

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137064/VO/2023

Date registered valid: 12 June 2023

Proposal: City Council Development for external fabric repairs and alterations to building

Address: Museum And Art Gallery, Queens Park, Rochdale Road, Manchester, M9 5SH

Ward(s): Harpurhey Ward

Applicant: Manchester City Council

Agent (if any): Miss Courtney Ives, Buttress

Case officer: Janien Renshaw-Livesey

Recommendation: Approve

Date of recommendation: 9 September 2024

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Standard consultations:

Printed: 28 June 2023 Expired: 19 July 2023

Neighbour notifications

Printed: 28 June 2023 Expired: 19 July 2023

Site notice

Posted: 13 July 2023 Expired: 03 August 2023

Press advert

Published: 4 July 2023 Expired: 18 July 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The building is a non-designated heritage asset within a Grade II listed park - Queens Park which was first designated in 2001, being identified as one of the first public parks in Manchester.

Listed building: Queens Park, Grade II Listed

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

City Council Development for external fabric repairs and alterations to building (see scope of works in appraisal).

The creation of a single accessible parking space is proposed and will be implemented through Permitted Development Rights and will not be considered as part of this proposal.





Consultations & Notification Responses

The development was advertised as affecting the setting of the Grade II listed park by way of a site notice, advertisement in the Manchester Evening News and letters to residents.

Gardens Trust - Do not wish to comment on the proposals at this stage. They would however emphasise that this does not in any way signify either their approval or disapproval of the proposals.

Manchester Active has no comments to make.

Highways - The proposals include provision of 1no. disabled bay. *(This element will be implemented through PD)*

The existing 8no. standard parking spaces in the vicinity of the building will be retained. The proposed parking bay will be located to the building's southern elevation and will be constructed to 2.4m x 4.8m with additional tapers. 1.2m side clearance is proposed to be marked out on the adjacent circulatory vehicle route.

In alignment with MCC Design for Access 2 (DfA2) standards, the disabled bay should be constructed to 3.6m (2.7 min) x 6.6m to allow appropriate vehicular access to the parallel bay and to allow adequate side and rear 'safety zone' clearance.

Highways recommend that the parking bay is redesigned to the above standard and also suggest that the parking bay is located to the east of the new accessible entrance point which would benefit from better levels of visibility. Visibility for drivers utilising the circulatory route of the proposed parking bay 'safety zone' is limited due to the bay's existing proximity to the bend. Users of the disabled bay would also have limited visibility of oncoming vehicles based on the current location.

The disabled bay should also be appropriately marked/signed for disabled use only. It is recommended that the proposed bollards are in alignment with DfA2 standards and should be at least 1000mm in height, should not be linked with chains and requires a colour/luminance contrast feature.

Cadent Gas - advise to attach an informative.

Policy

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 applications also need to afford weight to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

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.

Relevant local and national planning policies to the consideration of the application proposals are set out below.

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:

Policy SP1, Spatial Principles

Policy EN 3, Heritage

Policy DM1, Development Management

Saved Unitary Development Plan policies

Listed Buildings - Policy DC19.1

Places For Everyone Joint Development Plan Document (March 2024)

The nine constituent local authorities have now adopted the Plan following consideration of the Inspectors' Report. There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset). Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Relevant policies in the consideration of the current application are:

JP-S1 – Sustainable Development

JP-P2 – Heritage

JP-P3 – Cultural Facilities

The National Planning Policy Framework (December 2023)

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.

The NPPF 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.

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.

Issues

Scope of Works

External alterations which require planning permission

- Patch re-pointing of brick and masonry with lime mortar.
- Replacement of all ground floor existing timber single glazed windows with single laminated glazing, painted white.
- Two existing louvres in western elevation at ground floor level removed and replaced with new glazing window panels (WIN-024 & WIN-021)
- Insertion of new ventilation grilles and louvres to accommodate improvements to M&E systems, RAL 9005 (matt black)-, locations proposed as follows:

North elevation:

- One Louvre proposed in window WIN-016 at basement level.
- One Louvre proposed in window WIN-017 at basement level.

East elevation:

- Two Louvres proposed within existing bricked up window/blanking panel at basement level.

South elevation:

- Three Louvres proposed within existing bricked up window/blanking panel at basement level.

West elevation:

- Two ventilation grilles proposed within existing bricked up doorway at basement level.

- Insertion of replacement louvre to accommodate improvements to M&E systems, proposed in window WIN-019 south elevation at ground floor level.
- Replacement of external doors at basement level finished in black RAL 9005 -, including;
 - steel doors to new accessible entrance (DOR-012 south elevation)
 - new hardwood doors with metal face to loading bay (DOR-018 west elevation), with retention of existing external metal security roller shutter.
- Removal of intrusive vegetation growth.
- Cleaning of sandstone and high level masonry repairs including dentil coursing.
- Partial re-roofing works, including:
 - Roof repairs, re-fixing of existing Welsh Slate and additional repair with best match slates to noted roof areas (hips).
 - Replacement of composite roof panels with The Standard Patent Glazing Company proprietary 'Heritage' style system and associated roofing works to hips.
- Removal of existing redundant flues at roof level and making good within re-roofing works.
- Alterations to existing rainwater goods to accept new lead overflow hopper detail and re-routing of internal rainwater pipe to front of building, via external downpipe.
- Installation of anti ram-raid bollards installed to 3 no. entrances.
- Removal and blocking up of basement window to former Water Tank room.
- Installation and/or upgrading of intercom/CCTV/alarm control measures to entry.
- External lighting provision to new accessible entrance and ground floor main entrance door.

Permitted development

New accessible parking space to be created beside the western basement entrance in area of existing hardstanding.

Heritage, Design, Appearance and Impact to Visual Amenity and setting of the Listed Park

In this case, the host building can be considered to be a non-designated heritage, due to its architectural and social significance and its contribution to the character and appearance of the immediate area and park generally.

The scheme would facilitate the future use of the former Museum and Art Gallery within Queens Park. It is considered that the impact of the proposed external works on the character and appearance of the listed park do cause less than substantial harm to the historic qualities of the property and to the special interest of the registered park, however, these impacts are mitigated by the improvements proposed to be made to the current condition of the building and are outweighed by the public benefit of maintaining the viable use of the building.

Paragraph 209 of the NPPF states that proposals should consider:

'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 assets'.

It is considered that on balance and when weighed against the public benefits arising from the improvement to the fabric of the building and its continued usage to prevent its decline, the public benefits outweigh any perceived heritage impact, which in this case are considered less than substantial.

The proposal would retain the original building for beneficial use and the architectural detailing and alterations are considered sympathetic to the original character of the host structure. In

turn, this would sustain the significance of the non-designated heritage asset, reflecting the relevant guidance contained within the NPPF.

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.

Condition(s) to be attached to decision for approval

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:

(05)001 REV C4: Proposed East Elevation (Dated 02/09/2024; received 04/09/2024);
(05)002 REV C4: Proposed South Elevation (Dated 02/09/2024; received 04/09/2024);
(05)003 REV C3: Proposed West Elevation (Dated 02/09/2024; received 04/09/2024);
(05)004 REV C5: Proposed North Elevation (Dated 02/09/2024; received 04/09/2024);

(04)001 C5: Proposed Basement Floor Plan (Dated 27/02/2023; received 04/09/2024) ;

9450 BA B1 BF DR A (04)001 C5;

(04)002: Proposed Ground Floor Plan (Dated 08/03/2023);

(04)003: Proposed First Floor Plan (Dated 15/02/2023);

(04)004: Proposed Roof Voids Plan (Dated 31/01/2023);

(04)005 REV A: Proposed Roof Plan (Dated 19/07/2023; received 15/07/2024);

(04)100 REV P2: Proposed Site Plan (Dated 09/08/2024; received 09/09/2024);

32 (001) C2: Proposed Loading Bay Door – Basement Floor Plan West (Dated 19/07/2023; received 04/09/2024);

37 (001): Proposed Rainwater Outlet Alteration details (Dated 31/01/2023);

1669 (57) L0 REV T1: Proposed Ventilation Services Layout Basement (Dated Feb 2023);

1669 (57) L1 REV T1: Proposed Ventilation Services Layout Ground Floor (Dated Feb 2023);

1669 (63) L0 REV T1: Proposed Lighting & Fire Alarm Layout Basement (May 2023);

1669 (63) L1 REV T2: Proposed Lighting & Fire Alarm Layout Ground Floor (May 2023);

Heritage Assessment (Prepared by Buttress, dated 03/11/2024; Received 20/11/2023);

Bat Daytime Survey (Prepared by Cheshire Ecological Services, Dated March 2022);

received by the City Council as Local Planning Authority on 24/05/2023 unless specified otherwise.

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

Informative

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Parks & Events
Heritage & Urban Design
Gardens Trust
MCR Active

List of those notified on Uniform

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 - Not Affected

Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface

Area Team Boundary - Name: NORTH AREA