

Application Number	Date of Appln	Committee Date	Ward
124453/LO/2019	6 th Aug 2019	21 st Oct 2021	Didsbury West

Proposal Listed Building Consent for the demolition of the existing building

Location The Lodge Rear Of Old Town Hall , Lapwing Lane, Manchester, M20 2NR

Applicant Miss Kiran Pabla , Pabla+Pabla Solicitors, Old Town Hall, Lapwing Lane, Manchester, M20 2NR,

Agent Mrs Sonia Pabla-Thomas, SPACE:ARCHITECTURE+PLANNING, Old Town Hall, Lapwing Lane, Manchester, M20 2NR

Executive Summary

The applicant is seeking Listed Building Consent to demolish the Lodge in order to facilitate the erection of a 2 storey building to form ancillary meeting and storage space for the solicitors' office operating out of the Old Town Hall.

Though the Lodge itself is not listed, as it is located within the curtilage of the Grade II listed Old Town Hall, Listed Building Consent is required to remove it.

No objections have been received from local residents, though one has been received from West Didsbury Residents Association. They are concerned that given the design and scale of the proposed replacement building (ref. 124234/FO/2019), satisfactorily convincing case for demolition of the existing Lodge has not been made.

The Manchester Conservation Areas and Historic Buildings Panel accepted the principle of the Lodge's demolition, given the modern interventions. In addition, they considered it to be of little significance and its loss would not damage the setting and appreciation of the Old Town Hall.

Description

This application was placed before the Committee on 23rd September 2021, but determination was deferred in order to allow the Committee to undertake a site visit. Prior to that, the application was placed before the Committee on 2nd September 2021 but determination was deferred at the request of the applicant in order to allow for ownership issues to be resolved. The applicants have amended the site edged red location plan so that it only includes land in their ownership. They have also provided Land Registry documents to show that they have a right of access along Raleigh Close.

This application relates to The Lodge, a single storey detached building located at the rear of the former Withington Town Hall (now referred to as the Old Town Hall) on Lapwing Lane. The Old Town Hall is a Grade II listed building. The Lodge is located within the Albert Park Conservation Area. The Lodge is currently used as a store, in association with the office uses within the Old Town Hall, but it is believed to have originally been the gate lodge to the Corporation Yard that existed where there are now residential properties. The Lodge is accessed directly off Raleigh Close, a short cul-de sac off Lapwing Lane.

To the north of The Lodge there is a small car parking area and beyond that stands the Old Town Hall, a Grade II listed building dating from the 1880-90s. To the west there are a number of semi-detached properties, namely nos. 1 and 3 Old Lansdowne Road, while to the south stands nos. 2 to 10 Raleigh Close. To the east, on the opposite side of Raleigh Close, stands nos. 1 to 5 Raleigh Close. The location of The Lodge is shown below:



The applicant is seeking Listed Building Consent to demolish the Lodge in order to facilitate the erection of a 2 storey building to form ancillary meeting and storage space for the solicitors' office operating out of the Old Town Hall. The application for the proposed 2 storey building (ref. 124234/FO/2019) is also on this agenda.

In this instance, Listed Building Consent is being sought rather than Conservation Area Consent, as despite not being listed itself the Lodge is located within the curtilage of the Listed Building.

Consultations

Local Residents – No comments received.

West Didsbury Residents Association (WDRA) – It remains WDRA's position that, given the design and scale of the proposed replacement building (ref. 124234/FO/2019), the applicant has failed to make a satisfactorily convincing case for demolition of the existing Lodge.

Manchester Conservation Areas and Historic Buildings Panel – The Panel accepted the principle of removing the existing structure given the modern interventions. They considered it to be of little significance and its loss would not damage the Old Town Hall.

Policies

The National Planning Policy Framework July 2021 (NPPF) – 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. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Section 16 (*Conserving and enhancing the historic environment*) is of relevance:

Paragraph 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.

Paragraph 199 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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 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.

Paragraph 201 states that 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.

Paragraph 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.

Paragraph 207 states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy EN 3, *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.

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, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant is the effects the archaeological or built heritage.

Saved UDP Policies – Policies DC18 and DC19 are considered of relevance in this instance:

Policy DC18, *Conservation Areas* – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

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.

Legislative Requirements – Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of the power to determine planning applications for any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Issues

Impact on Heritage Assets (Albert Park Conservation Area and the Old Town Hall) – The requirement to preserve or enhance the Conservation Area, and the setting of the Listed Building, in this case the Old Town Hall, is a key requirement within policy EN3 of the Core Strategy, saved policies DC18 and DC19 of the UDP, along with the objectives of the NPPF. As such, any new development must seek to retain the character of the area through careful detailing and, where appropriate, the use of compatible materials.

The Albert Park Conservation Area is situated approximately four miles south of Manchester city centre, in West Didsbury. It is principally an area of housing but also includes a district shopping centre on Burton Road, a smaller group of shops on Barlow Moor Road, schools, public houses and a number of churches. The conservation area was designated in March 1988. There are five listed buildings within the boundaries of the conservation area, one of which is the Old Town Hall.

The Old Town Hall, known as the Former Withington Town Hall in the 1990 listing document, is a Grade II listed building dating from the 1880/90s. It is constructed from buff brick with dressings of red brick and terracotta and is topped by a slate roof. The listing document notes that it is a “*good example of modest late C19 civic building, representing an important phase in the development of local government.*”

The building proposed to be demolished, the Lodge, is not included in the listing document for the Old Town Hall. It was built as a gate lodge for the Town’s Yard (council depot) which was located to the rear of the former Withington Town Hall. The footprint of the Lodge was rebuilt in the early 1900s, probably due to the expansion of the facilities within the Town’s Yard and was then further extended in the 1970s. The Lodge was not intended to be understood or appreciated in conjunction with the former town hall, instead it was a functional, utilitarian subsidiary building screened by a brick boundary wall and sited opposite a weigh bridge. The building was a gate lodge to the Town’s Yard, not Withington Town Hall. The Lodge, as it exists today, has been substantially altered. It has had a new roof, new windows, new porch and a new interior (circa late 20th Century). Further to this, its historical context has been largely removed as the boundary wall, weigh bridge and yard it was erected for have all been removed. The Lodge is shown below:



The applicant commissioned a Heritage Statement to understand what significance, if any, the Lodge has to the setting of the listed Old Town Hall and the character of the Albert Park Conservation Area. The findings are detailed below:

The Lodge is considered to be a curtilage listed structure as it was built in association with the town hall before 1 July 1948. However, as has been demonstrated, the Lodge was built for a separate use to that of the town hall and this distinction was marked by being located behind the former boundary wall of the Town's Yard.

The Lodge, as it exists today, has no evidential value as it has largely been rebuilt; has no aesthetic value as it appears to be largely modern in construction due to the modern windows, roof and porch; and has no-to-low historic and or communal values as, although it is not possible to understand or appreciate its former use, there is clearly a relationship between it and the Town Hall. Consequently, the Lodge was considered to be of negligible significance.

As an element of the Albert Park Conservation Area, the contribution of the Lodge is considered to be neutral. It is surrounded by a modern housing estate and the focus of the Albert Park Conservation Area, in this area, is clearly the relationship and prominence the Old Town Hall has with its location on Lapwing Lane. The setting of the Old Town Hall is fairly limited and the understanding and appreciation of the heritage values of the Old Town Hall are not affected by the presence of the Lodge, nor does the Lodge contribute to its setting.

To conclude, as the Lodge does not contribute to the character of the Albert Park Conservation Area or contribute to the setting or appreciation of the adjoining Grade II listed building, its demolition is considered acceptable. It is further considered that the demolition would result in less than substantial harm to both the setting of the Listed Building and the character of the Conservation Area. Indeed, any harm would be at the minor scale of less than substantial harm. Any harm would be outweighed by the public benefits associated with the redevelopment proposed including the design quality of the replacement building and the on going economic benefits associated with the long term use of the Listed Building.

To prevent the existing Lodge being demolished and the site undeveloped, a condition (no. 2) is suggested which requires a contract for the construction of the replacement building to be in place before demolition works commence.

Concerns of WDRA – WDRA are objecting to the demolition of the Lodge on the grounds that the replacement building, which is the subject of planning application 124234/FO/2019, is not acceptable in terms of design and impact upon residential amenity.

The committee report for application 124234/FO/2019 is also on this agenda and it details why it is considered the replacement building is acceptable in terms of its design, scale and massing and how it would not impact upon existing levels of residential and visual amenity, highway safety and upon the character of the Albert Park Conservation Area and the setting of the adjoining Grade II listed building. It concludes that the proposed development would bring with it public benefits which outweigh the loss of this building within the Conservation Area.

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 the right to a fair hearing and to this end the Committee 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 approval of the application is proportionate to the wider benefits of approval 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 with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

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 demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works approved under application 124234/FO/2019 has been made and evidence of that contract has been supplied to the City Council Local Planning Authority.

Reason - In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building, pursuant with Policy EN3 in the Manchester Core Strategy and Saved Policy DC19.

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

a) Drawing no. 0174_00_200 (existing site plan), stamped as received on 9 September 2021.

b) Drawing no. 0174_00_201B (proposed site plan), stamped as received on 8 October 2021

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.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 124453/LO/2019 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Didsbury Civic Society
West Didsbury Residents Association

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

West Didsbury Residents Association

Relevant Contact Officer : David Lawless
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