

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136990/LO/2023
Date registered valid:	16 May 2023
Proposal:	Listed Building Consent for fabric repairs and redecoration of the Lych Gate and boundary walls
Address:	Lych Gate (Gatehouse And Bell Turret), Chorlton Green, Manchester
Ward(s):	Chorlton Ward
Applicant:	Ms Kath McVicker, Manchester City Council Corporate Estates
Agent (if any):	Mr Ash Khalife, KPS Architects
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	12 October 2023



Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 1 June 2023

Standard consultations:

Printed: 30 May 2023 Expired: 20 June 2023

Neighbour notifications

Printed: 30 May 2023 Expired: 20 June 2023

Site notice

Posted: 1 June 2023 Expired: 22 June 2023

Press advert

Published: 6 June 2023 Expired: 20 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/Area

The Lych Gate and associated boundary walls are the subject of this planning application. The Lych Gate was constructed in 1888 and was the gatehouse to the church yard of the former Church of St Clement, prior to its demolition. The Lych Gate is a Grade II listed building, being first listed in October 1974 as *Gatehouse and Bell Turret at Chorlton Green*.

The building is a brick and timber structure and is noteworthy for its octagonal, black and white, half-timbered bell tower with tiled spirelet. There is a semi-circular entrance arched walkway that passes through the principal elevations. The gatehouse also has ramped, flanking brick walls which are topped with sandstone copings.

To the north of the lies Chorlton Green, while to the south is the former church yard of Church of St Clement. To the east and west of the site, on the opposite side of their respective roads, stand a number of dwellinghouses.

Listed building: Grade II

Conservation area: Chorlton Green Conservation Area 1970

Tree Preservation Order: No

Description of development

The applicant is seeking Listed Building Consent to undertake fabric repairs and redecoration of the Lych Gate and associated boundary walls. These works comprise of:

- Repairs to the brickwork and refixing of the coping stones
- Repairs to the lath and render
- Repair to the mortar
- Installation of bird netting
- Repairs to the timberwork

Consultations & Notification Responses

Local Residents – No comments received.

Chorlton Voice – Chorlton Voice welcome the proposed renovation of the Lych Gate and are satisfied that the proposals are sympathetic to the original building design.

Policies

The National Planning Policy Framework (September 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 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 197 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 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 200 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.

Paragraph 201 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 202 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.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

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* – 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.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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 – Policies DC18 and DC19 are considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

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.

Places for Everyone Plan – 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 to the Plan. The Examination of the 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 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.

Issues

Impact upon the Listed Building – The Lych Gate and boundary walls have suffered from water ingress, bird occupation and vandalism and are in need of repair and renovation. As such the proposal is welcomed. The proposed works are considered acceptable and would ensure the future of this important feature of the Chorlton Green Conservation Area.

Notwithstanding the above there was concerns about the size of the proposed guttering and the applicant duly revised this aspect of the proposal. In addition, bird netting is proposed to be externally fitted to the tower and while there is no objection to the installation of netting there is a preference for it to be fitted behind the louvres if access is possible. With this in mind a condition is suggested which will require the applicant to investigate the possibility of installing the netting internally. This condition (no. 3) will also require the applicant to submit samples of materials as well as provide examples of the workmanship to be employed during the renovation. This will ensure that the character and appearance of the listed building is retained.

In conclusion, the works are welcomed and it is not considered that the proposal would have a detrimental impact upon the character and appearance of the listed Lych Gate and associated boundary walls.

Impact upon the Chorlton Green Conservation Area – The proposed repair works are welcomed and it is recognised that they would both preserve and enhance the character of the Chorlton Green Conservation Area. As mentioned above, a condition (no. 3) is suggested that would require the applicant to submit samples of the proposed materials to be used in the repair work, along examples of the workmanship, to ensure that there is no detrimental impact to the character of this conservation area.

Trees – None of the trees within the grave yard are to be removed, though some pruning is required to facilitate the repair works. This is considered acceptable given the minor scope of the pruning 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 to resolve any problems arising in relation to dealing with the planning application.

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:

- a) Location Plan, received on 16 May 2023
- b) Drawing no. 04 LBC 01, received on 16 May 2023
- c) Drawing no. 05 LBC 02, received on 11 July 2023
- d) Drawing no. 06 LBC 01, received on 11 July 2023
- e) Specifications document, received on 11 July 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, DM1 and SP1 of the Manchester Core Strategy.

3) Notwithstanding the details provided in the application as detailed in Condition 2 of this Approval Notice, details, to include physical samples of the materials and workmanship to be used in the development including but not limited to:

- a) Mortar samples, any new bricks, lath and render
- b) Examples of pointing and brick repairs
- c) Provision of internal (behind louver) bird netting

shall be submitted to and approved in writing by the City Council as Local Planning Authority prior to commencement of building works. The agreed details shall be incorporated into the development and thereafter be retained as approved throughout the life of the development.

Reason - Because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character, appearance and fabric of this building in accordance with policies EN1, EN3, SP1 and DM1 and saved policies DC18 and DC19 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

31D Chorlton Green, Manchester, M21 9FQ

8 Finney Drive, Manchester, M21 9DS

12 Chorlton Green, Manchester, M21 9HS

Flat At, Bowling Green Hotel, Brookburn Road, Manchester, M21 9ES

33 Chorlton Green, Manchester, M21 9FQ

3 Dovecote Mews, Manchester, M21 9HN

8C Chorlton Green, Manchester, M21 9HS

6 Finney Drive, Manchester, M21 9DS

4 Finney Drive, Manchester, M21 9DS

2 Finney Drive, Manchester, M21 9DS

10 Finney Drive, Manchester, M21 9DS

Bowling Green Hotel, Brookburn Road, Manchester, M21 9ES

1 Dovecote Mews, Manchester, M21 9HN

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

Conservation Area - Chorlton Green Conservation Area 1970

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA