

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 132195/LO/2021

**Date registered valid:** 10 November 2021

**Proposal:** LISTED BUILDING CONSENT for the consent for the installation of replacement windows to JCR Common Room Building

**Address:** Annexe, Hulme Hall, Oxford Place, Manchester, M14 5RR

**Ward(s):** Rusholme Ward

**Applicant:** G Farmer, University of Manchester Projects Team, 4th Floor Beyer Building, Oxford Road, Manchester, M13 9PL

**Agent (if any):** Mr G Farmer, University Of Manchester Projects Team, 4th Floor Beyer Building, Manchester, M13 9PL

**Case officer:** Robert Griffin  
Tel: 0161 234 4527  
Email: [robert.griffin@manchester.gov.uk](mailto:robert.griffin@manchester.gov.uk)

**Recommendation:** Approve

**Date of recommendation:** 3 February 2022

## **Application details**

**Type of application:** Listed Building Consent

**Development type:** Listed building alteration

**Date of site visit:** 17 November 2021

### **Standard consultations:**

Printed: 16 November 2021

Expired: 7 December 2021

### **Neighbour notifications**

No neighbour notifications have been printed and sent.

### **Site notice**

Posted: 17 November 2021

Expired: 8 December 2021

### **Press advert**

Published: 23 November 2021

Expired: 14 December 2021

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## **Description of site/building**

**Listed building:** Grade II

**Conservation area:** Victoria Park Conservation Area 1972

**Tree Preservation Order:** N/A

### **Description of area**

The proposals relate to a common room located in a two storey block which forms part of the 'main building' which includes a reception area, staff offices, student bar, main kitchen and student dining room. The 'main building' was built circa 1967 and is within the Hulme Hall grounds at the University of Manchester Victoria Park residential campus.

The main building is adjacent to and located within the grounds of the following heritage assets:

- Hulme Hall, Hall of Residence. Grade II listing.
- Park House. Grade II listing.
- Victoria Park Conservation area.

### **Description of development**

Listed Building Consent is sought for the replacement of single glazed timber framed windows with double glazed aluminium windows. The existing timber framed windows are single glazed and have louvred openers, the applicant indicates that this results in significant heat loss through the windows and in order to improve thermal efficiency, it is proposed to replace the windows with double glazed aluminium windows with opening casements operated by a Teleflex system. The new double glazing will also reduce glare and excessive heat gains in the summer.

There is an accompanying planning application for the works.

#### Planning History

130096/FO/2021 - Removal of flat roof and roof-lights, installation of low pitched roof with metal cladding - Approved June 2021

#### Consultations & Notification Responses

Nearby properties were notified of the proposals, a site notice was posted and advert placed in the Manchester Evening News. No responses were received.

#### Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

#### Core Strategy Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial Principles - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, Heritage - Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, Development Management - This policy states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.

- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- o Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- o Community safety and crime prevention.
- o Design for health.
- o Adequacy of internal accommodation and external amenity space.
- o Refuse storage and collection.
- o Vehicular access and car parking.
- o Effects relating to biodiversity, landscape, archaeological or built heritage.
- o Green Infrastructure including open space, both public and private.
- o The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- o Flood risk and drainage.
- o Existing or proposed hazardous installations.
- o Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques

Saved UDP Policies - Policies DC18, and DC19 are considered of relevance in this instance:

Policy DC18, Conservation Areas - Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
  - i. the relationship of new structures to neighbouring buildings and spaces;
  - ii. the effect of major changes to the appearance of existing buildings;
  - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
  - iv. the effect of signs and advertisements;
  - v. any further guidance on specific areas which has been approved by the Council.
- b. The Council will not normally grant outline planning permission for development within Conservation Areas.
- c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Listed Buildings - Policy DC19.1 states that in determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

### The National Planning Policy Framework (July 2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 197 in Section 16 (Conserving and enhancing the historic environment) states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 198 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 199 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 200 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a. the nature of the heritage asset prevents all reasonable uses of the site; and b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 201 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 206 states that local planning authorities should look for opportunities for new development within Conservation Areas 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 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 206, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

## Legislative Requirements

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## Issues

Principle - The principle of the provision of improvements to an existing further educational facility within an existing education establishment is generally acceptable. There are other examples of additional facilities and alterations to existing building having been constructed within the campus, Victoria Park Conservation Area and in close proximity to listed buildings. The University of Manchester has been providing education and associated Halls of residences for students on this site for a considerable period of time .

Notwithstanding the above, further consideration of the proposals impact on nearby listed buildings is required.

### Impact on the Hulme Hall Listed Building

The grade II Listed Hulme Hall Building is located to the south and east of the application building forms a part of a much larger 1960 addition and is physically and visually separated from the listed building by larger and taller buildings.

There is a change to the fenestration detail within the larger windows on the east elevation which would now be split panes rather than one glazing panel. The applicant has explained that:

1. A double glazed unit that size and weight will require a crane to install the glass and the site has restricted access, I would also have to check the ground loadings for a crane.
2. A modern aluminium frame is internally beaded and there is a mezzanine floor level behind the window, therefore we would struggle to crane the glass into space between the floor and wall, then install it working around the mezzanine floor.

In this instance the alteration to the fenestration detail is accepted.

When considering the overall harm to the listed building, the proposal will not lead to 'substantial harm' or the total loss of the significance of the heritage asset.

In accordance with Paragraph 201 of the NPPF 'where a development proposal will lead to a less than significant harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.

In this instance it is considered that the public benefits deriving from the continued usage and upgrading of the existing common room outweigh the identified less than significant harm of the change in materials to the windows.

### **Human Rights Act 1998 considerations**

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation:** Approve

### **Article 35 Declaration**

No significant issues have arisen during consideration of the application. In this instance suitably worded conditions have been attached to approval.

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

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

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

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

'PROPOSED ARRANGEMENT - ELEVATIONS AND FLOOR PLAN 'drawing reference 8218\_103 and PN 8218 JCR COMMON ROOM WINDOW REPLACEMENT, VICTORIA PARK RESIDENTIAL CAMPUS, UNIVERSITY OF MANCHESTER, HERITAGE IMPACT STATEMENT both as received by the City Council as local planning authority on the 10th November 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the installation of the windows hereby approved a sample section of the finish and material of the window frames to be used shall be submitted to and approved in writing to the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity and character of the area and the designated heritage assets of the building and the site it is located, as specified in policies SP1, EN3 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC18 and DC19.

## **Appendix 1 – List of consultees & neighbours notified**

Rusholme, Fallowfield & Moss Side Civic Society

## **Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT\_LOW\_RISK\_AREA

Conservation Area - Victoria Park Conservation Area 1972

Area Team Boundary - Name: SOUTH