

Application Number	Date of Appln	Committee Date	Ward
090347/LO/2009/C2	12th Jul 2009	19th Nov 2009	City Centre Ward

Proposal LISTED BUILDING CONSENT internal works associated with use of the premises as part of a restaurant (Use Class A3)

Location 1 Kelvin Street, Manchester, M4 1DW,

Applicant Mr Simon Pogson , agenda media ltd, C/o Agent

Agent Miss Bernadette Woods, indigo planning ltd, Lowry House, 17
Marble Street, Manchester, M2 3AW

Description

The application relates to a property known as the 1 Kelvin Street, which is a Grade II Listed Cottage located within the Smithfield Conservation Area of the City Centre.

Applications ref: 064770/FO/CITY1/02, 064771/LO/CITY1/02, 079343/LO/2006/C1, 081724/FO/2006/C1, 081225/LO/2006/C1, 082528/JO/2007/C1 granted permission for the construction of the Margolis Building and conversion and restoration of the existing cottages on Kelvin Street including 1 Kelvin Street.

Listed Building Consent is sought for the following internal works in association of change of use of 1 Kelvin Street and Unit 1 within the adjacent Margolis Building to a restaurant with private function room:

- The installation of an independent wall lining system along the party wall with 3 Kelvin Street and the external wall to Kelvin Street on all floors within the property to provide acoustic insulation.
- The construction of an acoustic lobby within the basement between 1 Kelvin Street and Unit 1 of the Margolis Building.
- The installation of stud partitions and associated plumbing to form toilets within the basement.
- The installation of acoustic boarding behind the basement window
- The installation of a shaft wall along the length of the basement elevation to Kelvin Street for acoustic insulation purposes.
- The installation of CCTV equipment within the basement.
- The creation of an opening through the side wall between 1 Kelvin Street and the Margolis Building to provide access between the cottage and unit 1.
- The installation of steps and a platform lift to link the ground floor of 1 Kelvin Street with the ground floor of Unit 1 within the Margolis Building.

- The installation of secondary glazing within the fan light above the door, 2no. roof lights at roof level and the main windows at ground, first and second floors of the property to provide the required acoustic insulation.
- The installation of a stud partition around the stairs between first and second floor.

A separate planning application (reference: 090346/FO/2009/C2) has been submitted for the change of use of the existing building and adjacent unit from office (Use Class B1) and retail use (Use Class A1) to a restaurant at ground floor level with a private function room in the basement (Use Class A3) upper floors in the cottage are to be used as ancillary office and storage space in association with the ground and basement use. Planning permission is also sought for some minor external works to the non listed Margolis Building.

Consultations

Publicity - The application was advertised as Listed Building Consent and as affecting the setting of the Smithfield Conservation Area - No responses were received

Issues

The Unitary Development Plan for Manchester -

The main issues for consideration relate to the acceptability of the proposals in terms of the impact on the character and appearance of the listed building and of the Smithfield Conservation Area. The main UDP Policies that relate to the proposal are DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings).

The Regional Spatial Strategy (RSS) for North West England -

The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. For the reasons outlined below the proposal would be consistent with RSS policies DP4 Make the Best Use of Existing Resources and Infrastructure and DP7 Promote Environmental Quality.

Impact on the character and appearance of the Listed Building -

The proposed works would allow the building to be brought back into use, will not mask any decorative ceiling or wall features and in the main are necessary to acoustically insulate the property.

Secondary glazing has been proposed to control noise breakout on the upper floors which would have minimal framing lined with the subdivision of the original frame and would allow visibility to be retained through the existing windows while allowing adequate sound insulation of the use and would have minimal impact on the external appearance of the building.

The treatment of the basement window would involve the construction of an acoustic barrier wall to the rear of the existing basement window and whilst the impact within the interior of the basement will be affected it has been proven that the works are required for insulation purposes and the applicant has investigated other possibilities, but has confirmed that this has the least impact upon the building in order to provide the required acoustic insulation. The impact externally would be minimal as the original frame and glazing would be retained and the position of the existing window would only allow restricted views. All other external windows including the roof lights and fan light will also be maintained as clear glazing through the use of secondary glazing.

Internally partitioning would be restricted in the main to the basement with all other floors remaining open plan as existing.

The demolition of a section of wall at ground floor level would allow the installation of a disabled WC and would be located and designed to maintain existing features of the rear wall and retain a section of wall above the doorway.

A condition will be attached to any approval requiring the provision of full details of the appearance of the secondary glazing; full details of all acoustic insulation works proposed; and full details of the appearance of the measures required to secure the basement toilets to be submitted and approved by the City Council as local planning authority.

Given the above, it is considered that the proposals are acceptable in terms of policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester.

Impact on the Conservation Area-

The proposal should be considered on the basis of whether it maintains or enhances the character and appearance of the Smithfield Conservation Area. There are no external alteration proposed and the internal alterations will have minimal impact on the external appearance of the building. The reuse of the building will allow future maintenance and will therefore improve its contribution to the surrounding conservation area.

Given the above, it is considered that the proposals are acceptable in terms of policy DC18.1 (Conservation Areas) of the Unitary Development Plan for the City of Manchester.

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 Unitary Development Plan,

the Head of Planning 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. He 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 **APPROVE**

on the basis that the proposals subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan specifically the Unitary Development Plan Policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) in that the works would be acceptable in relation to impact on the character and appearance of the listed building and on the Smithfield Conservation Area.

Conditions and/or Reasons

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) Notwithstanding the information shown on the drawings hereby approved, full details of all measures required to provide acoustic insulation shall be submitted to and approved in writing by the City Council as local planning authority before the works hereby approved commence.

Reason - 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 so careful attention to building work is required to protect the character and appearance of this building in accordance with DC Policy 19.1 of the Unitary Development Plan for the City of Manchester.

3) Before the works hereby approved commence, full details of the proposed secondary glazing, including confirmation of materials and colour treatment and its appearance, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - 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 so careful attention to building work is required to protect the character and appearance of this building in accordance with DC Policy 19.1 of the Unitary Development Plan for the City of Manchester.

4) Before the works hereby approved commence, full details of the method of securing the area within the basement between the acoustic lobby and internal

building elevation, shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - 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 so careful attention to building work is required to protect the character and appearance of this building in accordance with DC Policy 19.1 of the Unitary Development Plan for the City of Manchester.

5) The works hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

The site location plan stamped as received by the City Council as local planning authority on 3rd July 2009

The Schedule of proposed works at Margolis Restaurant dated 11th June 2009 and stamped as received by the City Council as local planning authority on 12th June 2009

The letter from Indigo Planning dated 2nd July 2009 (point 4 only)

The drawings by T&G Associates referenced:

8171/135 C, 131 D, 110 F, 112 C, 113 C stamped as received by the City Council as local planning authority on 12th June 2009

8171/133 stamped as received by the City Council as local planning authority on 3rd July 2009

8171/134 stamped as received by the City Council as local planning authority on 21st July 2009

8171/111 G stamped as received by the City Council as local planning authority on 25th August 2009

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies R1.1, E3.5, H2.2, RC3, DC10.1, DC10.2, DC10.3, DC10.4, DC14.2, DC18.1, DC19.1, DC26 and DC9.1; of the Manchester Unitary Development Plan.

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: 090347/LO/2009/C2 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:

Representations were received from the following third parties:

Relevant Contact Officer : Emily Greaves
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