

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 134565/LO/2022

Date registered valid: 1 August 2022

Proposal: LISTED BUILDING CONSENT for the installation of one illuminated post mounted pictorial sign and three sets of illuminated sign- written fascia signs

Address: Didsbury Hotel , 852 Wilmslow Road, Manchester, Manchester, M20 2SG

Ward(s): Didsbury East Ward

Applicant: Mr Devlin Chef & Brewer Didsbury Hotel, 852 Wimslow Road, Manchester, Manchester, M20 2SG

Agent (if any): Mrs Gillian Shepley Ashleigh Signs Ashleigh House, Beckbridge Road, Normanton, WF6 1TE, undefined

Case officer: Tracie Simpson
Tel: 0161 234 4537
Email: tracie.simpson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26th September 2022

Application details

Type of application:	Listed Building Consent
Development type:	Listed building alteration
Date of site visit:	7 th June 2022
Standard consultations:	Printed: 18 August 2022 Expired: 8 September 2022
Neighbour notifications	Printed: 18 August 2022 Expired: 8 September 2022
Site notice	Posted: 25 August 2022 Expired: 15 September 2022
Press advert	Published: 23 August 2022 Expired: 13 September 2022
Departure from Development Plan:	No
Environmental Statement:	Not required

Description of site/building

The application site is an extended part 2, part 3-storey detached C19 Grade II Listed building in use as a public house and situated on the south side of Wilmslow Road in the Didsbury St. James conservation area. The building is of brick and white stucco construction with gabled slate roofs, 3no. chimneys along the main ridge and round-headed windows on the front elevation. A section of wall with parapet comes off the left-hand side beyond which is a modern single storey side extension.



Listed building:	Grade II
Conservation area:	Didsbury St James Conservation Area 1970
Tree Preservation Order:	Trees are protected under the Conservation Area

The building is fronted by a recently completed landscaped area to the back of pavement at Wilmslow Road, works which received planning and Listed Building consent under applications 130897 and 130898.

There are two tarmac surface car parks, one on the eastern side and one at the rear. Access and egress operates on a separate in-out system whereby access is gained from a point to the east and egress from Stenner Lane which is to the west.

Description of area

The site is bounded by Fletcher Moss Park to the east, 3no. residential dwellings and the park beyond to the south, Parsonage Gardens to the immediate west and by an estate of modern dwellings to the north. Didsbury District Centre is located 500 metres to the north. The site is within the heart of the conservation area which has an arcadian character owing to the level of mature tree cover along Wilmslow Road and neighbouring parks and gardens

Consultations & Notification Responses

Local residents – No comments have been received as a result of this proposal

Didsbury Civic Society - No comments have been received as a result of this proposal

Description of Development

The proposal seeks Listed building Consent for the for the installation of one illuminated post mounted pictorial sign and three sets of illuminated sign- written fascia signs.

The application is a re-submission of a previous refusal application 133891/LO/2022. The application is accompanied by a Design, Access and Heritage Statement and is submitted alongside application 134564/AO/2022.

Policy and Issues

The application is subject to assessment under the following policies and guidance of the planning regulatory framework:

Primary legislation

Section 16 (2) of Listed Building Act provides that “in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Section 66 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S72 of the Listed Building Act 1990 provides that in considering whether to grant planning permission for development that affects the setting or character of a conservation area the local planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of that area

National Planning Policy Framework (July 2021)

The National Planning Policy Framework establishes the government’s planning policies for England and how Local Planning Authorities are expected to apply them to plan-making and

decision taking. It is underpinned by the over-arching aim of achieving sustainable development on social, environmental and economic grounds.

The Framework gives emphasis to a presumption in favour of sustainable development which means approving development, without delay, where it accords with the policies of the development plan, unless material considerations indicate otherwise.

The proposed development is considered to accord with Chapter 16 (Conserving and Enhancing the Historic Environment) of the NPPF of which the following sections apply:

194. Local planning authorities should require an applicant to identify and assess the significance of any heritage asset that may be affected by a proposal, including any contribution made by their setting, taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

195. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

197 In determining 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 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.

200. 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. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional

201. 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.

202. 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.

203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

204. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

205. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

206. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Core Strategy

Policy DM1- Development Management

This policy establishes the criteria that all development in the city should have regard to. This includes:

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that development should have regard to the character of the surrounding area;
- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation, external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

Saved UDP Policies

The Development Plan policies for Manchester also include a number of saved UDP policies. For the purposes of this application, these include DC18.1 and DC19.1.

History

Applications which have been received at the site and their determination are set out below:

133891/LO/2022 - Application Refused - 20.07.2022 Listed Building Consent in association with the Installation of advertisements to include 1x post mounted pictorial sign, 2x sets of sign written house name letters, 2x post mounted welcome signs and 1x sign written directional sign, following removal of projecting sign.

133776/AO/2022 - Application Refused - 11.07.2022 Installation of advertisements to include 1x post mounted pictorial sign, 2x sets of sign written house name letters, 2x post mounted welcome signs and 1x sign written directional sign, following removal of projecting sign.

132544/FO/2021 - Application Invalid - Erection of two 4 metre high columns with Automatic Number Plate Recognition (ANPR) Camera

132545/AO/2021 - Application Refused - 04.08.2022 Advertisement consent for the display of 12 no. Non illuminated signs

130898/LO/2021 - Application Approved - 02.09.2021 Listed building Consent for the erection of a single storey side extension to form an external bar and landscaping works to beer garden

130897/FO/2021 - Application Approved - 02.09.2021 Erection of a single storey side extension to form an external bar and landscaping works to beer garden

128135/LO/2020 - Application Withdrawn - 22.12.2020 LISTED BUILDING CONSENT for the erection of a single storey side extension to form external bar, fencing and lighting columns and associated landscaping works.

128134/FO/2020

Application Withdrawn - 22.12.2020 Erection of a single storey side extension to form external bar, fencing and lighting columns and associated landscaping works.

107252/AO/2014/S2 - Application Approved - 15.12.2014 Installation of 2.no non-illuminated 2.28 metre high signboards

093911/LO/2010/S2 - Application Approved - 24.11.2010 LISTED BUILDING CONSENT for the erection of a 700mm high timber fence together with installation of 7 high level lights

093853/FO/2010/S2 - Application Approved - 24.11.2010 Erection of a 700mm high timber fence together with installation of 7 high level lights

083485/FO/2007/S2 - Application Approved - 01.08.2007 Retrospective application for the installation of three 4 metre by 4 metre "jumbrellas" with integral heating and lighting

082552/FO/2007/S2 - Application Approved - 16.05.2007 Extension of 3m by 19m paved terrace

059954/LO/SOUTH2/00 - Application Not Proceeded With - 28.01.2002 LISTED BUILDING CONSENT External alterations to public house including new landscaped area, new barriers to car park, relocated access road and removal of a tree

059953/FO/SOUTH2/00 - Application Not Proceeded With - 28.01.2002 Various external alterations to public house including new landscaped area, new barriers to car park, relocated access road and removal of a tree

066610/LO/SOUTH2/02 - Application Approved - 07.01.2003 LISTED BUILDING CONSENT, Landscaping works and installation of 1.8m high boundary railings and re-positioning of access road

066609/FO/SOUTH2/02 - Application Approved - 07.01.2003 Landscaping works and installation of 1.8m high boundary railings and re-positioning of access road

043935/AO/SOUTH1/93 - Application Approved - 12.08.1993 Various illuminated signs to public house

043938/LO/SOUTH1/93 - Application Approved - 12.08.1993 Listed Building Consent for various illuminated signs to public house.

052127/LO/SOUTH1/97 - Application Approved - 27.11.1997 LISTED BUILDING CONSENT Construction of new porch, bay window with extension to form new kitchen and internal alterations after demolition of existing entrance bay

052126/FO/SOUTH1/97 - Application Approved - 27.11.1997 Alterations and extensions to public house after demolition of existing entrance bay

053733/LO/SOUTH1/98 - Application Withdrawn - 24.07.2000 LISTED BUILDING CONSENT Landscaping, paving & associated works to area fronting public house, (retrospective).

