

Application Number	Date of Appln	Committee Date	Ward
089121/LO/2009/N1	24th Feb 2009	9th Apr 2009	Higher Blackley Ward

Proposal LISTED BUILDING CONSENT for installation of 2no. sets of double gates within Bury Old Road boundary wall opposite St Monicas RC High School, for pedestrian use only in conjunction with events only

Location Heaton Park, Blackley, Manchester, M25 2SW

Applicant Manchester City Council, Heaton Park, Manchester, M25 2SW,

Agent Graham Cunningham, Manchester City Council, The Parsonage, Manchester, M3 2HS,

Description

Planning Permission and Listed Building Consent are sought for the installation of two sets of six meter wide, 2.4 metre high double-leaf gates, within the southwestern perimeter boundary of Heaton Park, fronting Bury Old Road, and opposite St. Monica's R. C. High School. The gates would be restricted for use by pedestrians only, in conjunction with large-scale events in the Papal Field only.

Heaton Park is a Grade II* Listed park on English Heritage's Register of Historic Parks and Gardens. There are a number of listed buildings within the park, and the perimeter walls are listed, as curtilage listed buildings.

It is estimated that the gates would be open for approximately 10 pre-planned events throughout the period of a year, as a major part of the Exit Strategy from such events. Temporary road closures would be in operation whilst the gates are open.

The section of wall into which the new openings are proposed is essentially new. It was constructed as part of a scheme to restore, repair and rebuild the boundary wall.

The gates have been designed by Conservation Architects to have a low impact upon the existing wall, and not appear as entrances/exits when closed. The gates would be painted to match the existing, and can rotate through 180 degrees to rest against the back of the wall when in use. Inside the entrance to the gates it is proposed to form an area of bound gravel to provide a hardwearing base when in use. Otherwise, existing landscaping and planting would not be affected.

The location has been chosen to place the new gates remote from residential properties to minimise potential disturbance.

The design of the proposed gates utilises similar sections and configuration details to the adjacent railings within the wall structure. This pattern also reflects the general configuration of primary full height railings and secondary

lower 'dog bar' railings, which can be seen on the older sections of railings and gates adjacent to Grand Lodge and Smithy Lodge.

The design does not slavishly copy the design of other gates to the park, and should be seen clearly as a 'modern' gateway, within a 'modern' section of walling. However, the design does attempt to raise the aesthetics of the gates above that of the simple plain park gates, which can be viewed further along Bury Old Road, adjacent to the Metrolink tram stop. Given that the new gates are in a 'contemporary' section of wall, it is considered this is the most appropriate response to the issue of new access points.

For clarification, it is not considered that Planning Permission is required for the holding of large scale events, such as music concerts, within the park, as such an event is considered temporary under The Town and Country Planning (General Permitted Development) Order 1995.

Consultations

English Heritage - Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

Friends of Heaton Park - Any comments to be reported.

Big Six - No comments received.

Garden History Society - Any comments to be reported.

Issues

Unitary Development Plan (UDP) -

The following UDP policies are relevant to this Application.

Policy BM1 - In deciding its attitude to proposals within Blackley, Charlestown and Moston, the Council will have regard to the general policies in Part 1 of the Plan in order to:-

- a. protect and improve the quality of the formal and informal open space;
- b. retain the primarily residential character of the area;
- c. improve the housing stock and housing environment;
- d. provide adequate and accessible shopping and other community facilities for all members of the community, particularly those with special needs;
- e. increase accessibility to employment opportunities and shopping centres Located outside the area;
- f. maximise the benefits to the area of the proposed Manchester Outer Ring Road (M66), but in a way which is not damaging to the quality of life of established communities.

BM13 - The Council proposes to provide for an increased range of recreation and leisure-based activities at Heaton Park in a manner which is compatible with the special character of the park and which respects the amenity of adjoining residential communities. In particular, any scheme must:-

- a) take account of Policy E2.1 which relates to development in the Green Belt;

b) preserve and enhance the architectural integrity and educational and cultural value of Heaton Hall and its associated features, including the historic character of the landscape.

Bury Old Road is classified as major road and rail environmental improvement corridors. Policy E3.3 states that the Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will involve improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

DC19.1 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.

It is considered that the proposed development is acceptable in terms of Manchester City Council's adopted Unitary Development Plan (UDP), specifically policies BM1, BM13, E3.3, and DC19.1.

Impact upon wall and historic Park - As reported, the proposed gates have been designed to reflect and respect the Park's existing architecture and history, whilst being functional and appropriate.

It is considered that the gates will merge into the appearance of the rebuilt walls, and not appear as incongruous or inappropriate additions to the wall or street scene.

The availability of these gates will enable the segregation of crowds from the whole of the historic Parkland, thereby protecting the Park from the affects of crowds.

For these reasons it is not considered that the proposed gates will adversely affect the architectural or historic character of Heaton Park, including its setting and buildings.

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 Unitary Development Plan, the Head of Planning 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. He 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 **Minded to approve, subject to referral to Secretary of State, and no adverse comments from Friends of Heaton Park and the Garden History Society**

Minded to approve, subject to referral to Secretary of State, and no adverse comments from Friends of Heaton Park and the Garden History Society, on the basis that the development is in accordance with Regional Spatial Strategy and Manchester City Council's adopted Unitary Development Plan, in particular policies BM1 and E2.1, as the scheme will not adversely affect the quality or openness of the open space; BM13, as the gates will preserve and enhance architectural integrity; E3.3, as the development is of the highest quality; and DC19, as the scheme will not adversely effect the architectural or historic character of Heaton Park, and there are no material considerations to indicate otherwise.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: Design and Access Statement, drawings 4062 01, 02, 03, 04 stamped as received 23/2/09

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy BM1, BM13, E3.3, and DC19.1. of the Manchester Unitary Development Plan.

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: 089121/LO/2009/N1 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:

Bury Metropolitan Borough Council
English Heritage (NW Region)
Twentieth Century Society
Ancient Monuments Society
Council For British Archaeology
Georgian Group
Victorian Society
Society For The Protection Of Ancient Buildings
Friends Of Heaton Park
The Garden History Society
Bury Metropolitan Borough Council
Grand Lodge Cottage, Sheepfoot Lane, Manchester, M25 0BL
The Bungalow, St. Monicas School, Bury Old Road, Manchester, M25 1JF
St. Monicas Rc High School, Bury Old Road, Manchester, M25 1JH
171 Bury Old Road, Manchester, M25 1JF
173 Bury Old Road, Manchester, M25 1JF
175 Bury Old Road, Manchester, M25 1JF
177 Bury Old Road, Manchester, M25 1JF
179 Bury Old Road, Manchester, M25 1JF
181 Bury Old Road, Manchester, M25 1JF
183 Bury Old Road, Manchester, M25 1JF
185 Bury Old Road, Manchester, M25 1JF
187 Bury Old Road, Manchester, M25 1JF
189 Bury Old Road, Manchester, M25 1JF
The Park Dental Practice, Dental Surgery, 191 Bury Old Road, Manchester, M25 1JF
27 Ogden Street, Manchester, M25 1JL
169 Bury Old Road, Manchester, M25 1JF
167 Bury Old Road, Manchester, M25 1JF
165 Bury Old Road, Manchester, M25 1JF
165a, Bury Old Road, Manchester, M25 1JF
163a, Bury Old Road, Manchester, M25 1JF
The Ostrich Hotel, 163 Bury Old Road, Manchester, M25 1JF

Representations were received from the following third parties:

Relevant Contact Officer : Helen Hodgett
Telephone number : 0161 234 4533
Email : h.hodgett@manchester.gov.uk