MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140501/FO/2024
Date registered valid:	12 July 2024
Proposal:	Installation of steel gantry system to allow roof maintenance, replacement of 3 no. roof lights, and installation of access hatch to roof, in association with external and internal repairs
Address:	Marylands Xaverian College, Lower Park Road, Manchester, M14 5RB
Ward(s):	Rusholme Ward
Applicant:	Mr Simon Channell, Xaverian College
Agent (if any):	Mr Keaton Joyce, Drees & Sommer UK Ltd
Case officer:	Holly Wright Tel: 0161 219 6381 Email: holly.wright@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: **25 October 2024**

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 02 August 2024

Standard consultations: Printed: 25 July 2024 Expired: 15 August 2024

Neighbour notifications: No neighbour notifications have been printed and sent.

Site notice: Posted: 30 July 2024 Expired: 20 August 2024

Press advert: Published: 30 July 2024 Expired: 20 August 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Grade II

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order: Not applicable

The application relates to Marylands, a Grade II listed building (first listed in June 1994) (under the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended) recognised for its special architectural and historic interest, situated within the Victoria Park Conservation Area (designated in 1972) in the Rusholme ward of Manchester.

Built in the later 19th century (c. 1870-1880), Marylands originally served as a residential villa property for Sir Henry Roscoe (who was credited for creating the world's first flash photograph), however, is now in use as teaching facilities and an office space for Xaverian Sixth Form College, who obtained the building sometime during the 20th century. The building itself features grey and yellow brick with dressings of sandstone ashlar and some redbrick with steeply-pitched slate roofs and red cockscomb ridge tiles. It is L-shaped in plan and gothic in style and is set out over two storeys with an attic above, featuring leaded glass windows throughout.

Its principal elevation facing east onto Lower Park Road is asymmetrical, featuring a gabled bay to the left and a larger gabled bay to the right, redbrick bands on three levels and parallel to the gables and stylised Lombard friezes. The centre features an elaborate arched doorway which is offset to the left (with set-in shafts and a two-centred arch broken by the lintel, the head banded and containing a multi-foil overlight), and a steeply-pitched gablet with apex finial. Above this, there is a half-dormer with two narrow sashed windows and a half-hipped roof and to the right there is a mullioned two-light stair window with segmental-headed sashed lights and a deep stone lintel with small multifoil lights. The gabled bay to the left, which breaks forwards slightly, has a two-light bay window with sashes, and coupled segmental-headed sashes at first floor which are set in two-centred arches with decorated heads. The wider bay to the right has a large segmental three-light bow window at ground floor, with columnar stone mullions, carved heads, and six-pane sashes with vertical glazing bars, a three-light sashed window at first floor

with similar mullions, and an attic window like that at first floor of the other gable. On its southern elevation facing the green, the building features four bays of similar style with unequal gables to the 1st and 3rd bays, and large half-dormer windows to the 2nd and 4th bays with hipped roofs. The roof of the property features tall ridge chimneys, whilst its interior bears original features in similar styles, including a decorative tiled entrance hall and inglenook, a staircase, and doorways with handles which are bespoke made by Robert Bunsen, of whom the Bunsen burner is named after.



Submitted site location plan



Submitted location plan





Aerial views from Google Maps and Earth



















Description of development

The applicant is seeking permission for the installation of a steel gantry system to allow roof maintenance, replacement of 3no. rooflights, and the installation of an access hatch to roof, in association with external and internal repairs.

Consultations & Notification Responses

Local residents, as notified via site notice – no comments or objections received.

Planning history

140155/FO/2024 - Installation of a new two storey portable building for use as temporary classrooms and the retention of the existing temporary classroom building within the existing car park area of Ward Hall approved under application 133025/FO/2022 for a period of 3 years – Approved (24.07.2024).

139339/FO/2024 - Installation of roof mounted Solar Photovoltaic Panels on Ryken, Mayfield and Teresa Quinn buildings – Approved (16.04.2024).

137476/LO/2023 - Listed Building Consent for the: Restoration and/or replacement of existing timber sash windows and where necessary refurbishment of existing stained-glass element – Approved (08.02.2024).

137030/FO/2023 - Erection of a three storey Class F1 (a)(Provision of education) building together with the reconfiguration of the existing car park, and associated landscaping following the demolition of the existing Sunbury building – Approved (19.09.2023).

135320/FO/2022 - Installation of metal railings to existing boundary walls and replacement pedestrian gates – Approved (22.12.2022).

133025/FO/2022 - Installation of two storey portable buildings for a period of 3 years for use as temporary classrooms within the existing car park area of Ward Hall – Approved (05.05.2022).

131999/LO/2021 - LISTED BUILDING CONSENT for the partial demolition of an internal wall through the removal of the upper portion and retention of the lower tiled section and fireplace. Installation of a bar area to provide additional seating – Approved (16.12.2021).

129287/FO/2021 - Elevational alterations in association with the demolition of the three storey external staircase, the provision of new doors and windows and the internal reconfiguration of the building to provide additional teaching and ancillary accommodation – Approved (19.05.2021).

129288/LO/2021 - LISTED BUILDING CONSENT for elevational alterations and internal reconfiguration in association with the demolition of the three storey external staircase, provision of additional doors and windows and the internal alterations of the building to provide additional teaching and ancillary accommodation – Approved (!9.05.2021).

Policies

The following policies are considered relevant in the consideration of this application.

1. Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC18 – Conservation Areas

DC18.1 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.

Reasons :-

The Council is to pursue the above policies to encourage and help ensure the protection, preservation and enhancement of its Conservation Areas, which are areas of special character representing the rise and development of the world's first industrial city. The protection of such areas helps stimulate local pride and encourages both tourism and further investment. The policy gives effect to the obligation placed on the Council by statue to give particular attention to the quality of developments within conservation areas and reflects the general policy objectives set out in policy E3.8 in this plan.

- Policy DC19 – Listed Buildings

DC19.1 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.

Reasons: -
The above policies are to be pursued by the Council to help ensure the protection of the City's built character and its heritage. Retention and protection of this character is important in encouraging local pride, tourism, and future investment in the city. The Council recognises that listed buildings can present particular problems in respect of their continuing use. A flexible approach will be taken in determining applications for uses in listed buildings. The policy gives effect to the obligation placed on the Council by statute to give particular attention to retain, restore, maintain, and continue uses in listed buildings in Manchester.

2. The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: -

a) Appropriate siting, layout, scale, form, massing, materials, and detail.
b) 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.
c) 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.
d) Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
e) Community safety and crime prevention.
f) Design for health.
g) Adequacy of internal accommodation and external amenity space.
h) Refuse storage and collection.
i) Vehicular access and car parking.
j) Effects relating to biodiversity, landscape, archaeological or built heritage.
k) Green Infrastructure including open space, both public and private.
l) The use of alternatives to peat-based products in landscaping/gardens within development schemes.
m) Flood risk and drainage.
n) Existing or proposed hazardous installations.

- Policy SP1 – Spatial Principles

Core Development Principles: development in all parts of the City should: -

a) Make a positive contribution to neighbourhoods of choice including: -
    a. creating well designed places that enhance or create character.
    b. making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity, or income.
    c. protect and enhance the built and natural environment.
b) Improve access to jobs, services, education, and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

- Policy EN3 - 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.

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

3. The National Planning Policy Framework – last updated December 2023.

- Chapter 12 – Achieving Well-Designed Places

Paragraph 135 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
b) are visually attractive as a result of good architecture, layout, and appropriate and effective landscaping;
c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;
e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- Chapter 16 - Conserving and enhancing the historic environment

Paragraph 203 states that in determining 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 205 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 206 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 207 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 208 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 214 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

