



TRAFFORD COUNCIL

APPLICATION FOR DETERMINATION UNDER DELEGATED POWERS

	Case Officer	Team Leader	Service Head/QP	Decision Type
Checked	Jeff Davis	DP 03.06.2025		DELE

APPLICATION NO: 116292/NMA/25

PROPOSAL: Application for non-material amendment to planning permission (113796/FUL/24) to include removal of asbestos works and works to enable completion of scaffold.

ADDRESS: Old Trafford Essence Distillery, Chester Road, Stretford

APPLICANT: Christina Chouliara, Church of Scientology Religious Education College Inc

AGENT: Don Murphy, Paul Butler Associates

WARD: Gorse Hill & Cornbrook

DETERMINATION DATE: 30 May 2025

EXTENSION OF TIME: Agreed until 06 June 2025

RECOMMENDATION: Approve

SITE

The proposal relates to a Grade II Listed Building located on the A5014 Chester Road in Old Trafford. The building dates to 1896 and was historically the factory, warehouse and offices of Messrs Duckworth & Co, a colouring and essence manufacturer. The company was bought out in 2003 and the building has since remained vacant. The Essence Factory forms part of a collection of industrial and associated buildings in this area which have been designated as the Empress Conservation Area.

The Essence Factory is a five storey building of red brick construction with terracotta adornments, and with plain tiles and Welsh slate to the roof. To the rear of the site is the former delivery and packing yard which is accessed from Wright Street. In this location there is also a later two-storey annex. The building has suffered through neglect and lack of use over the last 20 or so years, though works to arrest the decline of the building have recently commenced.

The site is bounded by Chester Road to the south/east, beyond which is Victorian terraced housing, much of which has been converted for commercial use. It is bounded by Empress Street to the north, with the Empress Business Centre beyond, Wright Street to the west and the disused

Trafford Press and Veno buildings to the south-west.

PROPOSAL

Consent is sought for a non-material amendment to planning permission ref. 113796/FUL/24. This existing consent relates to a variety of external and internal works to the Essence Factory intended to 'arrest the decline' of the building and was approved with conditions in August 2024.

This application seeks to amend condition 9 (scaffolding) of the original consent. Supporting information notes that the removal of small areas of fabric to accommodate the proposed scaffolding go beyond the works set out within the approved Scaffold Method Statement, hence the need to amend this condition.

DEVELOPMENT PLAN

For the purposes of this application, the Development Plan in Trafford Comprises:

- The **Places for Everyone Plan (PfE)**, adopted 21st March 2024, is a Joint Development Plan of nine Greater Manchester authorities: Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan. PfE partially replaces policies within the Trafford Core Strategy (and therefore the Revised Trafford Unitary Development Plan), see Appendix A of the Places for Everyone Plan for details on which policies have been replaced.
- The **Trafford Core Strategy**, adopted 25th January 2012; the Trafford Core Strategy partially supersedes the Revised Trafford Unitary Development Plan (UDP), see Appendix 5 of the Core Strategy.
- The **Revised Trafford Unitary Development Plan (UDP)**, adopted 19th June 2006; A number of the policies contained in the Revised Trafford UDP were saved in either September 2007 or December 2008, in accordance with the Planning and Compulsory Purchase Act 2004 until such time that they are superseded by the new Trafford Local Plan.

PRINCIPAL RELEVANT PFE POLICIES

JP-S1: Sustainable Development
JP-S2: Carbon and Energy
JP-P1: Sustainable Places
JP-P2: Heritage

PRINCIPAL RELEVANT CORE STRATEGY POLICIES

L3 – Regeneration and Reducing Inequalities*
L5 – Climate Change*
R1 – Historic Environment*

*Partially replaced by PfE policies

POLICIES MAP NOTATION

Empress Conservation Area
Old Trafford Priority Regeneration Area

PRINCIPAL RELEVANT REVISED UDP POLICIES/PROPOSALS

None relevant.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

The revised National Planning Policy Framework (NPPF) was published in December 2024. The NPPF will be referred to as appropriate in the report.

NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

The National Planning Practice Guidance was first published in March 2014, and it is regularly updated, with the most recent amendments made in April 2025. The NPPG will be referred to as appropriate in the report.

NATIONAL DESIGN GUIDE

The MHCLG published the National Design Guide in October 2019. This will be referred to as appropriate in the report.

RELEVANT PLANNING HISTORY

116186/VAR/25: Application under Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for variation of conditions 1 and 8 on listed building consent 113797/LBC/24 (Listed Building Consent sought for the external and internal works to Grade II listed building including: comprehensive re-roofing of building; installation of lightning protection system; installation of roof access system; installation of roof access hatches and automatic opening vents; replacement of rainwater goods; repair and where necessary replacement of brickwork, terracotta, leadwork, windows, and rooflights; rebuilding of parapet walls, chimneys, and part of east annex; the reopening of previously blocked windows; and the removal of both external fire escape staircases and eaves brackets; replacement of timber lintels to east annex; and repair works to front boundary wall. Internal works include the repair of floorboards and filler joist floors; and stripping out of redundant M&E equipment.). For amendments to proposed scaffolding scheme and additional asbestos removal works – Pending consideration.

113797/LBC/24: Listed Building Consent sought for the external and internal works to Grade II listed building including: comprehensive re-roofing of building; installation of lightning protection system; installation of roof access system; installation of roof access hatches and automatic opening vents; replacement of rainwater goods; repair and where necessary replacement of brickwork, terracotta, leadwork, windows, and rooflights; rebuilding of parapet walls, chimneys, and part of east annex; the reopening of previously blocked windows; and the removal of both external fire escape staircases and eaves brackets; replacement of timber lintels to east annex; and repair works to front boundary wall. Internal works include the repair of floorboards and filler joist floors; and stripping out of redundant M&E equipment – Approved with conditions 16/08/2024.

113796/FUL/24: External and internal works to Grade II listed building including: comprehensive re-roofing of building; installation of lightning protection system; installation of roof access system; installation of roof access hatches and automatic opening vents; replacement of rainwater goods; repair and where necessary replacement of brickwork, terracotta, leadwork, windows, and rooflights; rebuilding of parapet walls, chimneys, and part of east annex; the reopening of

previously blocked windows; and the removal of both external fire escape staircases and eaves brackets; replacement of timber lintels to east annex; and repair works to front boundary wall. Internal works include the repair of floorboards and filler joist floors; and stripping out of redundant M&E equipment – Approved with conditions 16/08/2024.

95930/LBC/18: Listed Building Consent for external and internal works to the former Duckworth Essence Factory to enable its conversion to a mix of worship, communal, leisure, educational and administrative uses (Sui Generis) associated with the Church of Scientology, including: the removal of cast-iron staircases and the construction of a four-storey stair tower; the installation of disabled access lifts; the installation of rooflights; the reinstatement of historic features; new car parking and landscaping; erection of plant; works to boundary treatments; the reconfiguration of internal spaces; and works to staircases, ceilings, walls and floors – Approved with conditions 13/08/2019.

95907/FUL/18: Proposed conversion of the former Duckworth Essence Factory to a mix of worship, communal, leisure, educational and administrative uses (Sui Generis) associated with the Church of Scientology. External and internal works to the building including: the removal of cast-iron staircases and the construction of a four-storey stair tower; the installation of disabled access lifts; the installation of rooflights; the reinstatement of historic features; new car parking and landscaping; erection of plant; works to boundary treatments; the reconfiguration of internal spaces; and works to staircases, ceilings, walls and floors – Approved with conditions 13/08/2019.

94073/LBC/18: Listed building consent for external and internal works to Grade II listed building including: comprehensive re-roofing of building, replacement of rainwater goods, repair and where necessary replacement of brickwork, terracotta, windows, and rooflights, the reopening of previously blocked windows, and the removal of eaves brackets. Internal works include the removal of asbestos containing materials, the repair of floorboards, and the replacement of the existing lift shaft with a DDA compliant lift – Approved with conditions 14/06/2018.

CONSULTATIONS

Heritage and Urban Design Manager: No objections on heritage grounds. The works will cause some minor harm on a temporary basis which is necessary to facilitate the long-term benefit of refurbishing the building.

REPRESENTATIONS

None

OBSERVATIONS

The key issues for consideration in this application are the acceptability of the proposed amendments in heritage terms and whether the effect of the proposed amendments to the wording of conditions is non-material in nature.

Heritage

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 advises that *“In considering whether to grant planning permission for development which 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.”

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to pay, *“special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area”* in the determination of planning applications.

Policy R1 of the Core Strategy states that all new development must take account of surrounding building styles, landscapes and historic distinctiveness and that developers will be required, where appropriate, to demonstrate how their development will protect, preserve and enhance heritage assets including their wider settings. This policy does not reflect case law or the tests of ‘substantial’ and ‘less than substantial harm’ in the NPPF. Thus, in respect of the determination of planning applications, Core Strategy Policy R1 is out-of-date and can be given limited weight.

Policy JP-P2 of PfE states that development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

Of relevance to the determination of this application is paragraph 208 of the NPPF: *“local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) 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”*.

Paragraph 210 of the NPPF states that *“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”*.

Paragraph 212 of the NPPF establishes 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. The NPPF sets out that harm can either be substantial or less than substantial. Significance is defined in the NPPF as ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’ Setting of a heritage asset is defined in the NPPF as ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.

Paragraph 213 of the NPPF 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. Substantial harm to or loss of grade II listed buildings should be exceptional. Paragraph 215 goes on to say 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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the 'preservation' or 'enhancement' of the special architectural or historic interest of the heritage asset or its character and appearance. The NPPF sets out in Chapter 16 decision-making policies using different terminology, referring in particular to 'conservation of significance'. It is important to note that 'conservation' and 'preservation' are concerned with the management of change in a way that sustains a heritage asset's special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

The significance of the affected heritage assets has been assessed and set out in full within the delegated report associated with the original planning application (ref. 113796/FUL/24). This significance remains unchanged.

The Council's Heritage and Urban Design Manager (HUDM) has been consulted and advises that there are no objections to the proposed works, which comprise the removal of areas of brickwork and flooring on a temporary basis to accommodate the scaffolding. It is noted that the removal of asbestos has already taken place in the basement. These works are considered to be vital to ensure that urgent works can take place to the building and secure its long-term re-use.

The scaffolding works require the dismantling (and eventual reconstruction) of the curtilage listed west boundary wall which separates the Trafford Press and Duckworth buildings. This triggers a requirement for the partial discharge of condition 5 attached to planning permission ref. 113796/FUL/24 and condition 4 of listed building consent ref. 113797/LBC/24 and is therefore not required to be included in this application. Separate applications for the discharge of these conditions have been submitted and are currently under consideration.

The Council's HUDM confirms that no objections are raised on heritage grounds to the proposed works and considers the works will cause some minor harm on a temporary basis which is necessary to facilitate the long-term benefit of refurbishing the building. It is recommended that conditions are attached to ensure the flooring is reinstated and that details of any materials needed to repair the floor and brickwork are submitted. A condition is also requested in respect of the surface finish for any walls where asbestos is removed. It is considered that the existing materials condition will sufficiently cover these matters.

Materiality of amendments

Given the above conclusions, Officers are satisfied that the proposed amendments are non-material in nature.

RECOMMENDATION

It is considered that the effect of the above proposed amendments, taking account of any previous changes to the planning permission as originally granted that may have been approved under section 96A, are **NOT MATERIAL** and that a further planning application is not required in this instance.

Condition 9 to be amended to the following:

All scaffolding shall be erected in accordance with the submitted Scaffolding Methodology (prepared by ibn Scaffold Access Limited, dated 05/05/2024), Hoist Fixings to Masonry Method Statement (prepared by Quadriga, dated 25/03/2025), Brick Removal Photo Schedule (dated 14

April 2025), Scaffold to Duckworths Distillery Method Statement (prepared by CubicWorks) and Temporary Works Foundations Plan (ref. SK 102).

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the listed building, having regard to Policies L7 and R1 of the Trafford Core Strategy, Policy JP-P2 of PfE and the NPPF.