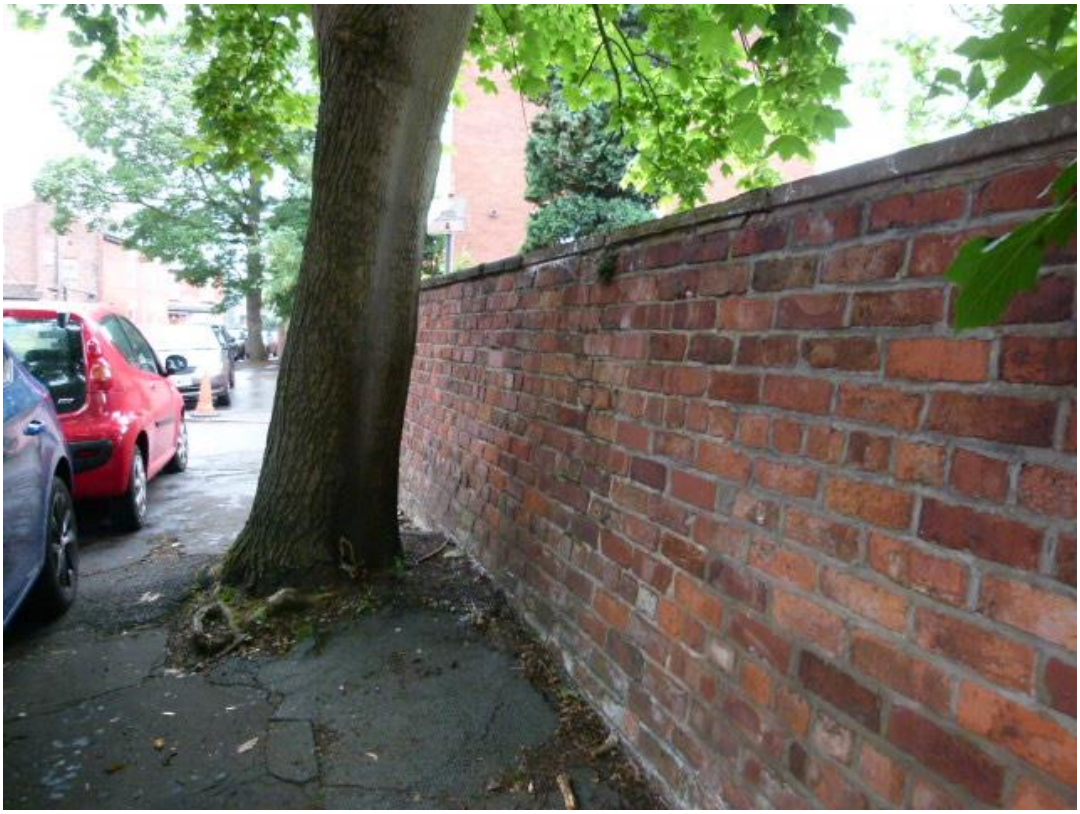
MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130578/FO/2021
Date registered valid:	11 June 2021
Proposal:	Rebuilding of brick boundary wall on Oxney Road together with the installation of railings
Address:	Hulme Hall, Oxford Place, Manchester, M14 5RR
Ward(s):	Rusholme Ward
Applicant:	Mr G Farmer, University of Manchester, 4th Floor, Beyer Building, Oxford Road, Manchester, M13 9PL
Agent (if any):	Mr G Farmer, University Of Manchester, Design Services Unit, 4th Floor, Beyer Building, Manchester, M13 9PL
Case officer:	Linda Marciniak Tel: 0161 234 4636 Email: linda.marciniak@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	4 August 2021



Application details

Type of application: Full Application Consent
Development type: Minor Other
Date of site visit: 26 July 2021
Standard consultations: Printed: 21 June 2021 Expired: 12 July 2021
Neighbour notifications Printed: 21 June 2021 Expired: 12 July 2021
Site notice Posted: 5 July 2021 Expired: 26 July 2021
Press advert Published: 29 June 2021 Expired: 20 July 2021
Departure from Development Plan: No
Environmental Statement: Not required
Listed building: Grade II
Conservation area: Victoria Park Conservation Area 1972
Tree Preservation Order: --

Description of site/building

The application site relates to a 31 metres section of brick boundary wall forming the western boundary of Hulme Hall, a grade II Listed building in the Victoria Park conservation area. The Hall forms part of the University of Manchester residential student campus which includes a mix of modern and traditional buildings, including Park House which is also grade II Listed.

The 18-course high and 2-brick deep wall runs in a north-south direction from Oxford Place to Dagenham Road/Regent Place. It has a section made up of painted steel railings and sits at the back of pavement on Oxney Road. This side of the road forms the western boundary of the conservation area and is populated with several mature street trees on the public footpath.

The wall is of red / orange brick topped with flat stone copers. In places, there is evidence of buckling due to root damage from the street trees lining this section of the Oxney Road footpath, and spalling. Several copers are also missing either wholly or in part.

The wall is situated 41 metres at its closest point to Hulme Hall, separated from it by a hard surface sports pitch serving the student campus.

Description of area

The site lies within an area of north Rusholme with a strong student population. Facing the site is a row of Victorian terraced houses that are in student lets, with similar on Deyne Avenue to the west and Banff Road to the north. The Curry Mile on Wilmslow Road is beyond to the west and the university and hospital campuses are a short distance away to the north.

Description of development
Rebuilding of brick boundary wall on Oxney Road together with the installation of railings.

The section of wall to be rebuilt is 31 metres long approximately running the length of the sports court on the eastern side of the wall.

The proposal is to re-build like for like, including sections of railings and also includes 2no. sections of wall, 6-metres long and 10-metres long, that are to be replaced with railings where mature street trees are growing in towards the wall.

The application is accompanied by a Heritage Statement which has identified the heritage assets and includes a brief description of the works proposed.

The applicant's comments in relation to the street trees was accepted in lieu of an Arboricultural Method Statement at validation stage.

Consultations & Notification Responses

Neighbour notifications – No comments received.

City Arborist – No objection. Comments:

The task appears to be straightforward, however, I was unable to location a method statement detailing how the applicant plans to protect the tree's roots during the construction of the new foundation (if required).

We would expect to see the use of hand dig methods where roots are present and if a large roots of buttress roots are encountered, we would expect the use of bridging methods to be explored.

All work must be carried out in accordance with BS:5837.

Highway Services – No objections. No comments.

Issues
National Planning Policy Framework – June 2019
The NPPF was introduced in March 2012 and reviewed in 2019. It is the overarching policy framework for England. It sets out the Government's priorities for the Planning system and is a material consideration in the decision-making process. It places emphasis on the three strands of sustainable development and its social, environmental and economic functions.

Chapter 16, paragraphs 193-202 require applicants and local planning authorities to identify and assess heritage assets and the impacts on them from development proposals with an emphasis on the preservation and enhancement of heritage assets.

Core Strategy 2012 - 2027 (adopted July 2012)
Manchester Core Strategy - 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. Several 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.

Policy EN3 - Heritage
States that 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 listed buildings and conservation areas.

Policy SP1 - Spatial Principles
This policy sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 - Development Management
This policy seeks to ensure that new development contributes to the overall aim of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities in particular by contributing to neighbourhoods of choice. Issues relevant to this scheme are: siting, layout, scale, form, massing; impact on surrounding area in terms of design, scale and appearance and effects on amenity.

The Unitary Development Plan for the City of Manchester (1995)
The Unitary Development Plan for the City of Manchester was adopted in 1995 but has been largely replaced by the Manchester Core Strategy. A Saving Direction has retained several policies which are material in the assessment of planning and listed building applications. The relevant policies, which have been given due weight in the consideration of this Listed building application, are saved policies DC18 ‘Conservation Areas’ and DC19 'Listed Buildings'.

Policy DC18 - Conservation Areas
Saved policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas.
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.

Proposed works & impact on the listed building and conservation area
The 31-metre section of wall fronting Oxney Road exhibits stepped cracking and movement due to unchecked tree growth. There are also missing copers in places and evidence of spalling.

The majority of wall, except the two sections noted above (1 x 6-metre length and 1 x 10 metre length), is to be re-built. All of this length of wall is to be carefully dismantled by hand down to pavement level and rebuilt using the same bricks or like-for-like replacements where bricks are either beyond repair or missing. The wall will be rebuilt back to its original line, pointing up of all joints to brickwork and copings will also be undertaken to match existing.

The two sections of wall noted above that will not be rebuilt, will instead be replaced with railings to match those situated further south. This is to ensure that the street trees can continue to grow in future without any damage to the boundary, and to ensure that the trees are protected.

As these works will sit alongside an existing section of railings, they will form an acceptable visual relationship with this section of the boundary that is approximately half-way along Oxney Road.

As a local authority, the Council has a duty to preserve and enhance its heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution of life of this and future generations.

The works have regard to the characteristics of the conservation area, proposing like for like replacements which will be visible both within the conservation area and from inside the Hulme Hall boundary, in relation to the Listed building.

The NPPF requires that proposals affecting heritage assets assess the level of harm and whether the public benefits of the proposal outweigh any harm that is classed as substantial.

In this case, the proposal is considered to have less than substantial harm and a positive impact on the appearance of the boundary in the conservation area. There is a loss of some historic fabric, however essential maintenance and repair cannot always guarantee the complete retention of historic fabric and occasionally alternative interventions represent the best solution. In this case, the applicant has advised that the lack of tree maintenance has led to their unchecked growth which has damaged the wall, now necessitating sections be removed.

