

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135049/LO/2022

Date registered valid: 27 September 2022

Proposal: Listed Building Consent for the installation of 'Changing Places' toilet facilities including repair to existing barn doors and sliding mechanism, installation of new internal floor, guttering and roof repairs and re-grading of external surface to form level access

Address: Wythenshawe Park, Wythenshawe Road, Manchester, M23 0AB

Ward(s): Brooklands Ward

Applicant: Mr Philip Schofield, Manchester City Council

Agent (if any): Mr Philip Schofield, Manchester City Council

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14.04.2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Standard consultations:

Printed: 5 October 2022 Expired: 26 October 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 19 October 2022 Expired: 9 November 2022

Press advert

Published: 11 October 2022 Expired: 1 November 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The application site lies within Wythenshawe Park which is a Grade II listed park located in the south of Manchester. The application site lies within the courtyard of ancillary buildings to the Grade II* listed hall and the structure is Grade II listed itself.

Listed building: Grade II

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Listed Building Consent for the installation of 'Changing Places' toilet facilities including repair to existing barn doors and sliding mechanism, installation of new internal floor, guttering and roof repairs and re-grading of external surface to form level access

Consultations & Notification Responses

The application was advertised in the local press as affecting the setting of a listed park and a site notice was erected close to the site. No representations were received.

Issues

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 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.

Proposed



Existing

The tarmac externally is to be raised to allow level access. There would be a stud wall introduced internally to create a protected lobby from the weather. The internal wall would be timber clad and the existing walls would be lime washed.

Visual Amenity

A material condition has been requested by the conservation officer which has been attached to the consent for the timber cladding to be used internally.

It is considered that the proposed scheme has been designed to be sympathetic to the character and appearance of the listed structure and the listed park. The proposal would improve the experience of visitors using the park and help to facilitate increased visits to the park by the public.

Access to the new Facility

It is proposed that access to the new facility will be level with no obstacles to the disabled users who will use the facility.

Design and Appearance and impact on Listed Building/ setting of the Listed Park

Sections 16, and 66 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 in the case of the proposed demolition, 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" (NPPF Paragraph 2). In order to meet this key planning objective, in this instance, it is essential to ensure that the development of the site sustains and contributes to the stimulation of a thriving historic environment.

Paragraph 190 of the NPPF 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 199 of the NPPF 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.

It is not considered that the conversion of the existing courtyard facing ancillary stable building would detract from the appearance of the listed parkland, given the siting and appearance. In view of the above it is considered that the proposed development would on balance be consistent with sections 2 and 16 of the National Planning Policy Framework policies SP1, DM1, and EN3 of the Core Strategy and saved UDP policy EN3 and DC19.

Conclusion

The scheme would facilitate the enhancement of facilities at a visitor attraction within Wythenshawe Park. It is considered that the impact of the works on the character and appearance of the listed park would not diminish the historic qualities of the property and are considered to therefore be acceptable. Furthermore, the proposed conversion would have a neutral impact with no impact on the special interest of the registered park & garden and there are no objections to the current scheme.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance the local

planning authority had negotiated appropriate amendment to the proposal have attached appropriate conditions to the approval.

Condition(s) to be attached to decision for approval

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:

Drawings including sections and floorplan named Wythenshawe Park Author PAS received attached to email dated 12.04.2023

Location Plan WSP-MCC-454263-DR-A-0001

Elevations as Proposed listed on plan WSP-MCC-45423-DR-A-0003

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) No development that is hereby approved shall commence unless and until samples and specifications of the timber cladding to be utilised have been submitted to and approved in writing by the City Council as local planning authority.

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 within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

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

Area Team Boundary - Name: SOUTH AREA