition material generated by the works. The new foundations could use demolished brickwork or concrete as aggregate for re-use as fill to the redundant basements. Where new elements are required and cannot be formed from existing stock, materials would be sourced from local suppliers and supply chains, reducing the embodied carbon associated with transportation as much as possible. Additionally, new materials will all be assessed against the BRE's The Green Guide to Specification, which uses an environmental

profile methodology that determines environmental impact of materials. As part of this, and in order to fully take advantage of materials that have low embodied carbon, the project team will guarantee that new elements key to the scheme will be specified to achieve ratings of between A+ and C under The Green Guide's ratings.

In summary, this environmentally considered approach to the design, detailing and construction of the civil and structural engineering aspects saves on CO<sub>2</sub> emissions whilst also ensuring commercial viability of the proposals.

### **Historic England's comments and Viability**

The applicants have stated the following in relation to why they would deliver a scheme which would only produce a level of profit below that normally required.

- The delivery of the approved scheme still offers the best opportunity to recoup at least some of the significant investment which has already been made to this stage, as indicated by the viability assessments;
- Full funding remains in place to deliver the project through to conclusion. They have a build partner to deliver the site as soon as they are able to and they continue to be inundated with enquiries from occupiers for both the commercial and residential space; and
- There is also the possibility that they and their partner would look to hold the property long term themselves to deliver a return over a longer period.

### **Response to Objectors comments**

- The long standing business that occupied the building were the site owners and chose to sell up and relocate as the premises was no longer considered acceptable for their modern business needs;
- Every application is judged on its own merits and there are very specific circumstances relating to the wider Development site, its prominent location within the Conservation Area, the sites single ownership and the post 2017 consent listing of 42-46 Thomas Street which would preclude it from setting a precedent for future developments;
- Without support for this application it is possible that due to further deterioration of the listed buildings on the site that the most valuable heritage asset 7 Kelvin Street would be lost;
- Conservation is only one aspect of sustainable development;
- The building was partially occupied with some areas needed additional support to arrest the deteriorating condition of the building and not in active use; and
- This Report has demonstrated that it is not viable in the short to medium terms to give 42-46 Thomas Street a new lease of life through sympathetic conversion. However the approval of this application will facilitate the achievement of these aims for 7 Kelvin Street.

### **Conclusion**

Supporting the proposed demolition of a grade II listed building should not be taken lightly and should require exceptional circumstances with significant public benefits. Decisions need to balance the assets historic significance against other issues such as its function, condition or viability.

There is an important link between economic growth, regeneration and the provision of new high quality housing. There is an acknowledged need to provide high quality residential accommodation in the city centre in order to support and sustain growth of the region's economy.

Officers have been mindful that consideration of the historic environment and its heritage assets is a principal objective of sustainable development. Sustainable development has three broad roles: economic, social and environmental. The environmental role is "contributing to protecting and enhancing our...historic environment..." amongst other things (paragraph 7 NPPF). This would include preserving and enhancing the historic streetscape, the setting of adjacent listed buildings and the character of the conservation areas, all of which is undermined by the condition of the site, its buildings and its vacancy.

Social benefits would be derived from an appreciation of the above and the use of the ground floor and the basement. Economic benefits would be derived from job creation including supply side employment and the provision of additional housing for which there is a proven demand. None of this is provided at the site currently and is unlikely to be so for some considerable time if the demolition is not supported.

The proposal would simultaneously deliver these gains and deliver a sustainable development solution. The harm caused would be substantial but the circumstances of the 2017 listing; the continued vacancy; and the poor impression that this presents in terms of the character of the streetscape, setting of adjacent listed buildings and the Smithfield Conservation Area, are such that this exceptional level of harm is on balance considered to be acceptable and necessary to deliver the optimum viable use of the Wider Site.

The scale of wider Development which an approval would facilitate, its proportions and materials relate to the immediate context. It would enhance the prosperity of the area and respect its special architectural and visual qualities

Should these proposals not be supported the further deterioration of the site and the buildings within it is considered to be a realistic prospect. It should also be noted that consent has also recently been granted for a hotel on the adjacent site (52-58 Thomas Street (application ref no: 123215) and should this now as expected also be brought forward there would be a wholesale removal of considerable blight to the character and value of the Northern Quarter to the City which is currently detrimental to the wider image of the City.