4. Places for Everyone - is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

- Policy JP-P1 – Sustainable Places

We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

a) Distinctive, with a clear identity that:
    a. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
    b. Enables a clear understanding of how the place has developed; and
    c. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale, and materials used.
b) Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art, and quality design.
c) Socially inclusive:
    a. Responding to the needs of all parts of society;
    b. Enabling everyone to participate equally and independently;
    c. Providing opportunities for social contact and support; and
    d. Promoting a sense of community
d) Resilient, capable of dealing with major environmental events.
e) Adaptable, able to respond easily to varied and changing needs and technologies.
f) Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.
g) Resource-efficient with:
    a. A low carbon footprint;
    b. Efficient use of land;
    c. Minimised use of new materials;
    d. High levels of recycling.
h) Safe, including by designing out crime and terrorism, reducing opportunities for anti-social behaviour and by ensuring that developments make appropriate provision for response and evacuation in the case of an emergency or disaster.
i) Supported by critical infrastructure, such as energy, water and drainage and green spaces.
j) Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.
k) Incorporating inclusive design within all spaces with support for tackling inequality and poverty to form part of creating sustainable places.
l) Legible, being easy to understand and navigate, with the protection and enhancement of key views and new development well-integrated into the place.
m) Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorienting stimuli, and with places to rest.
n) Well-connected to other places, particularly by public transport and digital infrastructure enabling everyone to take advantage of the employment, cultural and leisure opportunities across Greater Manchester and beyond.
o) Comfortable and inviting, with indoor and outdoor environments:
    a. Offering a high level of amenity that minimises exposure to pollution; and

    b. Addressing microclimate issues such as sunlight, indoor air quality, overheating, shade, wind, and shelter.
p) Incorporating high quality and well managed green infrastructure and quality public realm, with:
    a. Opportunities for recreation and outdoor play for children, and interaction between the generations;
    b. Public and private spaces clearly distinguished;
    c. Development clearly defining, and promoting activity within, public spaces;
    d. High quality landscaping with schemes
q) Well-served by local shops, services, and amenities, including education and health facilities.

- Policy JP-P2: Heritage

We will proactively manage and work with partners to positively conserve, sustain and enhance our historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place.

Local Plans will set out the key elements which contribute to the district's identity, character and distinctiveness and which should be the priority for conserving and enhancing in the future and demonstrate a clear understanding of the historic environment and the heritage values of sites, buildings or areas and their relationship with their surroundings. This knowledge should be used to inform the positive management and integration of our heritage by:

a) Setting out a clear vision that recognises and embeds the role of heritage in place-making;
b) Ensuring that the heritage significance of a site or area is considered in accordance with national planning policy in the planning and design process and opportunities for interpretation and local engagement are optimised;
c) Integrating the conservation and enhancement of heritage assets and their settings, with creative contextual architectural responses that contribute to their significance and sense of place;
d) Delivering positive benefits that sustain and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing; and
e) Exploring opportunities to reduce greenhouse gas emissions that restoration of historic buildings offer.

Particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. These include historic town centres, places of worship, historic transport routes including the canal network, industrial buildings and structures including textile mills, farmsteads and other sites, buildings, and areas of identified archaeological, architectural, artistic and/or historic value.

Development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

Where heritage assets have been identified as being at risk, Local Plans should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use. Development proposals which will help safeguard the

significance of and secure a sustainable future for Greater Manchester's heritage at risk will be supported in principle, provided they are not contrary to national policy or other policies in the development plan.

Proposals should be informed, as necessary, by the findings and recommendations of the appropriate heritage assessment(s) in the development plan evidence base and/or any updated heritage assessment submitted as part of the planning application process.

Issues

Policies SP1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Policies DC19 of the Unitary Development Plan for the City of Manchester relates specifically to listed buildings and sets out a number of criteria against which proposals which may affect listed buildings will be assessed. Although this latter policy is now of some age, it is consistent with the guidance in the National Planning Policy Framework which seeks a high standard of design in new developments, to sustain and enhance the significance of heritage assets, ensuring their positive contribution to local areas with character and distinctiveness.

