

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133818/LO/2022

Date registered valid: 19 May 2022

Proposal: City Council Listed Building Consent for the erection of temporary fencing in association with construction works, together with removal of existing boundary wall to the western and southern elevation to allow its reconstruction and excavation works to allow new foundations

Address: Heaton Park, Horticultural Centre, Middleton Road, Manchester, Manchester, M25 2SW

Ward(s): Higher Blackley Ward

Applicant: Mr Richard Broadbent

Agent (if any): Mr Richard Broadbent, Manchester City Council

Case officer: Janine Renshaw-Livesey
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Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 February 2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 17 June 2022

Standard consultations:

Printed: 24 May 2022 Expired: 14 June 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: Expired:

Press advert

Published: 31 May 2022 Expired: 21 June 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: No

Tree Preservation Order: No

Introduction

This application relates to the erection of temporary fencing in association with construction works, together with removal of existing boundary wall to the western and southern elevation to allow its reconstruction and excavation works to allow new foundations at the walled garden area in Heaton Park, in the Blackley area of North Manchester.

Heaton Park is registered as a Grade II landscape under the Historic Buildings and Ancient Monuments Act 1953 within the Register of Historic parks and Gardens by Historic England for its historic interest. Within the park landscape there are nine listed structures of Grade I, Grade II* and Grade II status. The walled garden area was used historically as the kitchen garden supplying fruit and vegetables for the whole of the Heaton Park Estate.

The Horticultural Centre is located in Heaton Park close to the St. Margaret's Road entrance. It was established within the 18th Century walled garden that once supplied fruit and vegetables for the whole estate. The brick boundary walls surrounding the Horticultural Centre create a micro-climate for the cultivation of crops and were used for supporting fruit and climbing plants. The site area is approximately 1.92 acres.

Description

Scope of Works

- * Erect temporary Hera's type fencing to maintain a secure boundary to the Horticultural Centre whilst the works are carried out.
- * Careful dismantling of approx. 47m of boundary wall to the West Elevation and approx. 26.75m of boundary wall to the South Elevation.
- * All existing brickwork and copings shall be cleaned off, ready for re-use.
- * Careful dismantling of raking shores.
- * Carry out excavations / temporary works for new foundations.
- * Cast new concrete foundations in accordance with structural engineers' details.
- * To rebuild the two sections of boundary wall.

Planning History

115312/LO/2017 LISTED BUILDING CONSENT for a retrospective application for change of use to a Garden Centre and associated cafe, and shop; and retention of existing polytunnel, greenhouses, storage garages, toilet facility, reception hut, pottery room and associated structures; together with the erection of a further polytunnel. APPROVE

115311/VO/2017 CITY COUNCIL DEVELOPMENT Retrospective application for change of use to a Garden Centre and associated cafe, and shop; and retention of existing polytunnel, greenhouses, storage garages, toilet facility, reception hut, pottery room and associated structures; together with the erection of a further polytunnel. APPROVE

Consultations & Notification Responses

The application was advertised in the local press and a site notice was erected close to the site informing the public the proposal effected a listed structure and no representations were received.

Historic England were consulted and raised no objection to the proposal.

The Ecology Unit were consulted and recommend an informative and a condition be attached to the consent relating to the protection of nesting birds and bats.

Policy

National Planning Policy Framework - This sets out the Government's Planning Policies for England and how these are expected to be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the planning system should perform:

Section 16 of the NPPF outlines the Governments objectives in terms of conserving and enhancing the historic environment.

6. Conserving and enhancing the historic environment.

189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

190. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation.
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

This scheme has been designed to respect the character and appearance of nearby heritage assets and allows the continual presence of a Grade II listed structure and is in broad accordance with the requirements of NPPF.

Core Strategy

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.

The following specific policies are considered to be particularly relevant to the proposed development:

Policy EN 3 (Heritage) - this states that 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 of the Core Strategy sets out that development should have regard to:

- 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.

Policy SP1- Spatial Principles

Policy SP1 advises that the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

Policy EN 13 - Green Belt

Policy EN13 states that the extent of Green Belt in Manchester will be amended in the vicinity of Manchester Airport, in accordance with policy MA1. Otherwise, there are no amendments to the Green Belt boundary to be affected through the Core Strategy. This does not preclude further consideration of sites currently within the Green Belt through subsequent Development Plan Documents. The whole of Heaton Park falls within the Green Belt. Given the nature of the proposed development being a minimal physical intervention. Therefore, it is considered that the scheme would not detract from visual amenities of the Green Belt.

Policy EN 14 - Flood Risk

In line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA).

The Heaton Park Character Area is a large, historic Grade II listed Municipal Park, containing a number of historic structures dating from its original use as a country estate. It is used for a mix of formal and informal recreation opportunities in a primarily informal landscape. It is the highest point in the City. A continuation to its historic landscape character as parkland with informal groups of trees, to enable the accommodation of the existing range of leisure activities is expected.