The proposal will result in several public benefits; primarily, the proposal will ensure the safety of members of the public using the public footpath and students using the sports pitch who will be protected from an increasingly dangerous wall. It will ensure the continued provision of a secure boundary to the western section of the Hulme Hall student campus and maintenance of the defined boundary of the historic site.

The proposals will also secure the retention of street trees with high amenity value which otherwise would be subject to further damage which could undermine their health leading to their future loss. This would be of greater harm to the appearance of the conservation area and setting of the listed building than the loss of some original fabric as they are characteristic in this area and are also irreplaceable at this maturity without significant cost to the Council.

It is considered that on balance, the proposal will contribute towards the policy objective of preserving and enhancing heritage assets within the setting of listed buildings and within the designated conservation area.

Trees
Street trees on the public footpath are the responsibility of the City Council and in the case of the 2no. highlighted above, a general unchecked growth has led to the cracked and bulging sections that are proposed to be replaced with railings. The application was assessed at validation stage for an Arboricultural Method Statement and the applicant's response accepted in lieu of one.

The works entail taking down sections of walls and do not require new foundations to be installed as the scheme has been designed with tree protection in mind. In response to the comments of the City Arborist, the agent has provided a statement that confirms that no machinery will be involved and that the sections of walls that are to be replaced with railings around two of the street trees, will be taken down by hand.

The contractor employed by the university is responsible for all its estate management and as such, is very experienced in relation to heritage matters across all its listed buildings around the city. During a telephone conversation, the applicant confirmed that tree protection measures would be employed with the best approach being determined once the below ground sections of affected wall have been dug out by hand. The applicant confirmed that installation of the railings could involve bridging methods as suggested by the City Arborist. As a result, no conditions are recommended other than those for retained trees and for all works to be carried out in accordance with BS:5837.

Should any trees need to be pruned, lopped or felled as a result of further detailed investigation at the time that works commence, a Notice of Intent to carry out works to trees protected under statutory designation, will be required to be submitted to the City Council for approval prior to those works commencing. An Informative is appended at the end of this report advising the applicant of this statutory requirement.

Conclusion
The rebuilding and repairing of the walls is considered essential to safeguard the general public using Oxney Road and the Hulme Hall sports pitch. The removal of some historic fabric and replacement with sections of railings will also ensure that high amenity value street trees are also retained, to the benefit of the street scene, setting of the listed building and the character of the conservation area.

At its nearest, Hulme Hall is 41 metres from the boundary where works are proposed, therefore, proposals to reuse the existing bricks and coping stones and to best match the materials with like for like replacements, should not affect the significance of the local listed asset. In this regard, the proposal is considered to have acceptable impacts in accordance with saved UDP policies DC18.1 and DC19.1, Core Strategy policies EN3 and DM1 and to the provisions of Chapter 16 of the NPPF (2019).

<u>Human Rights Act 1998 considerations</u>

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 polices 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

The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The proposed extensions raised no objections on notification.

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 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 received on the 28th May 2021:

Application Form
Location Plan Ref: 8139_101
Existing and Proposed elevation drawing SK/VP/VO
Heritage Impact Statement prepared by Gregory Farmer (University of Manchester) dated 26.05.2021

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to saved UDP policy DC18 'Conservation Areas' and policies SP1. DM1 and EN3 of the Core Strategy for Manchester.

3) The wall and railings hereby approved shall be built in accordance with the materials and finishes as shown on the above approved drawing and as set out in the above Heritage Impact Statement.

Reason - To ensure that satisfactory interventions and the appearance of the development is acceptable to the City Council as Local Planning Authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1, DM1 and EN3 of the Core Strategy, saved policy DC18.1 of the Unitary Development Plan and Chapter 16 of the NPPF.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars as detailed in the Tree Statement and as shown on plan reference 515/1 prepared by Jonathan Hart Associates, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).
(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

5) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informative
Should the works hereby approved at any time incur the need to carry out works to trees within the application site, including their pruning, lopping or felling, a Notice of Intent to carry out works to trees in a conservation area shall be made to the City Council as Local Planning Authority prior to the commencement of development.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)

Room C Flat 9, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 9, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 9, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 8, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 8, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 8, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 7, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 7, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 7, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 2, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 2, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 2, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
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Room A Flat 2, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room E Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room D Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room C Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room B Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Room A Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
56 Oxney Road, Manchester, M14 5SZ
54 Oxney Road, Manchester, M14 5SZ
50 Oxney Road, Manchester, M14 5SZ
46 Oxney Road, Manchester, M14 5SZ
52 Oxney Road, Manchester, M14 5SZ
48 Oxney Road, Manchester, M14 5SZ
Flat 9, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 6, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 5, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 8, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ

Flat 4, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 3, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 7, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 2, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
Flat 1, Oxney House And Gardens, 38 - 40 Oxney Road, Manchester, M14 5SZ
42 Oxney Road, Manchester, M14 5SZ
44 Oxney Road, Manchester, M14 5SZ

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