Principle – the principle of the proposal, to replace and undertake repairs to the roof coverings and structures of the application building, together with the installation of a new roof hatch, and internal works consisting of repairing, replacing and making good of existing fixtures and fittings with the installation of 2no. box gutters and insulation to the ceiling, in order to respond to issues of moisture ingress and decay to secure the building's future use, longevity and viability, is acceptable, however careful consideration of the proposal's impact upon the fabric, character and significance of the listed building is required as well as its impact upon the visual and residential amenity of the area

Description of works – the submitted Heritage Statement sets out the details of the proposed works to the application building. These include:

- *Undertake replacement to existing roof coverings including slates, ridge tiles, ridge inserts, felt, battens and leadwork. Retain any slates, ridge tiles and ridge inserts that can be salvaged. All replacement slates, ridge tiles and inserts are to be reclaimed and match the existing*
- *The temporary removal and reinstatement of the existing apex finial details.*
- *Undertake masonry repairs and pointing to the existing chimney stacks and roof parapets.*
- *Undertake repairs and replacement where necessary to the existing cast iron rainwater goods to match the existing.*
- *Replace the existing outlets to the sunken valley detail and provide new Harmer outlets, increase the number of outlets from 2 to 4 and replace the existing internal guttering with new aluminium pipework. Provide new internal drainage routes for the new outlets.*
- *Replace the existing 3no. rooflights with an aluminium alternative.*
- *Replace the existing timber roof access hatch with an aluminium alternative and provide an additional hatch to the opposite pitch to allow for maintenance.*
- *Install new galvanised steel walkway and rail system to the sunken valleys to allow for maintenance.*
- *Make good to the internal decoration and lathe and plaster.*
- *Undertake structural repairs and replacement to the roof timbers that have been afflicted by dry-rot*

In their email correspondence dating to the 18th September 2024, the agent of the application confirmed that the gantry system proposed within the valley gutter is to be omitted from the works due to its lack of feasibility as indicated by the applicant's structural engineer. The valley is surrounded on all sides, therefore falls from the roof are highly unlikely. Fall arrest systems should therefore not be necessary.

Impact upon the character and fabric of the Listed Building – the requirement to preserve or enhance the setting of the Listed Building is key within policy EN3 of the Core Strategy,

saved policy DC19 of the UDP and policy JP-P2 of the Places for Everyone joint development plan document, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the site through careful detailing and the use of replica or compatible materials.

It should be noted that the listed building presently features issues of moisture ingress and decay and fails to accord with current Building Regulations standards. The proposed works would make efforts to remediate these issues, ensuring the building's compliance with current health and safety legislation and securing its continued use, whilst utilising a conservation-led approach to minimise the degree of harm caused as result of the works.

In terms of the impact that the proposal would have upon the character and fabric of the listed building, the submitted Heritage Statement indicates the following:

- *The proposed works to the listed building are taking place both internally and externally.*
- *The current condition of the roof is severe and at risk of sudden and immediate collapse within the next 12 months.*
- *The replacement of the roof coverings and repairs to the timbers will ensure the building complies with the current building regulations and seeks to improve the condition of the building by preventing complete structural failure to the roofing elements and reverse the damages caused by ongoing moisture ingress within the building.*
- *The proposed works will also remedy ongoing issues with water ingress and eliminate the progressing dry-rot within the building.*
- *This impact of the proposed works on the heritage asset are low as the works that are being undertaken are mostly to match the existing finishes as closely as possible, whilst still conforming to the Building Regulations requirements.*
- *All materials used within the proposed works will be sourced or replicated to match those existing.*
- *Any architectural detailing that is removed to facilitate the work will be safely stored and retained to be reinstated to their original position.*
- *It is proposed to install new access hatches ~~and galvanised steel walkways~~ within the central sunken valley gutters, within these gutters the outlets will be replaced with modern Harmer outlets and the number of outlets is to be increased from 2 to 4.*
- *These elements are required to prevent the existing issues from reoccurring to allow access to the roof and additional outlets to aid the discharge of rainwater.*
- *The existing rooflights are to be replaced with an aluminium alternative which will increase the U-values of the building, the rooflights are to match the existing in colour.*
- *All of these elements will not impact the aesthetic of the building and will be concealed by the steep roof pitch within the central gutter section and will not be visible from ground level.*
- *Internally, the existing cast iron internal gutters are to be replaced with aluminium alternatives connected to the Harmer outlets.*
- *The gutters will follow the existing drainage route and will be boxed-in to match the existing.*
- *Additional drainage routes will be installed to feed into the 2no. additional outlets and these will be boxed-in to match the existing elsewhere.*

With the above details and justification in mind, and subject to additional safeguards and information secured by conditions; the application is supported on heritage grounds. The proposed works are considered to maintain the appearance of the Grade II listed asset and have been designed with appropriate weight given to the special significance of the designated asset, pursuant to policy EN3 of the Core Strategy, saved policy DC19 of the UDP, policy JP-P2 of the Places for Everyone joint development plan document and the guidance within Section 16 of the NPPF.

Moreover, it should be noted that any perceived harm caused as a result of the proposed works would arguably be outweighed by the public benefits that would be experienced, including greater safety on site, as well as the requirement to adhere to health and safety regulations. The works would also secure the retention, maintenance and continued use of the building, thereby according with policy DC19 of the UDP.

Impact upon the Victoria Park Conservation Area – the proposal would affect the application building both internally and externally, utilising matching and sympathetic materials to those already featured on the listed building, which would provide a blended appearance with the existing property, minimising the degree of harm caused to the visual amenity of the area and the character of the Victoria Park Conservation Area.

The proposal is therefore considered to accord with paragraph 208 of the NPPF, which stipulates “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”, as well as policy DC18 of the UDP, policy EN3 of the Core Strategy and policy JP-P2 of Places for Everyone.

The works would provide benefits in the form of remediating existing issues of moisture ingress and decay as well as ensuring the building’s compliance with current health and safety legislation and building regulations, thereby securing its continued use, which would outweigh any potential harm caused to the Victoria Park conservation area as a result of the works.

Visual and residential amenity – for the reasons outlined above, the proposal is not considered to cause undue harm to the appearance of the listed building or its surrounding area as it would make clear efforts to protect and preserve the building’s existing architectural features, utilising materials that would be sympathetic and in-keeping with the listed building’s original historic character and appearance.

In terms of the proposal’s impact upon the residential amenity of the area, this would be minimal, if any at all, given that the works would take place predominantly on the roof of the application building as well as internally at a significant distance away from the nearest residential properties. The proposal is therefore considered acceptable due to its accordance with policies DM1 and SP1 of the Core Strategy.

Conclusion – as any harm caused by the proposed works is considered to be ‘less than substantial’, paragraph 208 of the NPPF requires that the impact of the development should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme including securing its optimum viable use.

In the context of the NPPF and S66 of the Act, it is considered that the scheme strikes a balance between the impact of the changes of the significance of the building, and the public benefits and, where there is harm, this would be less than substantial. It is considered for the reasons outlined above that the overall approach to the proposed works to the Marylands building at Xaverian College would have an acceptable impact upon the character and historic fabric of the listed building.

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 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

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Issues have arisen during the consideration of this application and the officer negotiated with the agent to reach a satisfactory resolution.

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 and Section 91 of the Town and Country Act Planning Act 1990.

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

'Application for Planning Permission; Listed Building Consent for alterations, extension or demolition of a listed building', numbered 'PP-13218244', stamped as received by the City Council as Local Planning Authority on the 12th July 2024.

‘Roof ‘F’. Splice Repair Detail to Defective Timber Valley Member’, numbered ‘A3/06 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 15th October 2024.
‘Xaverian College. Maryland Building Roof Refurbishment. Structural Inspection Report’, stamped as received by the City Council as Local Planning Authority on the 3rd October 2024.
‘Appendix ‘A’. Xaverian College. Maryland Building Roof Refurbishment. Structural Inspection Record Photographs’, stamped as received by the City Council as Local Planning Authority on the 3rd October 2024
‘Appendix ‘B’. Xaverian College. Maryland Building Roof Refurbishment. Existing Roof & 2nd Floor Plans’, stamped as received by the City Council as Local Planning Authority on the 3rd October 2024.
‘Xaverian College - Marylands: Timber condition survey’, stamped as received by the City Council as Local Planning Authority on the 3rd October 2024.
‘Proposed Exit Detail Location’, numbered ‘24338.022’, stamped as received by the City Council as Local Planning Authority on the 24th September 2024.
‘Roll, Twinroll and Rollbatt: Thermal and acoustic solutions for roof and loft spaces’, stamped as received by the City Council as Local Planning Authority on the 24th September 2024.
‘Proposed Internal Gutters’, numbered ‘24338.023’, stamped as received by the City Council as Local Planning Authority on the 24th September 2024.
‘Corridor 'C21' Replacement of Existing Defective Lintels’, numbered ‘A3/03’, stamped as received by the City Council as Local Planning Authority on the 18th September 2024.
‘Room 'E25' Valley Beam Strengthening Detail’, numbered ‘A3/02’, stamped as received by the City Council as Local Planning Authority on the 18th September 2024.
‘Room 'E25' Valley Beam Repair’, numbered ‘A3/01’, stamped as received by the City Council as Local Planning Authority on the 18th September 2024.
‘Typical Splice Repair Detail to Defective Timber Rafter Members’, numbered ‘A3/05’, stamped as received by the City Council as Local Planning Authority on the 18th September 2024.
‘Room 'E25' Trimming Details to New Roof Hatches’, numbered ‘A3/04’, stamped as received by the City Council as Local Planning Authority on the 18th September 2024.
‘ XAVERIAN COLLEGE MARYLAND BUILDING ROOFING REPORT’, stamped as received by the City Council as Local Planning Authority on the 30th August 2024.
‘Single leaf roof scuttle. Type S-50VMTB’, numbered ‘SS-15786 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Dreadnought tiles’, product brochure, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Rooflight schedule’, numbered ‘24338.022’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed roof access, numbered ‘24338.020’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Central valley rainwater goods’, numbered ‘24338.019’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed internal works’, numbered ‘24338.018’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works. Elevation 7’, numbered ‘24338.017’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Propsoed works. Elevation 6’, numbered ‘24338.016 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works. Elevation 5’, numbered ‘24338.015 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works. Elevation 4’, numbered ‘24338.014 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works. Elevation 3’, numbered ‘24338.013 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.

‘Proposed works. Elevation 2’, numbered ‘24338.012 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works. Elevation 1’, numbered ‘24338.011 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Proposed works’, numbered ‘24338.010 REVISION A’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Heritage Statement. Maryland Roof Refurbishment. Xaverian College’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.
‘Design & Access Statement. Roof Refurbishment Works. Xaverian College’, stamped as received by the City Council as Local Planning Authority on the 12th July 2024.

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

3) Notwithstanding the details included within the documents listed under condition no.2 of this approval, prior to the undertaking of repair and reinstatement works to lath and plaster, full and final details, including a method statement, product specification and/or samples of the repair and reinstatement works to lath, and plaster shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason - To ensure there is no resulting harm to the Listed Building, pursuant to saved policy DC19 of the Unitary Development Plan, policies DM1 and EN3 of the Manchester Core Strategy, policy JP-P2 of the Places for Everyone Joint Development Plan Document, and chapter 16 of the National Planning Policy Framework.

4) Notwithstanding the details included within the documents listed under condition no.2 of this approval, prior to the undertaking of the relevant section of work, samples of any proposed new slates and ridge tiles shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason - To ensure there is no resulting harm to the Listed Building, pursuant to saved policy DC19 of the Unitary Development Plan, policies DM1 and EN3 of the Manchester Core Strategy, policy JP-P2 of the Places for Everyone Joint Development Plan Document, and chapter 16 of the National Planning Policy Framework.

5) Notwithstanding the details included within the documents listed under condition no.2 of this approval, prior to the undertaking of the relevant section of work, full and final details of the replacement lintels, joinery reinstatement works and any associated repairs to historic fabric, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

This should include a complete cross-section of the works.

The works shall be carried out in accordance with the approved details.

Reason - To ensure there is no resulting harm to the Listed Building, pursuant to saved policy DC19 of the Unitary Development Plan, policies DM1 and EN3 of the Manchester Core Strategy, policy JP-P2 of the Places for Everyone Joint Development Plan Document, and chapter 16 of the National Planning Policy Framework.

