MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140264/FO/2024
Date registered valid:	11 July 2024
Proposal:	Installation of 12no. in-line panel integrated solar panels to rear elevation
Address:	Old Town Hall, Lapwing Lane, Manchester, M20 2NR
Ward(s):	Didsbury West Ward
Applicant:	Mr Hari Pabla Pabla & Pabla Solicitors
Agent (if any):	Mrs Sonia Pabla-Thomas Space:Architecture+Planning
Case officer:	Jake Walther Tel: 0161 234 1632 Email: jake.walther@manchester.gov.uk
Recommendation:	**Refuse**
Date of recommendation:	**30/09/2024**

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 01/08/2024

Standard consultations:
Printed: 30 July 2024 Expired: 20 August 2024

Neighbour notifications
Printed: 30 July 2024 Expired: 20 August 2024

Site notice
Posted: 01/08/2024 Expired: 22/08/2024

Press advert
Published: 6 August 2024 Expired: 27 August 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building
The application relates to the Old Town Hall on Lapwing Lane, a Grade II listed building within the Albert Park Conservation area. The building was formally the Withington Town Hall, built between 1880-1890; it is constructed of red brick, buff brick and terracotta detailing throughout and a slate tile roof.



Listed building: Grade II

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order: Not applicable

Description of area
The site is located on Lapwing Lane in West Didsbury, within the Albert Park Conservation Area (1988), the area surrounding the Old Town Hall is predominantly residential consisting mostly of semi-detached and terraced dwellinghouses with low rise apartment blocks on the opposing side of Lapwing Lane.

Description of development
The proposals are for the installation of 12no. solar panels on the rear roof elevation. Each solar panel measures 1722mm(h) x 1134mm(w) x 70mm(d).

Consultations & Notification Responses
Neighbouring residents – 1no. comment received in objection to the application from a resident of Raleigh Close that can be summarised as objection to the proposal due to impacts on visual amenity.

West Didsbury Residents Association – 1no. comment received in objection to the application from representative of RA with concerns regarding the appearance of the type of PV panels used which will cause harm to the character of the building.

Urban Design and Heritage –

- The Council believes that insufficient weight has been given to the view of the rear roof from Raleigh Close and the proposal's impact on heritage assets. Moreover, the NPPG makes it clear that the contribution to the significance of a heritage asset does not depend on there being public access to it. In this case it is partially visible. Consequently, harm is not justified on the basis of the intervention being on a rear roof slope and partially obscured.
- Due to their size, modern materials and reflectivity, the PV panels will be starkly conspicuous, jarring when juxtaposed against the muted slate fabric. This will disrupt appreciation of the distinctive architectural features concentrated at roof level when viewing the building from Raleigh Close.
- It is unknown what degree of intervention is required to connect the PV system, inverters, and battery storage to any existing or new M&E works. These should be provided on an M&E drawing with any revision of the application.
- It is unknown from the application whether alternative energy consumption savings could be achieved by other means or have been considered over the installation of PVs and which could offer similar benefits (boiler upgrade, LED lighting etc..). Clear and convincing justification as required by the NPPF is therefore required.
- It is recommended that the applicant explores alternative, less visible locations within the roofscape which could include the internal, west-facing roof for example which has no public visibility, whilst the modern single storey rear extension is sufficiently distinct from the main building to be a more acceptable location for a lesser array of solar PVs.
- The D&A statement states that the works also propose to re-roof the whole building, beyond what is required to fit the solar array – Listed Building Consent would be required for this.

Policy
The Adopted Core Strategy for the City of Manchester

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development) advises that where possible developments should meet residual energy requirements through the use of low or zero carbon energy generating technologies.

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester
Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent 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. The City Council will:

- 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.

Places for Everyone
The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The following policies are considered relevant to this application:

Policy JP-P 1 (Sustainable Places) aims 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 distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P 2 (Heritage) aims to proactively manage and work with partners to positively conserve, sustain and enhance its 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 identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area.

Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Policy
It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 196 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 wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
(c) the desirability of new development making a positive contribution to local character and distinctiveness; and
(d) opportunities to draw on the contribution made by the historic environment to the character of a place.

Paragraph 200 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

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 207 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

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 securing its optimum viable use.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Principle
The proposed development relates to the instillation of 12.no photovoltaic solar panels to the roof of the Old Town Hall. Whilst the instillation of low and zero carbon energy sources is supported by the policy EN4 of the Manchester Core Strategy (2012), which encourages retrofit projects that would help improve energy efficiency and provide low and zero carbon energy supplies to existing buildings. However, as the installation would be on a Grade II Listed

building and within the Albert Park Conservation Area, it is necessary to consider any harm that that would be caused to the special character and appearance of these designated heritage assets by the proposal, an assessment of which is undertaken below.

Impact on Listed Building and Conservation Area
Legislation and planning policy seek to preserve and enhance the character, appearance, and historic interest which heritage assets possess. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special consideration is paid in taking decision affecting Listed Buildings and their settings in Conservation Areas.

The instillation of solar PV panels on the rear roof slope has a material impact on the significance of the listed building. The proposal introduces a new, reflective, utilitarian feature that detracts from the character of the building when viewed from Raleigh Close. It is accepted that the solar panels are not visible from the main frontage of the building on Lapwing Lane, however they are visible from Raleigh Close and from nearby properties on Old Lansdowne Road.

The buildings' skyline makes an important contribution to its significance and to the character of the Albert Park conservation area. It has strong vertical proportions which, combined with the rich detail at eaves and roof level – a pyramid clock turret with weathervane rising above the main ridge, decorative parapets, shaped tiled gables, and urn finials all visible from Raleigh Close, draw the eye to the buildings' skyline. Against these features and due to their size, modern materials and reflectivity, the PV panels will be starkly conspicuous, jarring when juxtaposed against the muted slate fabric. Furthermore, the applicant has not provided details of what degree of intervention is required to connect the PV system, inverters, and battery storage to any existing or new M&E works.

The supporting documentation accompanying the application states that there would be "only the slightest glimpse from Raleigh Close" (of the PV panels), however, a greater expanse of the rear roof slope is visible than is suggested. An existing chimney stack will partially conceal the proposed panels, but they will still be dominant taking up part of the visible roof slope. The Council agrees with analysis in the Heritage Statement that the roof slope in itself is not significant, however, it is framed by and therefore with the PVs in situ, it would be read in close proximity to significant features which make up a large part of the listing description. The Council believes that insufficient weight has been given to the view of the rear roof and the proposal's impact on heritage assets. Moreover, the NPPG makes it clear that the contribution to the significance of a heritage asset does not depend on there being public access to it. In this case it is partially visible. Consequently, harm is not justified on the basis of the intervention being on a rear roof slope and partially obscured.

Taking all of this into consideration, the proposed development is considered to be contrary to the saved UDP policy DC19.1(c) which requires that external alterations are not permitted where there would be an adverse effect on its architectural or historical character. It also fails to preserve or enhance the buildings' significance, contrary to Core Strategy policy EN3 and fails to meet the test within the NPPF paragraph 205 that great weight is given to an assets conservation.

Visual Amenity
As stated above, the proposed PV panels would not be visible from the building's main elevation on Lapwing Lane, the PV panels would be visible from the adjacent Raleigh Close. From this perspective, the PV panels would appear incongruous in the context of the Listed Building and Conservation Area causing a degree of harm to the visual amenity of the heritage assets which is considered to be contrary to the saved UDP policy DC19.1(c) which requires that external alterations are not permitted where there would be an adverse effect on its

architectural or historical character as well as policy EN3 of the Manchester Core Strategy and section 16 of the NPPF.

Residential Amenity
Due to the nature of this proposal, being contained within the rear roof slope of the property, it is not considered to create any undue impact upon the residential amenity of neighbouring occupants.

Conclusion
The proposed works in this case are believed to have an impact on the heritage asset and when weighted against the public benefits the proposal will deliver. Great weight has not been given to the conservation of the heritage asset which is the overriding test in the consideration of heritage assets. On this basis, the proposal is contrary to section 16 of the NPPF, Core Strategy Policy EN3 and saved UDP policy DC19.1.

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: Refuse

Article 35 Declaration

The proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. The application has been considered to be contrary to the development plan.

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

1) The proposed alterations and additions to the roof to facilitate a solar PV system would not preserve or enhance the Grade II designated heritage asset, causing less than substantial harm that cannot and has not been outweighed by public benefit, and is therefore considered to be contrary to Sections 16 (2) and 66 of (Listed Buildings and Conservation Areas) Act 1990; Section 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework; the Core Strategy for the City of Manchester policy EN3 (Heritage); saved policy DC19.1 (Listed Buildings) of the Unitary Development Plan for the City Of Manchester; and, policy JP2-P2 'Heritage' of the Places for Everyone Joint Development Plan Document.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
West Didsbury Residents Association

Flat 4, 3 Old Lansdowne Road, Manchester, M20 2PB
Flat 3, 5 Old Lansdowne Road, Manchester, M20 2PB
Flat 2, 5 Old Lansdowne Road, Manchester, M20 2PB
Flat 1, 5 Old Lansdowne Road, Manchester, M20 2PB
Flat 4, 5 Old Lansdowne Road, Manchester, M20 2PB
7 Old Lansdowne Road, Manchester, M20 2PB
3 Raleigh Close, Manchester, M20 2BY
1 Raleigh Close, Manchester, M20 2BY
Flat 34, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 32, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 19, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
8 Raleigh Close, Manchester, M20 2BY
4 Raleigh Close, Manchester, M20 2BY
2 Raleigh Close, Manchester, M20 2BY
11A Raleigh Close, Manchester, M20 2BY
1 Old Lansdowne Road, Manchester, M20 2PB
36 Lapwing Lane, Manchester, M20 2WR
11 Raleigh Close, Manchester, M20 2BY
7 Raleigh Close, Manchester, M20 2BY
5 Raleigh Close, Manchester, M20 2BY
1A Old Lansdowne Road, Manchester, M20 2PB
5 Old Lansdowne Road, Manchester, M20 2PB
3 Old Lansdowne Road, Manchester, M20 2PB
40 Lapwing Lane, Manchester, M20 2WR
The Lodge Rear Of Old Town Hall, Lapwing Lane, Manchester, M20 2NR
6 Raleigh Close, Manchester, M20 2BY
Flat 36, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 35, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 33, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 31, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 30, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 29, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 28, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 27, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 26, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 25, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 24, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 23, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 22, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 21, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
Flat 20, Brankgate Court, Lapwing Lane, Manchester, M20 2PD
3A Old Lansdowne Road, Manchester, M20 2PB
Flat 3, 3 Old Lansdowne Road, Manchester, M20 2PB
Flat 2, 3 Old Lansdowne Road, Manchester, M20 2PB
Flat 1, 3 Old Lansdowne Road, Manchester, M20 2PB
34 Lapwing Lane, Manchester, M20 2WR
10 Raleigh Close, Manchester, M20 2BY
9 Raleigh Close, Manchester, M20 2BY

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Albert Park Conservation Area 1988
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA