

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137617/LO/2023

Date registered valid: 20 July 2023

Proposal: Listed Building Consent for the installation of WIFI Access Points and associated cabling to the Schuster and Dewar buildings of St Anselm Hall.

Address: St Anselm Hall, Kent Road East, Manchester, M14 5BX

Ward(s): Rusholme Ward

Applicant: Mr Simon Connolly University of Manchester

Agent (if any): Mr David Tye Paul Butler Associates Ltd

Case officer: Janet Lawless
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Recommendation: Approve

Date of recommendation: 6th March 2024

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit:

Standard consultations:

Printed: 4 August 2023 Expired: 25 August 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 17 August 2023 Expired: 7 September 2023

Press advert

Published: 8 August 2023 Expired: 22 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The Site - This application relates to the St Anselm Halls of Residence site that incorporates a number of students halls including Dalton Ellis Hall, Canterbury Court, Pankhurst Court and St Anselm Hall itself and various other buildings. There are 3 listed buildings on the site, all Grade II. The halls are located off Conyngham Road in the Rusholme ward of the City. The site is owned by the University of Manchester.

Listed building: Grade II

Conservation area: Victoria Park Conservation Area 1972

Tree Preservation Order: As part of the Conservation Area.

Description of area

The area surrounding the application site is primarily residential in nature although the University of Manchester Campus is fairly close by, as is the Central Manchester Hospitals site and also the vibrant commercial centre of Rusholme along Wilmslow Road.

Description of development

The Proposal - Listed Building Consent is sought for the WIFI Access Points and associated cabling to the Schuster and Dewar buildings of St Anselm Hall. The University of Manchester Network Transformation Project is an initiative which seeks to install a contemporary wireless local area network (WLAN) across the entire University of Manchester estate including all buildings and rooms thereby ensuring complete wireless connectivity for staff, students, visitors and technical plant. At St Anselm the installation will upgrade existing provision whilst also filling major gaps in the existing WLAN coverage.

The proposed installation will comprise the installation of a series of access points (APs) which combine to provide a comprehensive WLAN for the building. The proposed APs are a small wall or ceiling mounted device that creates a WLAN once connected via an ethernet cable to a wired

switch or communications hub. Each AP will project a Wi-Fi signal to a given area with each AP location being carefully selected by the technical network designer to provide a seamless WLAN throughout St Anselm.

The Wi-fi installation works for which listed building consent is sought relate to those parts of St Anselm Hall known as 'Schuster' which originated as a former 1840s Villa (formerly Kent House) and 'Dewar' a 1927 wing extension built to provide additional student accommodation. The proposals will allow students living here full internet access thereby ensuring the accommodation continues to meet with user expectations and thereby helps secure the liveability and long-term future of the listed building.

Consultations & Notification Responses

Historic England- No comments received.

Issues

The applicable policies for this Listed Building application are as follows:

Policy

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.

National Policy

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires 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 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.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

Issues

Principle

The proposed works are required to rollout the 'University of Manchester Network Transformation Project' which is an initiative which seeks to install a contemporary wireless local area network (WLAN) across the entire University of Manchester estate including all buildings and rooms thereby ensuring complete wireless connectivity for staff, students, visitors and technical plant. At St Anslem the installation will upgrade existing provision whilst also filling gaps in the existing coverage. The works would therefore allow students living here full internet access thereby ensuring the accommodation continues to meet with user expectations and thereby helps secure the liveability and long-term future of the listed building. This is supported by paragraph 203 of the NPPF, which supports bringing listed buildings into optimum viable use and policy EN3 of the Manchester Core Strategy (2012) which encourages the reuse of heritage assets. Given the above, and subject to the attachment of appropriate conditions, the principle of the works is considered acceptable.

Impact on the listed building

The proposal would cause a degree of harm to the listed building, but the level of harm would be on the lower end of the less than substantial spectrum and otherwise supported by clear and convincing justification and would be outweighed by public benefits that the scheme would deliver, thus compliant with paragraphs 203, 205 and 206 of the NPPF. It is considered that the harm is not great enough to warrant a refusal. The harm has been minimised through the location and design of the proposed installations, giving great weight to the conservation of the Grade II listed building, as required by paragraph 199 of the NPPF.

The works are all internal to the building with many of the conduits linking in with the existing and as such would not be visible from within the street scene or from public views of the building.

Impact on the conservation area

The proposed works would be installed internally with the entire area being screened from any external views. It is therefore considered the works would have a neutral impact on the character and appearance of the conservation area and therefore the proposal is acceptable pursuant to policy DC18 of the Manchester Core Strategy (2012) which requires consideration of the impacts of new development on conservation areas.

Conclusion

In view of the above, this application is considered acceptable, as the works are considered to amount to less than substantial harm to the special historical interest and character the Grade II

listed building. The public benefits of the proposal are considered to outweigh any less than substantial harm that might occur as a result of the proposed works.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this case some negotiations were needed regarding the type of conduit used in order to mitigate the impact on the listed building these have now been revised and the proposal has been approved in accordance with the national and local policies.

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