6) Notwithstanding the details included within the documents listed under condition no.2 of this approval, prior to the undertaking of the relevant section of work, full and final details of the new internal gutters, alterations and repairs to historic fabric shall be submitted to and approved in writing by the City Council as Local Planning Authority.

This should include information of any new penetrations.

The works shall be carried out in accordance with the approved details.

Reason - To ensure there is no resulting harm to the Listed Building, pursuant to saved policy DC19 of the Unitary Development Plan, policies DM1 and EN3 of the Manchester Core Strategy, policy JP-P2 of the Places for Everyone Joint Development Plan Document, and chapter 16 of the National Planning Policy Framework.

7) Within one month of uncovering the roof timbers, confirmation of the scope and detail of any structural repairs and replacement works to roof timbers shall be submitted to and approved in writing by the City Council as Local Planning Authority.

The works shall be carried out in accordance with the approved details.

Reason - To ensure there is no resulting harm to the Listed Building, pursuant to saved policy DC19 of the Unitary Development Plan, policies DM1 and EN3 of the Manchester Core Strategy, policy JP-P2 of the Places for Everyone Joint Development Plan Document, and chapter 16 of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Flat 1, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Units 6 And 7, Dagenham Road, Manchester, M14 5ED
Flat 2B, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Floor 1 Birley, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 1 Christie, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 2 Oaklands, Hulme Hall, Oxford Place, Manchester, M14 5RR
Handymans Flat, Hulme Hall, Oxford Place, Manchester, M14 5RR
St Edwards Presbytery, 13 Thurloe Street, Manchester, M14 5SG
Flat 8, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 3C, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 2, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Floor G Houldsworth, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 1 Oaklands, Hulme Hall, Oxford Place, Manchester, M14 5RR
Flat 3, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 9, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 11, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Floor 2 Birley, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Plymouth, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 1 Houldsworth, Hulme Hall, Oxford Place, Manchester, M14 5RR
Tutors Flat Floor G, Oaklands Hulme Hall, Oxford Place, Manchester, M14 5RR
Flat 7, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Greygarth, 1 Lower Park Road, Manchester, M14 5RS
Floor G Oaklands, Hulme Hall, Oxford Place, Manchester, M14 5RR
Wardens Flat, Hulme Hall, Oxford Place, Manchester, M14 5RR
Tutors Flat Floor G, Greenwood Hulme Hall, Oxford Place, Manchester, M14 5RR
11 Walmer Street East, Manchester, M14 5SS
Flat 5, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Floor 1 HULM House, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Greenwood, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 1 Greenwood, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Birley, Hulme Hall, Oxford Place, Manchester, M14 5RR
Flat 6, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 12, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Unit 5, Dagenham Road, Manchester, M14 5ED
Floor 2 Houldsworth, Hulme Hall, Oxford Place, Manchester, M14 5RR
Flat At, Xaverian College, Lower Park Road, Manchester, M14 5RB
Flat 3B, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 4, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
6 Oxford Place, Manchester, M14 5RZ
Flat 2A, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Adimistratiors House, Hulme Hall, Oxford Place, Manchester, M14 5RR
Hulme Hall, Oxford Place, Manchester, M14 5RR
Tutors Flat, Hulme Hall Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 1 Plymouth, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Tutors Flat, Birley Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Annexe, Hulme Hall, Oxford Place, Manchester, M14 5RR
Catering Flat 1, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 2 Greenwood, Hulme Hall, Oxford Place, Manchester, M14 5RR
Flat 3A, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ
Flat 10, Carfax Court, 7 Lower Park Road, Manchester, M14 5RQ

Catering Flat 2, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor 3 Oaklands, Hulme Hall, Oxford Place, Manchester, M14 5RR
Floor G Christie, Hulme Hall, Oxford Place, Manchester, M14 5RR

Appendix 2 – Planning constraints

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
Conservation Area - Victoria Park Conservation Area 1972
Area Team Boundary - Name: SOUTH AREA