As set out in the NPPF all grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing (paragraphs 193, 194 and 195).

The public and heritage benefits would secure the objectives of sustainable development. Great weight must be given to conservation but it has been demonstrated that delivering the substantial public benefits and securing the sites optimum viable use could not be achieved with less or no harm by alternative design.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations dictate otherwise. The proposals have been considered in detail against the policies of the current Development Plan and taken overall are considered to be in compliance with it.

On balance given the overall policy support for the proposals, and notwithstanding the heritage harm, the proposals represent sustainable development and will bring significant social, economic and environmental benefits, as such they merit the granting of Listed Building Consent.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act within the context of the above the overall impact of the proposed development including the impact on heritage assets would meet the tests set out in paragraphs 193, 194 and 195 of the NPPF and that there is a clear and convincing case to support the harm which is outweighed by the benefit of bringing the site back into use.

The proposal would facilitate the sustainment and enhancement of the most significant heritage asset (7 Kelvin Street) which would make a positive contribution to local character and distinctiveness and therefore meets with the requirements of paragraph 192 of the NPPF.

Local planning authorities should not permit 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 (paragraph 198) and given this to incentivise the application to deliver the development, consent will be granted until May 1<sup>st</sup> 2021 when the 2017 consents expire and a condition will be attached to any consent granted to ensure that no demolition will take place until a contract for the whole approved development is in place.

**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 the right to a fair hearing and to this end the Committee 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation MINDED TO APPROVE** : subject to referral to the Secretary of State in accordance with the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015

### **Article 35 Declaration**

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the application. This has included on going discussions about the potential options which would allow the listed building or some of the fabric such as the facade to be retained and the various viability assessments which would be required to support that view along with pre application advice about the information required to be submitted to support the application.

### **Conditions to be attached to the decision**

1) The development must be begun not later than 01-05-21 to align the permission implementation deadline with the consents granted under application ref no's 113475/FO/2016 and 113476/LO/2016

Reason - 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, 05013 MP 00 05000, 5001 and and 00 2200 Rev A;

(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 policies 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 and 113476/LO/2016 has been agreed and signed and evidence of that contract has been supplied to the City Council as local planning authority and the works to 7 Kelvin Street set out in condition 4 have been carried out in accordance with the approved programme.

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) No soft-strip or demolition shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of historic building survey. The survey is to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Manchester Planning Authority. The WSI shall cover the following:

1. A phased programme and methodology of investigation and recording to include:  
- historic building survey (Level 4)  
- a watching brief on the soft-strip and demolition

2. A programme for post investigation assessment to include:  
- analysis of the site investigation records and finds  
- production of a final report on the significance of the heritage interest represented.

3. Dissemination of the results commensurate with their significance.

4. Provision for archive deposition of the report and records of the site investigation.

5. Nomination of a competent person or persons/ organisation to undertake the works set out within the approved WSI.

Reason: In accordance with NPPF Section 16, Paragraph 199 - To record and advance understanding of heritage assets impacted on by the development

5) Notwithstanding the details as set out in condition 2 above no development shall commence unless and until final details (including where appropriate specification and method statement) of the following have been submitted to and approved in writing by the City Council as Local Planning Authority:

(a) Details of a Phasing Plan and programme for the delivery of the consented schemes 113475/FO/2016 and 113476/LO/2016; and

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

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 stabilizing 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.

6) If during works to demolish the buildings hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted.

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

7) Notwithstanding the findings within Bat Survey Report (REC, August 2019), if demolition works have not commenced by April 2021 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.

**Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 125871/LL/2020 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

**The following residents, businesses and other third parties in the area were consulted/notified on the application:**

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

**A map showing the neighbours notified of the application is attached at the end of the report.**

**Representations were received from the following third parties:**

**Relevant Contact Officer :** Angela Leckie  
**Telephone number :** 0161 234 4651  
**Email :** a.leckie@manchester.gov.uk

