

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140074/LO/2024

Date registered valid: 13 June 2024

Proposal: Listed Building Consent for the installation of 13 external security cameras and 4 speakers and the replacement of internal PIR detectors and door contacts with new units.

Address: Baguley Hall, Hall Lane, Manchester,

Ward(s): Baguley Ward

Applicant: Mr Phil Richens, Historic England

Agent (if any): Mr Samuel Marner, Seven Architecture

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 August 2024



Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Standard consultations:

Printed: 20 June 2024 Expired: 11 July 2024

Neighbour notifications

Printed: 20 June 2024 Expired: 11 July 2024

Site notice

Posted: 28 June 2024 Expired: 19 July 2024

Press advert

Published: 25 June 2024 Expired: 9 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Baguley Hall is a Grade I listed building and a scheduled monument, located to the south of the city centre. Dating back to the mid-14th century, it is one of the oldest surviving buildings in Manchester and considered one of the oldest timber great halls in the whole of England. The main hall, constructed in timber with wattle and daub walls, was built for Sir William de Baguley. The north wing was added in the 15th century, and rebuilt in brick in the 18th century, with the south wing added in the late 17th century. The structure was converted into a farm use in the early 20th century. The building has been vacant since the late 1940s, restored in the 1970s. It is currently included on the Historic England's Heritage at Risk Register, identified as being in poor condition, with no obvious new use/user identified.

To the rear of the hall lies Nethercote Avenue, while to the front, beyond the formal lawned area is Hall Lane and Sir Williams Court. The area is predominantly residential in area.

Listed building: Grade 1

Conservation area: No

Tree Preservation Order: No

Description of development

Listed Building Consent for the following works:

- Installation of 13no. wired security cameras, specified in black, with the majority mounted to rainwater goods.
- Installation of 4no. speakers to monitor the site and building, allowing off-site security members to be able to communicate warnings to trespassers.
- No security items are to be fixed directly into the building fabric, they will either be screwed into existing barge boards/wooden soffits or fixed temporarily to drainpipes and rainwater goods.
- Installation of internal PIR detectors and replacement door contacts to be mounted in place of old units.

Consultations & Notification Responses

Local Residents – No comments received.

Heritage & Urban Design - As a general point, it is noted that most of the proposed installation would be temporary. In the absence of a permanent solution, it is advised that a fixed period LBC is granted for these works, with anticipation of a permanent solution, that gives greater weight to the Grade I listed asset and bears in mind the impact on original fabric as well as the overall appearance and appreciation of the asset.

As per previous advice, the proposed CCTV is supported. However, other proposed installation are supported on a temporary basis only, but would not be supported should these be a permanent solution, due to the perceived impact on the internal and external appearance of the Grade I Baguley Hall. For example, the proposed speakers and door contacts appear particularly incongruous in design, and not considered the optimal product to ensure long-term security on site; more discrete and well-designed installations would be required on a permanent basis.

For the internal wireless PIR units, further information in the form of proposed location (not included on proposed floorplans) and photomontages showing the proposed position and impact of these units are required. It is advised that where are to replace existing wired detectors, the assumed redundant conduits and cabling are removed to enhance the Grade I listed asset.

On balance, the works are supported subject to the LBC being granted for a fixed time only [3 years recommended].

Historic England (North West) – No comments received.

Greater Manchester Archaeological Advisory Service – A Heritage Statement (Seven Architecture, May 2024) submitted with the application gives an assessment of the potential impacts of the installation of temporary security equipment within and on the exterior of the building, concluding there will be minimal physical impacts to surviving historic fabric and neutral impacts on the heritage significance of the Grade I listed heritage asset.

GMAAS feel that the imposition of any scheme of monitoring or recording would be unproportionate to those impacts as the opportunity for the advancement of our knowledge of the building is negligible.

Policies

The National Planning Policy Framework (December 2023) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 196 in Section 16 states that in determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

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. Substantial harm to or loss of assets of the highest significance, such as grade I and II* listed buildings, should be wholly exceptional.

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.

The Places for Everyone Plan – This plan was adopted on 21 March 2024, as such the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The relevant policy is set out below:

Policy JP-Strat9 (Southern Areas) – This policy states that the economic competitiveness, distinctive local neighbourhood character and environmental attractiveness of the southern areas will be protected and enhanced. There will be a strong emphasis on making as much use as possible of suitable previously developed (brownfield) land and promoting the roles of the areas' town centres and its other key assets.

Policy JP-P2: Heritage (Heritage) – This policy states that the member authorities will proactively manage and work with partners to positively conserve, sustain and enhance their respective historic environments, heritage assets and their settings.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below.

Policy SP1, Spatial Principles, - Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, Heritage, - This policy states that 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.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy DM1, Development Management – This policy states that all development should have regard to a number of specific issues, the most relevant of which in this case are:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Effects on amenity.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC19.1, Listed Buildings, states that 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.

Issues

Impact on the Listed Building – The proposed works centre around the desire to secure Baguley Hall in order to prevent any damage to this important Grade 1 listed building. As a result, the installation of the various security devices is considered acceptable.

The proposals would inevitably have some visual impact on the designated asset. However, the harm to the aesthetic and architectural interest is considered to be on the lower scale, reduced and mitigated to a large degree through the careful placing of the various pieces of equipment. Moreover, the benefits that the scheme would deliver would outweigh the less than significant harm to the Grade I listed hall, which in any case is considered justified.