Unitary Development Plan - saved policies

Saved UDP policy DC19.1 (Listed Buildings) states that in determining applications for listed building consent or applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to, amongst other things, protecting their general setting. The Council will seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity.

The proposal has regard to the desirability of preserving a listed structure or its setting or any features of special architectural or historic interest which it possesses with minimal impact on the listed buildings and structures within the park.

For the above reasons, the proposal is considered to be acceptable and consistent with policies EN3 and DM1 of the Core Strategy and saved policies DC19.1 of the Unitary Development Plan.

Issues

Sections of the boundary walls to the Horticultural Centre have become unstable or have collapsed. Following structural engineers' inspections, a section of the walling was found to be leaning and temporary timber raking shores were erected along this section along the West boundary. A section of the South boundary wall has collapsed completely, and the affected

areas have been cordoned off with temporary fencing. Works are required to address the defects with the boundary walling.

The works will comprise:

- *Erect temporary Hera's type fencing to maintain a secure boundary to the Horticultural Centre whilst the works are carried out.
- *Careful dismantling of approx. 47m of boundary wall to the West Elevation and approx. 26.75m of boundary wall to the South Elevation.
- *All existing brickwork and copings shall be cleaned off, ready for re-use.
- *Careful dismantling of raking shores.
- *Carry out excavations / temporary works for new foundations.
- *Cast new concrete foundations in accordance with structural engineers' details.
- *To rebuild the two sections of boundary wall.

Assessment of Impact

The proposals include rebuilding two sections of boundary wall to the Horticultural Centre which are summarised below: -

To take down and rebuild approx. 47m of boundary wall to West Elevation of the Horticultural Centre. Section of wall is unstable and leaning. Temporary raking shores have been erected to provide support. The new concrete foundation will be below ground level and not visible. All existing bricks and copings will be cleaned off a re-used as part of the boundary wall re-build bedded in a new lime mortar. No visible impact of the boundary wall rebuilding is expected.

To take down and rebuild approx. 26.75m of boundary wall to the South Elevation of the Horticultural Centre. Section of wall has already collapsed. The new concrete foundation will be below ground level and not visible. All existing bricks and copings will be cleaned off a re-used as part of the boundary wall re-build bedded in a new lime mortar. No visible impact of the boundary wall rebuilding is expected.

The primary guiding principles used to approach the conservation of the Horticultural Centre boundary walls are -

1. All interventions should seek to make the Horticultural Centre and Park more useable to visitors.
 2. All interventions should be informed by all available information, including archaeological assessment and research, materials analysis, and photographic records.
 3. Historic features should be reinstated in appropriate materials.
 4. Imagined faux-historic features should be removed to ensure more accurate understanding.
- A detailed specification for the proposed works and accompanying drawings have been prepared to detail the requirements for conservation or alteration all individual components/materials. This will ensure full integration and co-ordination of the repair work with associated new work as previously detailed. The works will be monitored to ensure full co-ordination of the details and adherence to specification, methods of working and quality of finish. It is deemed that the proposed works are in the public interest and that the works will have no detrimental impact on the character of Heaton Park Horticultural Centre.

Conclusion

The re-building of the boundary walls has been designed in a way which is sympathetic to the historic fabric. It is deemed that the proposals will not materially affect the special architectural and historic interest of the Heaton Park Horticultural Centre, or the character and appearance of Heaton Park.

The Heaton Park Horticultural Centre boundary walls are at significant risk of harm or loss, due to the deteriorated condition of some sections of the walling. The repairs are considered to be acceptable and in accordance with saved policy DC19 ; of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy and Section 16 of the NPPF

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

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:

002, DR B010 S3, DR B011S3, DR B 001 S3, Design and Access Statement, Heritage Statement, stamped as received on the 19 May 2022.

001, Heaton Park Horticultural Centre Report, stamped as received on the 23 January 2023.

Garden Centre Wall Survey, stamped as received on the 28 June 2022,

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) Before any brickwork repairs are carried out, samples of the materials to be used for the repairs and the mortar/pointing and copings to be used shall be submitted to and approved in writing by the City Council as Local Planning Authority. The works shall be carried out in accordance with the approved materials and mortar composition.

Reason - In the interests of visual amenity and because the proposed works affect a listed park 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 and appearance of this building in accordance with saved policy DC19 ; of the Unitary Development Plan for the City of Manchester and policies SP1, EN3 and DM1 of the Core Strategy.

4) No removal of or works to structure that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Core Strategy.

Informatives

1) Whilst the wall to be dismantled and rebuilt has been assessed as low risk for bats, the applicant is reminded that under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Appendix 1 – List of consultees & neighbours notified

Historic England (North West)
Greater Manchester Ecology Unit

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