052232/AO/SOUTH1/97 - Application Not Proceeded With - 21.09.2000 Illuminated wall mounted, hanging and post signs

024989 - Application Approved - 20.09.1985 LISTED BUILDING CONSENT Refurbishment and single storey rear extension at 1st floor level to form new toilets and office, two new fire escapes at rear and new entrance to restaurant on front elevation

025139 - Application Approved - 20.09.1985 a) illuminated halo lit logo sign to front elevation b) two restaurant notice boards to each entrance door at front and side elevations c) illuminated canopy sign to side elevation d) illuminated free standing directional sign in car park

030657 - Application Refused - 10.03.1988 LISTED BUILDING CONSENT Provision of cast metal bollards to define car parking area

027286 - Application Approved - 17.12.1986 Conversion of club room into offices and living accommodation for staff

024990 - Application Approved - 20.09.1985 Single storey rear extension at 1st floor level to form new toilets and office, two new fire escapes at rear and new entrance to restaurant on front elevation

053732/FO/SOUTH1/98 - Application Withdrawn - 28.07.2000 Retrospective application for landscaping, paving, illumination, and associated works to land surrounding public house.

Principle

The principle of the installation of one illuminated post mounted pictorial sign and three sets of illuminated sign- written fascia signs is acceptable provided that there is no harm to the legibility of the host building, its setting or fabric. In this application, the building is in a prominent position within the heart of the Didsbury St. James Conservation Area which dictates an additional level of consideration.

Impact on the Listed Building and Conservation Area

National and local policies and legislation protecting heritage assets require that local planning authorities identify the significance of those assets and that planning decisions preserve and enhance them or justify any harm in terms of the public benefits of the proposal.

In this application, the significance of the heritage assets comprises the listed building which is designated on the basis of its architectural merits with specific reference to the front elevation, its group value that is derived by association with No.845 – 847 Wilmslow Road and the Didsbury St. James Conservation Area.

The applicant has submitted a revised scheme which addresses the previous reason for refusal. Sign 01 is proposed to replace the existing totem sign standing next to the railings on the Wilmslow Road frontage. The post has been slimmed down in circumference and proposed additional proposed signs have been removed from the frontage. The City Council considers that the cumulative impact has been addressed by the removal of additional signs from the scheme.

The applicant proposes upgrading signs No. 02, 04 and 05. These signs would be located on the front and side elevation written in Dulux Heritage waxed khaki showing directional signs to the car park and the name of the public house. The signs would have overhead lighting comprising slimline LED flood lights to the front and side.

The proposal sets out to replace and update existing signage within the site. The City Council considers that the integrity of the building would be retained and would not be harmed by the proposal. The proposal is considered to preserve and enhance the significance of the listed building and conservation area, raise the standard of the frontage in particular and thus maintain an acceptable relationship with the other listed buildings in the group on this section of Wilmslow Road. This is considered to have wider public benefits and thus complies with national and local planning policies for the management of heritage assets as set out in the Development Plan.

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 local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in the delegated report. The application received no objections on notification and has been approved with appropriate conditions as set out below, in the interests of visual amenity and preservation of the listed building and conservation area.

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:

Received on 26th September 2022 numbered 165959 - REV D Proposed Site Plan, Proposed Photographs, Proposed External Signage and Elevations

Received 1st August 2022 Design and Access Statement

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.

Informatives

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Appendix 1 – List of consultees & neighbours notified

Didsbury Civic Society

1 Skylark Close, Manchester, M20 2FQ

2 Skylark Close, Manchester, M20 2FQ

High Bank, Stenner Lane, Manchester, M20 2RQ

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

Flat At, Ye Olde Cock Inn, 848 Wilmslow Road, Manchester, M20 2RN

Flat At, Didsbury Hotel, 852 Wilmslow Road, Manchester, M20 2SG

844 - 846 Wilmslow Road, Manchester, M20 2RN

Ye Olde Cock Inn, 848 Wilmslow Road, Manchester, M20 2RN

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

Historic Landfill Site 250m Buffer -

Area Team Boundary - Name: SOUTH AREA