Notwithstanding the above, Heritage & Urban Design have requested that the consent be of a temporary nature only as elements of it would have an impact on the internal and external appearance of the Grade I Baguley Hall, namely the proposed speakers and door contacts. Accordingly, it is suggested that a three year consent be granted which should give the applicant sufficient time to find a more permanent solution more fitting for this listed building.

Design and Siting – Given the temporary nature of the CCTV and speaker units and the fact they would be attached to rain water goods, barge boards and a tree, rather than the brick work of Baguley Hall itself, their design and siting is considered acceptable.

As per the request from Heritage and Urban Design, a condition regarding the location of the PIR units would be attached to any approval granted.

Residential and Visual Amenity – Given the nature of the proposal, it is not considered that it would have a detrimental impact upon the existing levels of residential and visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – The proposal would not have an impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Ecology – The proposal would have no impact upon any known ecological features found within the site.

Other Legislative Requirements

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

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

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.

2) The Listed Building Consent hereby granted is for a limited period only, expiring three years after the installation of the security measures detailed in condition no. 3. The works comprising the development for which Listed Building Consent is hereby granted are required to be removed and the building reinstated in accordance with a scheme previously approved, before this permission expires, by the City Council as local planning authority.

Reason - To ensure an acceptable development at the listed building, pursuant to Policies DM1 and EN3 of the Manchester Core Strategy and saved UDP Policy DC19.

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

- a) BGH-SEV-XX-XX-RE-A-09003-P04 Heritage Impact Statement RFS, received on 23 July 2024.
- b) BGH-SEV-XX-ZZ-DR-A-2100-P04 Proposed Basement and Ground Floor Plans, received on 23 July 2024.
- c) BGH-SEV-XX-ZZ-DR-A-2101-P04 Proposed First and Second Floor Plans, received on 23 July 2024.
- d) BGH-SEV-Z1-ZZ-DR-A-1002-P01 Site Security Plan, received on 21 May 2024.
- e) BGH-SEV-XX-ZZ-DR-A-4102-P01 Security Camera Fixing Details, received on 21 May 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1 and EN3 of the Manchester Core Strategy and saved UDP Policy DC19.

4) Notwithstanding the details within the documents listed in condition no. 3 of this approval, prior to the installation of the wireless PIR units, detailed floorplans and photomontages showing their location, along with a methodology for the removal of any redundant wiring, shall be submitted to and be approved in writing by the City Council as Local Planning Authority. The installation of the wireless PIR units shall be carried out in accordance with the approved information.

Reason - To ensure there is no resulting harm to the Listed Structure, pursuant to policies DM1 and EN3 of the Manchester Core Strategy, and saved UDP policy DC19.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Historic England (North West)

Greater Manchester Archaeological Advisory Service

Flat 89, 190 Hall Lane, Manchester, M23 1DL

Flat 86, 190 Hall Lane, Manchester, M23 1DL

Flat 83, 190 Hall Lane, Manchester, M23 1DL

Flat 81, 190 Hall Lane, Manchester, M23 1DL

Flat 78, 190 Hall Lane, Manchester, M23 1DL

Flat 75, 190 Hall Lane, Manchester, M23 1DL

Flat 72, 190 Hall Lane, Manchester, M23 1DL

Flat 69, 190 Hall Lane, Manchester, M23 1DL

Flat 66, 190 Hall Lane, Manchester, M23 1DL

Flat 63, 190 Hall Lane, Manchester, M23 1DL

Flat 60, 190 Hall Lane, Manchester, M23 1DL

Flat 57, 190 Hall Lane, Manchester, M23 1DL

Flat 55, 190 Hall Lane, Manchester, M23 1DL

190 Hall Lane, Manchester, M23 1DL

55 Rissington Avenue, Manchester, M23 1LN

53 Rissington Avenue, Manchester, M23 1LN

51 Rissington Avenue, Manchester, M23 1LN

49 Rissington Avenue, Manchester, M23 1LN

45 Rissington Avenue, Manchester, M23 1LN

Hall Lane Resource Centre, Hall Lane, Manchester, M23 1WD

41 Rissington Avenue, Manchester, M23 1LN

2A Gatwick Avenue, Manchester, M23 1NE

112 Hall Lane, Manchester, M23 1DJ

110 Hall Lane, Manchester, M23 1DJ

Flat 88, 190 Hall Lane, Manchester, M23 1DL

Flat 87, 190 Hall Lane, Manchester, M23 1DL

Flat 85, 190 Hall Lane, Manchester, M23 1DL
Flat 84, 190 Hall Lane, Manchester, M23 1DL
Flat 82, 190 Hall Lane, Manchester, M23 1DL
Flat 80, 190 Hall Lane, Manchester, M23 1DL
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Flat 58, 190 Hall Lane, Manchester, M23 1DL
Flat 56, 190 Hall Lane, Manchester, M23 1DL
Flat 54, 190 Hall Lane, Manchester, M23 1DL
43 Rissington Avenue, Manchester, M23 1LN
43 Nethercote Avenue, Manchester, M23 1LL
47 Rissington Avenue, Manchester, M23 1LN
6A Gatwick Avenue, Manchester, M23 1NE
4A Gatwick Avenue, Manchester, M23 1NE
10 Gatwick Avenue, Manchester, M23 1NE
8 Gatwick Avenue, Manchester, M23 1NE
6 Gatwick Avenue, Manchester, M23 1NE
4 Gatwick Avenue, Manchester, M23 1NE
2 Gatwick Avenue, Manchester, M23 1NE
12 Gatwick Avenue, Manchester, M23 1NE

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M
Area Team Boundary - Name: SOUTH AREA