

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133525/LO/2022
Date registered valid: 14 April 2022
Proposal: Listed Building Consent for external wall repairs, window replacement, roofing and drainage improvements
Address: Barracks House, 10 Princess Street, Manchester, M15 4HA
Ward(s): Hulme Ward

Applicant: Mr Xie Moda Invest Ltd
Agent (if any): Mr Wakeman, Architectural Designworks Limited
Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 8 May 2024



Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 10 May 2022

Standard consultations:

Printed: 4 May 2022 Expired: 25 May 2022

Neighbour notifications

Printed: 4 May 2022 Expired: 25 May 2022

Site notice

Posted: 10 May 2022 Expired: 31 May 2022

Press advert

Published: 10 May 2022 Expired: 31 May 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

This application relates to Barracks House, a Grade II listed building dating from the early 19th Century. Built in the Georgian style, the building was originally part of Hulme Barracks and was used as the officers' mess and associated accommodation. The property is now in use as residential accommodation. The property sits in generous and maturely landscaped grounds.

To the north and west of the site there is residential accommodation in the form of an apartment block and terraced houses. To the east is St George's Park, while to the south there is a small office development.

Listed building: Grade II

Conservation area: No

Tree Preservation Order: No

Description of development

The application is proposing to undertake the following repairs to the building:

- Tidying of redundant services from elevations
- New render to existing rendered walls
- Repairs and repointing to brickwork where required
- Repairs to external garden walls
- Repairs to windows
- Repairs to doors
- Replacement downpipes and soil stacks
- General decoration

Consultations & Notification Responses

Local Residents/Members of the Public – No comments received.

Trafford Council – No comments received.

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 5 (*Delivering a sufficient supply of homes*) and Section 16 (*Conserving and enhancing the historic environment*) are of relevance:

Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.

Paragraph 70 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

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-P2: *Heritage* – This policy states that the respective councils will proactively manage and work with partners to positively conserve, sustain and enhance the 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 heritage assets by:

- 1) Setting out a clear vision that recognises and embeds the role of heritage in place-making;
- 2) 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;

- 3) 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;
- 4) 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
- 5) Exploring opportunities to reduce greenhouse gas emissions that restoration of historic buildings offer.

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, of which the following are of most relevance:-

- 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. Development should have regard to the character of the surrounding area.
- 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.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

Saved UDP Policies – Policy DC19, *Listed Buildings* – Policy DC19.1 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.

Legislative Requirements – Section 66, *General duty as respects listed buildings in exercise of planning functions* – states that in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Issues

Principle of the Proposal – There is no objection in principle to the proposed repair works. However, the methodology and materials to be used would not be in keeping with this historic building and as such would not preserve or enhance this Grade II designated heritage asset.

For example, the applicant did submit a document that outlined the proposed works to the render but it was lacking a detailed conservation specification and/or a detailed method statements for the works. There was no detail of what the existing render is made and what is to be the proposed render specification. Furthermore, it's not clear how much render is being removed from the elevations. It is also not clear from the heritage report whether the building was originally all brick and if it was the preference could well be to remove all render and reinstate the brick finish, though this would be subject to the quality of the brick being ok.

Another example relates to the proposed window works. The proposed repair techniques for the windows seemed to favour a resin solution, while the City Council's preference would be for more traditional timber splicing in and limited resin repairs. The schedule of window repairs refers to 'double glazing' but the proposal is for secondary glazing. Also, one of the submitted drawings shows a double glazed section but this is not something that the City Council would be supportive of. A secondary glazing solution would be acceptable but information is needed to understand how it would look and be fitted into the existing openings. The submitted section drawing is insufficient in detail to agree this element of the proposal.

As there were a number of concerns about aspects of the proposal, the applicant was asked to provide additional information on proposed methodology and materiality. Unfortunately, this information has not been forthcoming and for that reason the application cannot be progressed and ultimately supported.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, the issues identified have not been resolved and it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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

1) The proposed alterations and repairs to the external walls, windows, guttering system and roofing 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

Trafford Council

Flat 13, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 14, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 12, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 11, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 10, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 9, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 8, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 7, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 6, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 5, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 4, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 3, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 2, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

Flat 1, Barracks House, 10 Princess Street, Hulme, Manchester, M15 4HA

44 Nancy Street, Manchester, M15 4FZ

42 Nancy Street, Manchester, M15 4FZ

40 Nancy Street, Manchester, M15 4FZ

38 Nancy Street, Manchester, M15 4FZ

36 Nancy Street, Manchester, M15 4FZ

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22 Nancy Street, Manchester, M15 4FZ

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 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH