

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137445/LO/2023
Date registered valid: 14 November 2023
Proposal: Listed Building Consent for elevational alterations to existing building
Address: HMP Manchester, Southall Street, Manchester, M60 9AH
Ward(s): Cheetham Ward

Applicant: Mr Charles, Morgan Ministry of Justice
Agent (if any): David Barker AHR
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 7 December 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

Published: 21 November 2023 Expired: 5 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to HMP Strangeways - a large brick built Victorian prison built circa 1868, which is Grade II listed. The building incorporates a panoptic layout and is bounded by Sherborne St to the north, Empire St to the east, Southall St to the south and Great Ducie St to the west. Adjoining the prison to the west is a single storey visitor's centre comprising of a heptagonal building of a more recent architectural design.

The prison was designed by Alfred Waterhouse – a prominent architect of his time and is dominated by a 71-metre-high ventilation tower.

The prison comprises two main sections. The lower prison is of radial design with wings extending from a central rotunda. The upper prison is of a cruciform design, also with a central rotunda.

Listed building: Grade II

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the prison complex, the site is situated within the 'warehouse district' which is largely characterised by large warehouse buildings, cash and carry businesses and light industry. The city centre is situated a short distance to the south.

Description of development

Listed building consent is sought for elevational alterations. Namely, the replacement of cell windows to both the lower upper prison, with mesh baskets to level 1 windows. The proposal also includes temporary fencing to the exercise yards, although following recent change to the

Town and Country Planning (General Permitted Development) Order 1995 (as amended), the fencing now constitutes permitted development by virtue of its height and association with a prison.

The proposed windows meet with relevant Building Regulations and the requirements of the Ministry of Justice and would replace deteriorating, non-original windows.

The proposal has been accompanied by a separate application for planning permission (137444/FO/2023).

Consultations & Notification Responses

Local residents/occupiers - No representations received

Policy

The below policy and guidance is considered relevant to the consideration of this application;

- Policies DM1, EN3 and SP1 of the Manchester Core Strategy;
- Saved policy DC19.1 of the Unitary Development Plan for the City of Manchester;
- National Planning Policy Framework (NPPF) - Section 16.

Issues

Heritage and Impact to Visual Amenity

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission 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'.

Policy EN3 of the Core Strategy, likewise refers to the need for the consideration to be given to the impact of new developments on heritage assets, whilst saved Policy DC19.1 of the UDP seeks to preserve and enhance the setting of listed buildings and specifically states that listed building consent will not be granted for external or internal alterations or additions to a listed building, were in its opinion, there would be an adverse effect on its architectural or historic character.

Relevant to this application, Section 16 relates to Conserving and Enhancing the Historic Environment.

Paragraph 195 states that in determining applications:

'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

Paragraph 199 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 202 advises further 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 application has been supported by a Heritage Statement and follows pre-application discussions.

The details of the design cannot be provided for security reasons, but the design of the alterations follows the original design so far as possible, whilst balancing national security needs.

The current windows have been installed at different times, resulting in patchwork of windows. The proposed replacement would result in a more consistent, uniform appearance, sympathetic to the original fabric.

The proposed works in this case are believed to have a less than substantial impact when balanced against public benefits that the overall development will deliver in terms of preserving a heritage asset to prevent its further decline and to safeguard national security.

Assessment of the application has considered the proposed works, methodology, fixing details and associated repairs and fittings.

The installation method has been fully considered to cause the least possible harm, both visually and structurally.

In summary, it is considered that the works would have a less than substantial impact. The proposed works would meet an established need and would improve security, sympathetically balancing security needs against the preservation of a heritage asset. When weighed against the public benefits that the proposal would deliver, the proposed development is considered acceptable and compliant with the aforementioned development plan policy and the National Planning Policy Framework.

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

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:

408029-3076-AHR-BMM-00-DR-A-0902-S3-D0100, 408029-3076-AHR-009-ZZ-DR-A-0842, 408029-3076-AHR-010-ZZ-DR-A-0842, 408029-3076-AHR-012-ZZ-DR-A-0842, 408029-3076-AHR-013-ZZ-DR-A-0842, 408029-3076-AHR-014-ZZ-DR-A-0842, 408029-3076-AHR-042-ZZ-DR-A-0842, 408029-3076-AHR-043-ZZ-DR-A-0842, 408029-3076-AHR-044-ZZ-DR-A-0842, 408029-3076-AHR-045-ZZ-DR-A-0842, 408029-3076-AHR-009-ZZ-DR-A-3301, 408029-3076-AHR-010-ZZ-DR-A-3301, 408029-3076-AHR-012-ZZ-DR-A-3301, 408029-3076-AHR-013-ZZ-DR-A-3301, 408029-3076-AHR-014-ZZ-DR-A-3301, 408029-3076-AHR-042-ZZ-DR-A-3301, 408029-3076-AHR-043-ZZ-DR-A-3301, 408029-3076-AHR-044-ZZ-DR-A-3301, 408029-3076-AHR-045-ZZ-DR-A-3301 and Heritage Design and Access Statement received by the City Council as Local Planning Authority on 13 November 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

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 - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

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: NORTH AREA