

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140653/LO/2024

Date registered valid: 30 July 2024

Proposal: Listed Building Consent for the erection of an access scaffold from which to inspect the masonry and undertake emergency repairs

Address: HMP Manchester, Southall Street, Manchester, M3 1JL

Ward(s): Cheetham Ward

Applicant: Mr Leslie Walker, MOJ Property Directorate Prison Maintenance Group

Agent (if any): Mr Matthew Dyer, Austin-Smith:Lord

Case officer: Steven McCoombe
Tel: 0161 234 4607
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Recommendation: Approve

Date of recommendation: 12 September 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 21 August 2024

Standard consultations:

Printed: 13 August 2024 Expired: 4 September 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 21 August 2024 Expired: 12 September 2024

Press advert

Published: 20 August 2024 Expired: 10 September 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to HMP Strangeways - a large brick built Victorian prison built circa 1868, which is Grade II listed. The building incorporates a panoptic layout and is bounded by Sherborne St to the north, Empire St to the east, Southall St to the south and Great Ducie St to the west. Adjoining the prison to the west is a single storey visitor's centre comprising a heptagonal building of a more recent architectural design. The prison was designed by Alfred Waterhouse – a prominent architect of his time and is dominated by a 71-metre-high ventilation tower. The prison comprises two main sections. The lower prison is of radial design with wings extending from a central rotunda. The upper prison is of a cruciform design, also with a central rotunda.

The site in this case specifically involves the 71 metre high ventilation tower. The octagonal tower has a square base and connects underground to the prison block and intakes and extracts air via steel ducts. The tower is predominantly constructed from red brickwork in original English bond and takes on a fluted appearance through the presence of an arched recess. Each arch rests on a sandstone corbel supported on sandstone banding. The cupola of the tower comprises three stages with a domed roof. The tower is listed Grade II in 1974 (List Entry No. 1254672). The surrounding prison structures are subject to separate listings.



View of the ventilation tower from Southall Street

Listed building: Grade II

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the prison complex, the site is situated within the 'warehouse district' which is largely characterised by large warehouse buildings, cash and carry businesses, light industry and sporadic residential uses. The city centre is situated a short distance to the south.

Description of development

Listed Building Consent for the erection of a temporary cradle, winch and access scaffold from which to inspect the masonry and undertake emergency repairs to determine the full extent of repairs to make safe the tower. The making safe works will then be subject to further Listed Building Consent application, as due to weather damage to the brickwork of the tower, a series of conservation repairs are required.

Falling debris is presently causing closure of the central route through the prison connecting the main prison block and the former boys' prison block, now also used for prison accommodation. The category A exercise yard is also closed for health and safety reasons. The closure of the route and the exercise yard is extremely disruptive to the establishment, requiring prisoners to be escorted around the perimeter of the prison which has security implications, and the requirement to exercise category A prisons in yards closer to the perimeter of the establishment usually used by lower risk inmates.

The works are therefore considered vital to maintain the heritage significance of the tower and in the interests of prisoner/staff safety.

The works are a direct response to structural inspections and in advance of any capital repair project to the Tower. In the first instance, a rig will be erected on the walkway of the tower with cantilevered sections projecting through the balustrade. Slabs would be recorded and lifted prior to installing any fixings. An access cradle would be suspended from the cantilever to facilitate

close visual inspection of the tower shaft. The rig would be moved around each face of the tower in sequence. At each face, the cradle would be used to erect the lower access scaffold. The lower access scaffold would comprise a ladder box beam secured horizontally to each face of the tower with 16no. M16 anchor bolts, and a support bracket secured vertically to each corner pier of the tower with 5no. M16 anchor bolts. Facing brickwork would be removed prior to installation of the fixings and positions would be modified on site to avoid drilling into stonework. The ladder beam and bracket would support an angel wing modular frame creating a platform from which the remaining lower scaffold would be erected. Each lift would be secured to the tower with 2no. M16 anchor bolts per frame. Facing brickwork would be removed prior to installation of the fixings and positions will be modified on site to avoid drilling into stonework. The upper access scaffold would be constructed from the tower walkway. Parallel pairs of ladder beams will run through the louvred openings onto which parallel pairs of ladder beams will be supported. Each lift would be secured to the tower with 2no. M16 anchor bolts per frame. Facing brickwork would be removed prior to installation of the fixings and positions will be modified on site to avoid drilling into stonework. Mortar analysis would be undertaken during the works to inform the capital works programme.

