

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137408/VO/2023

Date registered valid: 27 June 2023

Proposal: CITY COUNCIL DEVELOPMENT - Rebuilding of section of existing retaining wall

Address: The Old Parsonage, Stenner Lane, Manchester, M20 2RQ

Ward(s): Didsbury West Ward

Applicant: Mr Robert Hutchinson, Manchester City Council

Agent (if any):

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 30.08.2023

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 17 July 2023 and 20 April 2023

Standard consultations:

Printed: 12 July 2023 Expired: 2 August 2023

Neighbour notifications

Printed: 12 July 2023 Expired: 2 August 2023

Site notice

Posted: 17 July 2023 Expired: 7 August 2023

Press advert

Published: 25 July 2023 Expired: 8 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: Trees are protected by way of Conservation Area designation

Description of area

The application site relates to a retaining boundary wall to the Church of St James, Didsbury, on Stenner Lane in the Didsbury Ward of Manchester. The Church is a Grade II* Listed Building with the Church and Fletcher Moss Gardens located to its southern, and western boundaries all being located within the Didsbury St James Conservation Area.

Description of development

This application relates to a 12 metre section of the stone boundary wall to the Church which is suffering from deflection and bowing outwards towards the adopted highway as a result of a mature Cedar tree which is located within the Church grounds. Given height differences between the road and Church grounds the boundary wall is also a retaining structure. This section of wall is currently protected by stone gabions located on the footway/road surface for safety reasons but is not considered to be a long term solution.

The boundary wall comprises cast iron railings fixed into sandstone copings which are in turn bed on sandstone block retaining wall forming the outer leaf on Stenner Lane and is retaining ground on the Church side to approximately 1050mm height.

The application proposals include for carefully dismantling by hand approx.12 metre section of the existing sandstone retaining wall down to pavement level at the affected area on the

boundary of Stenner Lane and St James's Church. The wall includes coping stones and existing cast iron railings. The works would set aside all materials that can be reused during the rebuild including, railings and coping stones. Any stones forming the wall that are either beyond repair or missing would be replaced on a like-for-like basis. Following the dismantling the proposals include for installing new foundation to structural engineers' specification, taking into consideration the Cedar tree adjacent to the wall. The ground level around the tree would not be changed. The insertion of a root barrier against the exposed face of the soil and roots (set as a vertical membrane) would assist in preventing future penetration of the wall structure.

Due to the process of ecclesiastical exemption for the Church the proposed works would require 'List B written approval' from the Archdeacon in this instance irrespective of the grant of any planning permission.

Consultations & Notification Responses

Neighbouring properties were notified of the proposals a site notice was posted and advertisement placed in the Manchester Evening News, no responses were received.

MCC Arborists - As there is no proposal to encroach into the soil surrounding the Cedar (they are using shuttering to retain the soil during the construction) we would not require the submission of an AIA or Method statement.

We are to meet the applicant to discuss the work in more detail, however, we would have no objection to the proposals as the tree should not be significantly impacted by the repair works.

MCC Highways - A section of the foundation of the retaining wall is located beneath the adopted footway on Stenner Lane. Any works to the highway to access or improve the foundation would require a S171 license as described in the Highways Act (1980).

If approved, the applicant should contact the Statutory Approvals Team to apply for a S171 license.

Policy

Manchester Core Strategy Development Plan Document (2012)

The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

DM1 - Development Management

EN3 - Heritage

Policy DM1- Development Management

Follows the principles advocated in the aforementioned policies and informs that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. The relevant issues are given below:-

- o Appropriate Siting, layout, scale, form, massing, materials and detail.

- o 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.
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

EN3 - Heritage

The policy provides that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its neighbourhood. 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.

The relevant UDP policies for this application are:

DC18.1 Conservation Areas
DC 19 Listed Buildings

National Planning Policy Framework (NPPF)

The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The relevant section in this instance is section 16 'Conserving and Enhancing the Historic Environment'.

Issues

Principle

The principle of repair works to historic boundary walls is generally considered acceptable subject to consideration of the scope of the works, impact on trees, and in this instance impact on the Listed Building and Conservation Area in which the site is located.

Impact on St James Church (Grade II Listed)*

St James, Didsbury, on Stenner Lane, was designated a Grade II* listed building on 25 February 1952. The application is accompanied by a proportionate Heritage Statement which describes the historical significance of the building. The current boundary wall is in a dangerous state with deflections and bowing towards the footway and road on Stenner Lane, current temporary measures in the form of stone filled gabions distract from the visual amenity of the conservation area and Listed Church but are required as a temporary safety measure. The proposed works seek to restore the boundary wall to a safe state re-using materials and replacing on a like for like basis where necessary. Ironwork is to be repaired and reinstated and repointing is to be undertaken to match the existing walls.

The proposed works are considered to have a positive and beneficial impact on the Listed Building to which they are associated and would safeguard this section of wall for the future.

Impact on Conservation Area and visual amenity

The proposed development is a highly visible location on Stenner Lane which provides access to the Church a number of residential buildings, Fletcher Moss Gardens and the Mersey Valley and associated trails and footpaths. As such the wall is an important feature within the street scene and of the Conservation Area. A highly visible and dominant Cedar tree is located directly

behind the retaining boundary wall which also provides an important element of the character of the conservation area.

The scope of works seek to carefully dismantle the existing boundary wall whilst ensuring that the retained land is supported during these works. The rebuilding of the works would re-use existing stones which in general appear to be in good condition but do allow for the replacement where required of stones on a like for like basis. As such given the need to resolve the current state of the wall which appears to be unstable it is considered that the works would have a beneficial impact on the Didsbury St James Conservation Area. Appropriately worded conditions are proposed to ensure materials and finishes match the existing and this would include the ironwork atop the stone wall. For these reasons, the proposal would not be contrary to saved UDP policy DC18 or to policy EN3 of the Manchester Core Strategy.

Impact on Trees

The applicant and accompanying information indicate that no trees are to be removed as part of the works. The wall is to be designed to ensure the retention of the existing Cedar tree within the church grounds and the applicant is being advised by the Council's arborist through the course of the works.

A condition is proposed to ensure works are undertaken in accordance with best practice.

Flood Risk

The application site lies outside of the flood zones associated with the River Mersey.

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

The application has been determined in a positive and proactive manner. In this instance issues that have arisen have been discussed with the applicant and conditions have been attached to the decision.

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 91 of the Town and Country Planning Act 1990.

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

SJW-MCC-XX-XX-DR-S-0011-S2 Rev A Proposed Wall Construction Detail;

Heritage Statement Project reference: AMP/44657/5

Schedule of Works

All as received by the City Council as local planning authority on the 27th June 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) Prior to works commencing to dismantle the wall, a method statement for works to dismantle the wall and railings and recording of stones (including coping stones) shall be submitted to and approved in writing by the City Council as local planning authority. The works shall be subsequently undertaken in accordance with the agreed details.

Reason - In the interests of ensuring the historic nature of the structure to be dismantled is undertaken sensitively and to minimise damage pursuant to Core Strategy policy EN3 and saved Unitary Development Plan policies DC18 and DC19.

4) Prior to the rebuilding of the wall hereby approved, samples and specifications of all new materials (including stones and railings) to be used, including mortar and paint finishes shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area, in accordance with policies EN1, EN3, SP1 and DM1 of the Core Strategy for the City of Manchester, Chapter 12 of the NPPF, and saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester.

5) 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.

(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) The measures 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 protected 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.

Informatives

1) A section of the foundation of the retaining wall is located beneath the adopted footway on Stenner Lane. Any works to the highway to access or improve the foundation would require a S171 license as described in the Highways Act (1980). The applicant should contact the City Councils Statutory Approvals Team to apply for a S171 license.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)
Heritage & Urban Design
Historic England (North West)
Didsbury Civic Society

Didsbury Hotel, 852 Wilmslow Road, Manchester, M20 2SG
Flat At, Didsbury Hotel, 852 Wilmslow Road, Manchester, M20 2SG
Newlands, Stenner Lane, Manchester, M20 2RQ
Stenner Brow, Stenner Lane, Manchester, M20 2RQ
Fernbank, Stenner Lane, Manchester, M20 2RQ
High Bank, Stenner Lane, Manchester, M20 2RQ

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 - Didsbury St James Conservation Area 1970
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Green Belt Land - Green Belt Area (LDF)
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA