MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135992/LO/2023
Date registered valid:	10 February 2023
Proposal:	Listed Building Consent to alter and repair Gate 9 and wall at Heaton Park.
Address:	Heaton Park, Bury Old Road, Manchester
Ward(s):	Higher Blackley Ward
Applicant:	Ms Kath McVicker, Manchester City Council
Agent (if any):	Mr Richard Broadbent, Manchester City Council
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	23 May 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 7 March 2023

Standard consultations:
Printed: 23 February 2023 Expired: 16 March 2023

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
Posted: 07 March 2023 Expired: 28 March 2023

Press advert
Published: 28 February 2023 Expired: 21 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: NO

The masonry wall forms part of the boundary wall to the historic Heaton Park and connects the pillar to the Grand Lodge wall which is built of stone. Bricks are "handmade" held together with lime mortar and pointed with a more recent cement/grit sand mixture. Masonry footings are corbelled sandstone.

The length of masonry wall with defects is 22m, wall height 2.2m. Total length of masonry wall from Gate 9 gatepost pillar from Grand Lodge is 102m. Gate 9 has been used as a vehicular entrance for car parking and large-scale public events such as open-air concerts etc for the last 40 years. Whilst most of the original wall has remained relatively stable, there has been a change in circumstances locally to the wall by the creation of the opening and construction of gate posts. The cracks in the wall adjacent to the gate post pillar are as a direct result of the creation of Gate 9 and the additional forces imposed upon the masonry wall. There is tension between the original wall and the relatively recently constructed gate posts and metal gates.

The proposal would improve the access when the damaged post and section of wall are taken down to carry out the re-building works by relocating the post to widen the opening. The road can be widened at the same time and a new larger gate provided matching the style of the original. Relocating the post would also require the road access from Bury Old Road to be enlarged and the pavement kerbs adjusted. Some self-seeded trees that have grown up close to the road entrance and wall would be removed at the same time.

o Copings will be reclaimed, and as much original masonry be re-used as is practical.

Samples will be taken and lime mortar mix and pointing similar to the existing will be used. Gate post copings currently out of alignment will be centred on the gate.

Consultations & Notification Responses

The application was advertised in the local press, effecting a listed park and local residents were consulted and no representations were received.

The Garden Trust were consulted and raised no objection to the proposal.

The Design and Conservation Team were consulted and raised concerns regarding the number of trees to be removed and the design of the gate. After further negotiations an appropriate design solution was found for the gate and two sycamore trees were retained, and the amended proposal was considered to be acceptable. The details of the fabrication of the gate has been conditioned as part of the consent. Design and conservation commented the opening was created in the 1970's according to the statement and the proposal to enlarge the opening makes sense due the size of vehicles and the damage that is being caused. In addition, the harm is considered negligible due to the small nature of the increase in comparison to the large expanse of walling.

The Tree Section were consulted and raised on objection to the removal of the trees.

Historic England were consulted and raised no objection to proposal.

Issues

Issues and Policy

Visual Amenity - The Adopted Core Strategy for the City of Manchester

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

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 DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

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.

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 197 states that in determining planning applications, local planning authorities 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; and

- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 194 advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 200 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 201 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.

Visual Amenity

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

The boundary provides some of the first impressions of the park and the quality of the gates needs to match the high status of the Hall and park. Fabrication drawings with sizes, fixings etc. are required and a condition has been added to the consent.

The original coping stones will be lifted off and reused.

The capping's for the piers on the proposed are correctly shown as being centred which is an improvement to the current off-centre arrangement and reclaimed bricks are to use to carry out the works.

The applicant state that mortar shall match the original, an analysis and some samples of repointing needs to be provided and a condition has been added to the consent. It may be that the same specification that is being used in the rebuilding of the walled garden (a recently approved scheme within the park) is used here and the applicant has confirmed the brick bonding, coursing will match.

The width of the opening is not wide enough to accommodate large modern vehicles. Currently the wall and post to the right-hand side of the gate are seriously damaged due to vehicular collision and in need of repair. Some damage to the original wall is as a consequence of the formation of the opening at Gate 9 in the 1970's. The post and wall to the left-hand side of the gate have been re-built at some point in more recent construction using slightly different bricks.

o When the damaged post and section of wall are taken down to carry out re-building it is proposed to relocate the post to widen the opening. The road will be widened at the same time and a new larger gate provided matching the style of the original.

Relocating the post requires the road access from Bury Old Road to be enlarged and the pavement kerbs adjusted. The self-seeded trees that have grown up close to the road entrance and wall will be removed at the same time.

o When taking down the gate, post and walls, demolition works are to be carried out in accordance with BS 6187 and HASW regulations. Extreme care is to be taken to ensure that the stability and integrity of the remaining structure is not compromised.

The Contractor shall be responsible for maintaining the stability and integrity of the existing a new structure for the duration of the works. All surplus debris shall be removed from site. Temporary works are the sole responsibility of the Contractor,who must design, supply and install all necessary temporary works required.

o All masonry shown for taking down to be carefully removed to foundation level. Brickwork to be re-built using the reclaimed bricks to match the existing height and width in English Garden Wall Bond to match existing with rebuilt brickwork toothed into the existing. Areas of loose or defective brickwork to remaining sections of wall should be removed and made good. Defective mortar joints to be raked out, cleaned and repointed in NHL 3.5 grade natural hydraulic lime mortar. Vegetation in the wall is to be removed and open joints raked out and repointed.

o Existing footings to the masonry wall comprise of corbelled sandstone and are set to a depth of 960mm. The Contractor will grub up the traditional concrete pad foundations to Structural Engineer's detail.

o Copings will be reclaimed, and as much original masonry be re-used as is practical. Samples will be taken and lime mortar mix and pointing to match the existing will be used.

o Gate post copings currently out of alignment will be centred on the gate. The existing coping stone to the left-hand pillar is to be carefully removed and re-bedded centrally onto the pillar. The right-hand coping is currently in storage having been dislodged by the latest vehicular collision and is to be reinstated and re-bedded centrally onto the opposite pillar.

Trees

The proposed gate widening scheme and associated wall repair will require the removal of 3 trees. The most prominent tree in the group is the mature Hybrid Poplar which has been implicated in the wall damage (please see findings below). In addition to the Poplar, there is a mature Sycamore T3 which is listed for removal in order to facilitate the new gate widening scheme.

The conservation team raised concerns regarding the removal of good trees and the continuous tree lined edge that gives to the park. The loss of large trees will have an impact and the City Council Arborist will need to be happy with any tree removal and any subsequent replanting. The scheme has been modified to reduce the amount of removed trees from 5 to 3. The trees to be removed have been demonstrated to cause damage to the wall. The two trees to be retained flank the entrance road and the road has been realigned to compensate to retain the trees.

The Tree Section confirmed if there are no alternatives but to the remove the trees due to structural damage, They would seek to obtain mitigation planting to offset the loss of the trees in question. Whilst they appreciate the need to repair the wall and widen the gate to allow better access for larger vehicles, They feel that the loss of the trees needs to be mitigated and a condition has been added to the consent.

It is considered that the benefits of the proposal would outweigh the less than substantial harm caused to the affected heritage asset by the above described works and are consistent with paragraphs 196 and 197 of the NPPF and address sections 66 and 72 of the Planning Act in relation to preservation and enhancement. The benefits of the proposals are that the proposal consists of works that would protect the listed wall and contribute to the overall continual functioning of the park.

Given the above, the works are considered to be consistent with the above identified policies.

Conclusion -

The proposed development complies with all relevant policies and can therefore be determined by delegated powers.

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 polices 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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application and to address issues.

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:

The Location Plan, The Design and Access Statement, The Tree Survey Plan, stamped as received on the 17 January 2023, The Heritage Statement, stamped as received on the 6 February 2023, The Scope of Works and Method Statement, stamped as received on the 10 February 2023, Arboricultural Impact Assessment, stamped as received on the 28 February 2023, The Site Plan, stamped as received on the 6 March 2023, MCC-B01 01 DR B 002 S4 Rev B, stamped as received on the 25 April 2023 and MCC-XX-XX-DR-B-011 S2 Rev C , stamped as received on the 4 May 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Notwithstanding the details shown in the approved documents and detailed in condition 2 of this decision, full and final details of the following shall be submitted and approved in writing prior to any works to those elements commencing on site:

a) Gate fabrication drawings with sizes and fixings details are required,

b) Analysis and some samples of repointing needs to be provided,

Reason- To ensure that the proposed works to a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest are undertaken in accordance with best conservation practice to protect the character and appearance of this building and in accordance with saved policy DC19.1 of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

4) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)
(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

5) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than those identified with the submitted plan numbered MCC-B01 01 DR B 002 S4 Rev B, received by the City Council, as Local Planning Authority on 25 April 2023.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Neighbourhood Team Leader (Arboriculture)
Historic England (North West)
Heritage & Urban Design
Gardens Trust

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Green Belt Land - Green Belt Area (LDF)
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Area Team Boundary - Name: NORTH AREA