The scaffold design has been based upon fixing into the exterior brickwork. It does not allow for removing facing bricks. Due to the scale of the scaffold, it has been proposed that using anchors for the scaffolding is unavoidable and, in most cases, installers would endeavour to pick up the header course as this brick is bonded over two courses. The installers are to avoid fixing into stone. The nature of the works means that there will be a detrimental impact on the brickwork due to the installation methodology. However, it is noted that there would be the opportunity to repair this as part of the remedial works programme.

The negative impact of the scaffold is proposed to be temporary, and the majority of the installation is reversible on commencement of the capital repair project.

As part of the development of the long-term repair proposals, methodologies to repair brickwork, stonework and other items associated with the cupola would be defined with samples of new bricks for indent and mortar analysis commissioned.

Consultations & Notification Responses

Local residents/occupiers - No representations received.

Policy

The below policy and guidance is relevant to the consideration of this application:

- Policies DM1, EN3 and SP1 of the Manchester Core Strategy; -
- Saved policy DC19.1 of the Unitary Development Plan for the City of Manchester;
- Places for Everyone Joint Development Plan – Policies JP-P2;
- National Planning Policy Framework (NPPF) – Sections, 3, 4 and 16.

Issues

Heritage Impact

HMP Manchester and its ventilation tower have high significance and forms part of a unique complex of buildings. The tower is separately listed and forms a prominent landmark in Manchester

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: 'In considering whether to grant planning permission for development which affects a listed building

or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’.

Policy EN3 of the Core Strategy, likewise refers to the need for the consideration to be given to the impact of new developments on heritage assets, whilst saved Policy DC19.1 of the UDP seeks to preserve and enhance listed buildings and specifically states that listed building consent will not be granted for external or internal alterations or additions to a listed building, were in its opinion, there would be an adverse effect on its architectural or historic character.

Policy J2-P2 of the Places for Everyone goes make reference to the need for development proposals affecting designated and non-designated heritage assets and/or their settings to be considered having regard to national planning policy

Further guidance is provided within Section 16 of the National Planning Policy Framework (NPPF).

Paragraph 205 states that in determining applications:

‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 207 advises further 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 208 goes on to state 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 209 state that:

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 asset’

The application has been supported by a Heritage Impact Assessment which sets out the rationale for the approach undertaken and provides consideration and justification for the impact to a heritage asset. Reference is also made within a supplementary document provided regarding details about how the fixings have been considered to minimise impact and what options have been looked at and why the proposed approach is considered the only workable approach.

The exterior of the building is visible across north Manchester. Visually from the ground, the form and appearance of the tower remains unchanged from its construction. The proposed works subject to this application would have a high visual impact. Notably, as the balustrade, corbelling and cupola which form the principal decorative features would be screened by the scaffold.



View of the host tower and skyline (extract from Heritage Impact Assessment (Austin-Smith-Lord))

The necessary investigative works however are temporary in nature and in the longer term, would facilitate repairs that once delivered would have positive impact on the safety, stability and appearance of the tower.

The proposed works in this case are believed to have a less than substantial impact when balanced against public benefits that the overall development would deliver in terms of preserving a heritage asset to prevent its further decline, to safeguard national security and in the interests of health and safety.

The debris that currently falls from the tower currently causes the closure of the central route through the prison connecting the main prison block and also the use of the exercise yard, due to safety reasons. The closure of the route and exercise yard is disruptive to prison operations and also has security implications, due to now having to exercise Category A prisoners in yards closer to the perimeter of the establishment used by lower risk inmates. The closure of the area is also preventing the cleaning of areas close to the tower which in turn raises health and safety concerns. The works are therefore not only a priority in terms of prison operations, but also to ensure the long-term fabric of the tower remains intact.

Assessment of the application has considered the proposed works, methodology, fixing details and associated repairs and fittings. The methodology has been fully considered to allow for the least possible harm, both visually and structurally. In summary, it is considered that the works

would have a less than substantial impact. The proposed works would meet an established need. When weighed against the public benefits that the proposal would deliver, the proposed development is considered acceptable and compliant with the aforementioned development plan policy and the National Planning Policy Framework

The proposed installations have been designed to minimise impact or penetration into original historic fabric although by their nature this is considered unavoidable. Works to repair areas impacted by fixings for the scaffold would be repaired using approved methods on disassembly. Suitable conditions are included in this regard.

In summary, the long-term harm to the building fabric and its significance is low and would not negatively impact its long-term. The works are the first steps towards a programme of works to secure its long terms future and allow the prison to continue to function safely and securely for the intervening period of time.

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

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

1) The Listed Building Consent hereby granted is for a limited period only, expiring on 31 May 2026; and the structures, works and use comprising the development for which consent is hereby granted are required to be respectively removed and discontinued.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and as the proposed works are of a temporary nature and in order

to safeguard an important heritage asset, pursuant to saved policy DC19.1 of the Unitary Development Plan, policies EN3, SP1 and DM1 of the Manchester Core Strategy, policies JP-P2 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.

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

Drawings referenced 321040-ASL-XX-OO-DR-A-001/P1 (location plan), 321040-ASL-XX-OO-DR-A-002/P1 (site plan), 23183-01-101/C, 23183-01-201/C, 23183-03-102/B, RS38351-WINCH-1, 23183-01-104/C, 23183-01-204/C, 23183-01-209/C, 23183-01-211/C, 23183-03-101/B, 23183-03-103/B, 23183-01-207/C, 23183-01-210/B, 23183-01-106/C, 23183-01-107/C, 23183-01-205/C, 23183-01-202 /C, 23183-01-203/C, 23183-01-214 /B, 23183-01-108/A, 23183-01-102/C, 23183-02-101/B, 23183-02-102/B, 23183-01-105 /B, 23183-01-208/C, 23183-01-212/B, 23183-01-213 /B, 23183-01-215/A, 23183-01-301/C, 23183-01-103/B, 23183-01-206/C and 23183-02-103/B, received by the City Council as Local Planning Authority on 30 July 2024;

Heritage Impact Assessment (Ref: 123001/D prepared by Austin-Smith-Lord), received by the City Council as Local Planning Authority on 30 July 2024;

Access Scaffold Design Calculations (Refs: 23183-01-001C and 23183-01-002C) prepared by Rafferty Specialist Access Services Ltd, received by the City Council as Local Planning Authority on 30 July 2024;

Additional Information Memo prepared by Austin-Smith-Lord, dated and received by the City Council by e-mail dated 10 September 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Manchester Core Strategy.

3) Any bricks damaged by the scaffold or pull testing shall be replaced on a like for like basis. Details of the proposed bricks to repair any damage caused by works shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to their insertion. The brick repairs shall only be implemented in accordance with the agreed details.

Reason - To ensure that satisfactory interventions into the Listed Building and appropriate use of materials, pursuant to policy EN3 of the Manchester Core Strategy, saved policy DC19 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

4) Any mortar damaged by the scaffold or pull testing shall be replaced on a like for like basis. Details of the proposed mortar to repair any damage caused by works shall be submitted to and agreed in writing by the City Council as Local Planning Authority prior to its use. Details shall include analysis, samples and example repair. Mortar repair works shall only be implemented in accordance with the agreed details.

Reason - To ensure that satisfactory interventions into the Listed Building and appropriate use of materials, pursuant to policy EN3 of the Manchester Core Strategy, saved policy DC19 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

5) All fixing holes caused by the scaffolding/works hereby approved shall be repaired as the scaffolding is dismantled. A specification and sample and methodology for the means of the fixing repairs shall be submitted to and agreed in writing by the City Council as Local Planning Authority

prior to the dismantling of the scaffold. The fixing holes shall only be repaired in accordance with the agreed details.

Reason - To ensure that satisfactory interventions into the Listed Building and appropriate use of materials, pursuant to policy EN3 of the Manchester Core Strategy, saved policy DC19 of the Unitary Development Plan for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Flood Zones Type 2 (low to medium risk) -

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH AREA