

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138251/LO/2023

Date registered valid: 24 November 2023

Proposal: LISTED BUILDING CONSENT for the installation of CCTV cameras to the existing fabric of the building.

Address: Oxford Road Station, Oxford Road Station Approach, Manchester, M1 6FU

Ward(s): Deansgate Ward

Applicant: Mr Jonathan Mooney Northern Rail Limited

Agent (if any): Mr Jonathan Mooney Northern Rail

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refused

Date of recommendation: 15 February 2024

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 27 December 2023

Standard consultations:

Printed: 30 November 2023

Expired: 21 December 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 30 November 2023

Expired: 21 December 2023

Press advert

Published: 5 December 2023

Expired: 19 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

The application site is Oxford Road Station, located on the south side of the city centre. To the east is Oxford Road and south is New Wakefield Street. West of the site is Great Marlborough Street with Whitworth Street West to the north. The station is elevated above street level and accessed via the Station Approach from Whitworth Street West.

Oxford Road Station is a Grade II listed building. It is situated next to the Whitworth Street Conservation Area, but not in it.

Oxford Road Station in its current form was constructed in 1958-60, designed in the early days of British Railways by the London Midland region's chief architect W R Headley, alongside project architect Max Clendinning and in collaboration with the Timber Development Association's Hugh Tottenham. The station, including the platform structures and the two main station buildings, replaced an earlier station on site. The viaduct at the station site was unable to support the weight of a conventional modern station, and thus, in order to achieve a lightweight design, an innovative timber structure was chosen.

The list entry describes the station as "one of the best post-war railway stations in the country, with a striking and highly elegant design". The building has been listed on account of its high aesthetic, architectural, historic and evidential value, innovative and pioneering in construction and design, being the only large scale station in Britain built using prefabricated materials. The core building of the station, including the station offices and the platform shelters, remain relatively intact despite modern additions and alterations, with a high degree of completeness.

Description of Development

The proposal seeks Listed Building Consent for the installation of CCTV cameras to the existing fabric of the building.

Consultations & Notification Responses

Network Rail - Have no objections to the proposals.

Publicity - A site notice and local press advert were produced to provide notice of these proposed works. At the time of writing this report, no representations have been received because of this publicity.

Policy

The main issue for consideration relates to the impact of the proposals on the identified heritage assets in regard to preserving and, where possible, enhancing identified assets. The main policies that relate to the proposal are **Section 16 (Conserving and enhancing the Historic Environment)** of the revised **National Planning Policy Framework (NPPF) (2023)**, and Policies **DM1 (Development Management)**, **EN3 (Heritage)**, **EN1 (Design Principles and Strategic Character Areas)**, **CC9 (Design and Heritage)** and **SP1 (Spatial Principles)** of the **Adopted Core Strategy for the City of Manchester (2012)**, saved policies **DC18.1 (Conservation Areas)** and **DC19.1 (Listed Buildings)** of the **Unitary Development Plan for Manchester (1995)**, and **Policy JP-P2 (Heritage)** of **Places for Everyone**.

The Adopted Core Strategy for the City of Manchester

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

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 CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

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 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:

- 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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is 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 following policies are considered relevant to this application.

Policy JP-P1 (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-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Policy JP-P2 (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

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the NPPF and to section 16 (Conserving and Enhancing the Historic Environment).

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 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPA's should take account of:

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

Paragraph 205 advises 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.

Paragraph 206 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 207 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.

Paragraph 208 advises that Proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

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.

Issues

Principle

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Impact on Heritage Asset

Despite the listed status of the building, no heritage statement outlining the special interest of the asset, the reasons for its designation and the impact of the proposed works, including information on how these have been designed in order to avoid, minimise and mitigate harm and give great weight to the conservation of the Grade II listed building, has been submitted.

The supporting documentation submitted as part of the LBC focuses on the health and safety assessment and technical specifications of the CCTV, not relevant to the assessment of impact of these works on the special significance of the Grade II listed building. Consequently, the information submitted with the application to date do not comply with the requirements of paragraph 200 of the NPPF.

The proposed CCTV cameras and associated installations are considered to be excessive, and it is considered that they would cause harm to the designated heritage asset on account of their position and impact. In the absence of a Heritage Statement, it has not been evidenced that these have been designed and positioned in order to give the necessary great weight to the special significance of the Grade II listed station.

There are additional concerns over the multiple different camera types proposed, which would create undue clutter and disjoint new installations across the station. Whilst technical information has been submitted, the proposed camera types and positions have not been supported by clear (legible) and convincing justification, required by paragraph 206 of the NPPF.

Otherwise, the CCTV data sheet document does not clearly show the position of some of the proposed CCTV and associated installations due to poorly lit photographs. Based on this document, it is not possible to ascertain the exact impact of these works on the Grade II listed building and further information would be required.

The installation of exposed trunking to the original features and core elements of the station, or on otherwise prominent locations, are considered to fail to preserve or enhance the Grade II listed building. It is considered that these works would cause cumulative material harm to the asset's architectural interest, appreciation, and completeness.

Whilst the levels of harm caused by the trunking would be less than substantial, it would be nonetheless considerable, due to the architectural importance of the station. Whilst there are public benefits associated with the provision of the CCTV, it is considered that these benefits could be delivered in a less harmful way.

Conclusion

The proposed position and external manifestation of the proposed conduits and cameras have not been conservation-led, failing to give great weight to the Grade II listed building, as per the requirements of the NPPF, and failing to show that the harm has been avoided or minimised through the quantum, location and appearance of the proposed new conduits.

Overall, the proposal would cause a medium amount of less than substantial harm to the setting of the listed building, with the proposal failing to provide the necessary justification of the full public benefit to outweigh the harm identified.

Given the above, the application for listed building consent is refused, pursuant to policies DM1, SP1, EN3, CC9 of the Manchester Core Strategy (2012), saved policies DC15 and DC19 of the Unitary Development Plan (1995) and Section 16 of the NPPF.

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: Refused

Article 35 Declaration

Officers have worked with the applicant in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. Matters were raised with the applicant during the course of the application. This has included ongoing discussions about the information required to be submitted to support the application and the acceptability of the proposals. Unfortunately, despite an extension of time being agreed in order to resolve the concerns raised, the issues with this application couldn't be resolved within the timescales allowed.

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

- 1) The installation of CCTV, by virtue of their siting, size, design and appearance, and accompanying M&E and trunking, would fail to respond positively to the character and appearance of the Listed Building resulting in clutter and incongruous additions. This would result in less than substantial harm and would not be outweighed by the public benefits of the development. The proposal is therefore contrary to policies SP1, CC9, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1 and DC19.1 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Network Rail

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CENTRAL