

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140783/VO/2024

Date registered valid: 15 August 2024

Proposal: CITY COUNCIL DEVELOPMENT - Alterations to boundary wall including rebuilding a section of the brick wall to best match the existing materials, finishes and heights and installation of new coping stones.

Address: The Old Parsonage, Stenner Lane, Manchester, M20 2RQ

Ward(s): Didsbury West Ward

Applicant: Mr Robert Hutchinson Manchester City Council

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 01.10.2024

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 3rd September 2024

Standard consultations:

Printed: 4 September 2024

Expired: 25 September 2024

Neighbour notifications

Printed: 28 August 2024

Expired: 18 September 2024

Site notice

Posted: 3 September 2024

Expired: 24 September 2024

Press advert

Published: 3 September 2024

Expired: 24 September 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: No specific TPO but trees are protected by virtue of their location within the Didsbury St James conservation area

Description of site

The application proposals relate to a boundary wall around Parsonage Gardens adjacent Stenner Lane in the Didsbury West ward of Manchester.

There are a mixture of commercial residential and historic buildings reflective of the sites location within the Didsbury St James conservation area. There are a number of listed buildings within the vicinity of the boundary wall including: Grade II* St James Church, Grade II Fletcher Moss Art Gallery, Ye Olde Cock Inn – 848 Wilmslow Road,

The boundary wall subject of the application is being impacted by tree growth which is clearly evident and likely to cause further harm. The dates from the late C19th century and constructed of red bricks laid in a garden bond. Brick walling is a feature of the conservation area and forms a historic frontage to Stenner lane as well as a continuation of the listed gateway feature. The line of trees behind the wall also contribute to the verdant character of the area and the gardens. The wall abuts directly onto a narrow footpath and steps down from the listed gateway.

The wall has a stepped design i.e. it gradually reduces in height as it progresses westwards along Stenner Lane i.e. 2.075m tall at the start of the boundary wall near the stone arch entrance reducing to 1.775m tall at the other end. There have been alterations to the base of the wall with inserted weep holes to improve drainage and loss of some stone capping. There

also seems to be a mix of mortar types with some cementitious mortar to parts of the wall. The land is higher to the rear on the gardens side and there is evidence of supporting structures to base of wall some of which may be original. (see images below).

Description of proposals

The applicant seeks permission to lower the height of the boundary wall by 5 courses to improve the relationship with tree trunks which would align the wall with its remainder of the wall along Stenner Lane. The Loss of one tree is indicated as required due to the continuing pressure the trees growth is placing on the wall and as set out in the planning history section of this report permission has previously been granted for this work.

The section of wall adjacent to the stone arch entrance which is currently subject to leaning outwards towards the path, is proposed to be carefully dismantled down to the pavement level and rebuilt, with those bricks either beyond repair or missing, replaced on a like-for-like basis.

The newly built wall would be built to the height of the adjacent boundary wall reducing its original height by 5 courses of brick. An expansion joint would be required were the newly built wall meets the existing wall. New coping stones would be required to the tops of all new and existing wall heads. All sections of walls are to be repointed with a lime based mortar, and re-installing any removed copings in a lime based mortar.

Some emergency works were undertaken in June 2021 to remove the potential for the top section of the boundary wall falling onto the pavement. The wall was reduced in height by 9 courses of brickwork and by approx. 1800mm at the front of the one of the lime tree. This section of the wall has been temporarily enclosed.

The application proposals are supported by a proportionate Heritage Statement.

Planning History

140446/TPO/2024 - Works to tree - proposed felling of Lime tree adjacent to boundary wall.
Approved 07.08.2024

Consultations & Notification Responses

A site notice was posted, an advertisement placed in the Manchester Evening News and notification letters sent to neighbouring properties, no responses were received.

Statutory Consultees

MCC Highways - Raise no objections to the proposals. It is indicated that if there are any basement excavations proposed adjacent to the highway, structural drawings and calculations would be required for any temporary or permanent support works to the Council's structures team. The applicant has been made aware of the contact details of the relevant part of the Council to discuss these matters.

MCC Arborists - No comments received.

Cadent Gas - No objection but request an informative be attached to any decision.

Policy

The following local and national planning policies are considered relevant to the application proposals:

Manchester City Core Strategy
Policy EN3 - Heritage

UDP - Citywide Development Control Policies
DC18.1 - Conservation Areas
DC19.1 - Listed Buildings

GMCA - Places for Everyone
Policy JP-P2 - Heritage

National Planning Policy Framework (NPPF) (2023)

Para 195 - Heritage assets should be conserved in a manner appropriate to their significance.

Para 200 - Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Para 201 - LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Para 202 - Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state should not be taken into account in any decision.

Para 203 - In determining applications, LPA's should take account of, the desirability of sustaining and enhancing the significance of heritage assets.

Para 206 - Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Para 208 - Proposals of less than substantial harm to the significance of a designated heritage asset should be weighed against the wider public benefits of the proposal.

Issues

Principle

The maintenance and repair of a boundary wall is generally considered to be acceptable subject, in this case, to further consideration of the impacts of the proposals on the designated heritage assets of the Didsbury St James conservation area and the adjacent grade II listed buildings of Fletcher Moss Art Gallery, 852 Wilmslow Road (Didsbury Hotel), 848-850 Wilmslow Road (Ye Old Cock) and 846 Wilmslow Road. The grade II* listed St James church also falls within the wider setting of the boundary wall to the south on Stenner Lane.

Impacts on designated Heritage Assets

The works would constitute less than substantial harm to heritage significance but are deemed necessary for safety reasons and to avoid structural deterioration of the wall which forms an important feature of this part of the conservation area. The rebuilt wall would have a similar appearance to that which is being replaced and appropriately worded conditions are proposed relating to materials including mortar and coping stones. In this instance the harm is considered to be of a low order and is outweighed by safety and structural improvements that the works would bring.

Loss of a tree

An application has been approved for the removal of a lime tree adjacent the wall (reference 140446/TPO/2024). This tree has been identified as putting continued pressure on the boundary wall both through its growth and movement in winds. The loss of this tree has been accepted by the Council with the planting of a replacement tree being made as part of that application to approve its removal. Whilst the loss of the tree within the conservation area is regretted

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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

The application has been determined in a positive and proactive manner. In this instance further information was requested from the applicant which was provided and a decision was issued within statutory timescales.

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:

Schedule of Works Dated: 15-08-2024

MAN024 PEV XX ZZ DR S 5901 Rev P02 'Masonry Details' received by the Council as local planning authority on the 9th September 2024

MCC_XX_XX_DR_B_004_S2 'Proposed Elevations and Material Specification received by the Council as local planning authority on the 10th September 2024

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 work to rebuild the wall commencing, a sample panel of new facing brickwork shall be provided on site showing the proposed:

- a) brick types (if there are insufficient salvaged bricks), sizes, colour, texture face-bond;
- b) pointing mortar mix, joint thickness and finish profile;

The development shall be carried out in accordance with the agreed details.

Reason - In the interests of the visual amenity and historic nature of the area which is located within the Didsbury St James conservation area pursuant to Core Strategy policies SP1 and EN3, saved Unitary Development Plan policies DC18.1 and DC19.1 and Places for Everyone policy JP-P2.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This informative does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact Cadent at plantprotection@cadentgas.com or on 0800 688 588 quoting the following reference number: LSBUD 34579850

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)
Parsonage Residents Group
Highway Services
Heritage & Urban Design
Didsbury Civic Society

801 Wilmslow Road, Manchester, M20 2QR
Flat At, Ye Olde Cock Inn, 848 Wilmslow Road, Manchester, M20 2RN
3 Skylark Close, Manchester, M20 2FQ
2 Skylark Close, Manchester, M20 2FQ
Ye Olde Cock Inn, 848 Wilmslow Road, Manchester, M20 2RN
Didsbury Hotel, 852 Wilmslow Road, Manchester, M20 2SG
844 - 846 Wilmslow Road, Manchester, M20 2RN
Flat At, Didsbury Hotel, 852 Wilmslow Road, Manchester, M20 2SG
Newlands, Stenner Lane, Manchester, M20 2RQ
Stenner Brow, Stenner Lane, Manchester, M20 2RQ
St James Church, Stenner Lane, Manchester, M20 2RQ
1 Philip Godlee Lodge, 842 Wilmslow Road, Manchester, M20 2DS
1 Skylark Close, Manchester, M20 2FQ
20 Stenner Lane, Manchester, M20 2RQ
Fernbank, Stenner Lane, Manchester, M20 2RQ
18 Stenner Lane, Manchester, M20 2RQ
High Bank, Stenner Lane, Manchester, M20 2RQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Didsbury St James Conservation Area 1970
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Green Belt Land - Green Belt Area (LDF)
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA