

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135335/LO/2022
Date registered valid: 20 January 2023
Proposal: Listed building consent for the Installation of external condenser for air conditioning and associated internal works
Address: Flat 12, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Ward(s): Didsbury East Ward

Applicant: Mr R Saleh
Agent (if any): Joe Mayoh, Abode Architecture
Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE
Date of recommendation: 15.03.2023

Application details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 13 February 2023

Standard consultations:

Printed: 2 February 2023 Expired: 23 February 2023

Neighbour notifications

Printed: 2 February 2023 Expired: 23 February 2023

Site notice

Posted: 03 February 2023 Expired: 24 February 2023

Press advert

Published: 7 February 2023 Expired: 28 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II Star

Conservation area: Didsbury St James Conservation Area 1970

Tree Preservation Order: N/A

Description of area

The application site relates to a grade II* listed building known as Sandhurst House and was formerly part of the Manchester Metropolitan University campus on Wilmslow Road in Didsbury. By virtue of its location, age and construction, this building makes an important contribution to the heritage significance of the listed buildings.

The site is located within Didsbury Conservation Area, which contains the greatest concentration of listed buildings in Manchester, outside of the city centre.

Description of development

Listed Building Consent for the installation of an external condenser for air conditioning and associated internal works.

Consultations & Notification Responses

Local residents were notified and two responses was received.

Objection 1:

We would like to put forward our objection to the above planning application for two main reasons. Firstly the impact of the external and internal work on Sandhurst House which is a

listed property and the registered plans don't reflect the regeneration work completed back in 2016/2017 by PJ Livesey.

Secondly, there will be significant impact from a noise and disturbance perspective on our living arrangements, and on others who currently live in Sandhurst House.

Neutral Comment 1:

My understanding is that the exterior box will be on a terrace on the western wing of the building away from my own apartment. If it were sited on the east side I would be very concerned about noise entering into our neighbouring loft bedroom especially as it only has a roof top window and sound would greatly disturb us.

I don't object based upon my understanding but if I am wrong and it is next to my apartment or has the option to be then I would object. I also would hope tests have been made into noise or vibration from the internal devices passing into neighbouring apartments. Apologies this is over due but I have been poorly

Didsbury Civic Society at the time of the consultation process had no comments to make.

Heritage and Urban Design Comments:

Supported the principle of works and deliver public benefits. Additional information was requested regarding the external manifestation of the proposed pipework/cabling and more details on how the connection between bedroom 3 and living area will be achieved?

Additional loss/interventions to historic fabric (including drilling through original/historic walls) should be avoided and as such the pipework may need to be routed the existing store or else – to minimise harm.

The agent responded via email dated 22.02.2023 outlining the following:

The pipework to the external kit will be encapsulated by 13mm kaiflex in black, this will be held tight behind the kit itself to obscure any line of sight. The cabling will run in the same fashion to the kit.

Internally the walls as part of the previous conversion have been fully lined off with modern gypliner systems providing a service void, the ceiling is also a new system the intention is to run all new pipework and the like within these new voids and no penetrations through existing structure.

Heritage and Urban Design colleagues deemed this response acceptable and no further information was required. Therefore, no objections were raised.

Issues

The following policies are considered relevant to provide guidance and consideration to this application:

- National Planning Policy Framework (NPPF)
- Saved policy DC1 of the UDP
- DM1, SP1, EN3 of the Manchester Core Strategy

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

Chapter 16- Conserving and enhancing the historic environment- Paragraphs of relevance include:

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.

199. 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 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.

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.

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.

208. States that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Unitary Development Plan Saved Policies

A number of UDP policies have remained until replaced by further development plan documents to accompany the Core Strategy. The following remaining policies are considered relevant to this application:

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.

Core Strategy

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents,
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Policy DM 1 Development Management- All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:

- 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 EN3- 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. Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Historic sites and areas of particular heritage value should be both safeguarded for the future and, where possible, enhanced both for their own heritage merits and as part of wider heritage regeneration proposals. Conservation areas and buildings that are statutorily listed are protected under national legislation guidance. The Council maintains information on the City's heritage assets. It is expected that developers will carry out an appropriate appraisal of issues relating to heritage assets. Re-use of empty listed buildings will be encouraged subject to consideration of the building's special interest and significance.

Principle

Impact on the character and fabric of the Listed Building

The requirement to preserve or enhance the setting of the Listed Building is a key requirement within policy EN3 of the Core Strategy and saved policy DC19 of the UDP along with the objectives of the NPPF. As such, any new development must seek to retain the character of the site through careful detailing and the use of replica or compatible materials.

Internal Works- It is noted that the all new pipework lined within the new voids will not penetrate through the existing structure and therefore maintaining the historic fabric of the building.

External Works- The proposed condenser is required to ensure fresh air flow into separate accommodation units. The proposal is situated within the terraced area on the upper floor and will be obscured by the existing parapet walls. It is noted that these have been positioned to be as visually recessive as possible. Additionally, the proposed pipework will be positioned behind the condenser to obscure any line of sight therefore minimising their impact and preserve the historic appearance of the yard elevations.

The minor impacts internally and externally within the upper floor would have a minor impact on the character of the listed building. Any impact on the character of the conservation area would be negligible. It is considered that the measures taken above in terms of retaining the original fabric of the building and introducing non-original elements will least affect the existing asset fabric.

As any harm is considered to be 'less than substantial', paragraph 202 and 203 of the NPPF require that the impact of the development on the listed building and character of the conservation area should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme. Whilst it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets it is considered that the small instances of low physical harm resulting from the proposed works to the building are acceptable and that the impact on the special character and fabric of the building would be less than substantial, and is balanced by the legislative requirement and public benefits of securing a viable future use for the heritage asset.

In the context of the NPPF and S66 and S72 of the Act, it is considered that the scheme strikes the right balance between the impact of the changes on the significance of the building, and the public benefits and where there is harm, this would be less than substantial. It is considered for the reasons outlined above that the overall approach to the proposed works would, have an acceptable impact on the character and historic fabric of the listed building.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings and conservation areas as required by virtue of S66 and S72 of the Listed Buildings Act, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraphs 199, 202 and 203 of the NPPF and that in view of the above it is considered that the proposed development would on balance be consistent with the development would be consistent with sections 12 and 16 of the National Planning Policy Framework policies SP1, DM1, EN3 and CC9 and of the Core Strategy and saved UDP policies 18.1 and 19.1.

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 in a positive and proactive manner to seek solutions to problems arising in relation to dealing with listed building consent applications. The planning officer worked with the applicant to understand the impact on heritage and visual amenity.

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:

Drawing: Proposed Floor Plans ref. 102A stamped as received by the City Council as Local Planning Authority on 20 January 2023

Drawing: Location Plan stamped as received by the City Council as Local Planning Authority on 01 November 2023

Document: Design & Access Statement

Document: Risk Assessment/Method Statement

All stamped as received by the City Council as Local Planning Authority on 20 January 2023

Email from agent dated 22.02.2023 addressing initial concerns raised by Heritage and Urban Design expert. Stamped as received by the City Council as Local Planning Authority on 15.03.2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, CC9, EN3 and DM 1 and saved Unitary Development Plan policy DC19.1

Informatives

Listed building consent does not grant planning permission for the construction of the proposed proposal. Planning consent via a full application will need to be made with supporting documents containing acoustic information for the proposal condenser.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design
Didsbury Civic Society

12 Bloomesbury Avenue, Manchester, M20 2BN
14 Bloomesbury Avenue, Manchester, M20 2BN
16 Bloomesbury Avenue, Manchester, M20 2BN
18 Bloomesbury Avenue, Manchester, M20 2BN
20 Bloomesbury Avenue, Manchester, M20 2BN
22 Bloomesbury Avenue, Manchester, M20 2BN
24 Bloomesbury Avenue, Manchester, M20 2BN
26 Bloomesbury Avenue, Manchester, M20 2BN
28 Bloomesbury Avenue, Manchester, M20 2BN
40 Bloomesbury Avenue, Manchester, M20 2BN
42 Bloomesbury Avenue, Manchester, M20 2BN
44 Bloomesbury Avenue, Manchester, M20 2BN
Flat 11, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 10, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 9, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 8, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 7, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 6, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 5, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 4, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 3, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 2, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
Flat 1, Sandhurst House, 2 Walkershall Way, Manchester, M20 2HW
46 Bloomesbury Avenue, Manchester, M20 2BN
38 Bloomesbury Avenue, Manchester, M20 2BN
36 Bloomesbury Avenue, Manchester, M20 2BN
34 Bloomesbury Avenue, Manchester, M20 2BN
32 Bloomesbury Avenue, Manchester, M20 2BN
30 Bloomesbury Avenue, Manchester, M20 2BN
10 Bloomesbury Avenue, Manchester, M20 2BN

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