



Planning Statement

Site: Flat 14 Brazil House, Brazil Street, Manchester

Date: April 2022

Author Contact: jd@wiplow.co.uk

1.0 Introduction

- 1.1** Wiplow Limited have been commissioned by Dr Richard Gardener to submit an application for planning application and listed building consent seeking permission to replace the two existing angled windows of the dormer with new angled windows and a set of vertical bi-folding doors, along with formation of a small external terrace area.
- 1.2** This Planning Statement comprises an assessment of the proposed development against the requirements of the National Planning Policy Framework which was revised in February 2019, Manchester City councils core strategy which was adopted on 11 July 2012 and the 'Guide to Development in Manchester' Supplementary Planning Document (SPD).
- 1.3** The purpose of this statement is to describe the relevant national and local policies that are directly relevant to the application and to provide an analysis of those policies and the application site. This statement will put forward our case that explains why we believe the proposal conforms with both national and local planning policies and that planning permission should be granted.
- 1.4** The conservation area was designated by the City Council in September 1974, and was bounded by Oxford Street, Portland Street, Abingdon Street, Bloom Street, Chorlton Street, Cobourg Street and the Piccadilly to Oxford Road railway viaduct. It was extended in June 1985 to include an area bounded by Whitworth Street, London Road and the above viaduct.
- 1.5** The application submission follows the Council's earlier refusal of planning permission (Ref. 127939/FO/2020) on 5 March 2021 for *'External alterations at top floor apartment to include replacement of 2 no. sets of existing angled windows with 1 no. set of angled*

windows and 1 no. set of vertical bi-folding doors, together with formation of small external terrace area due to amended angle of new doors’.

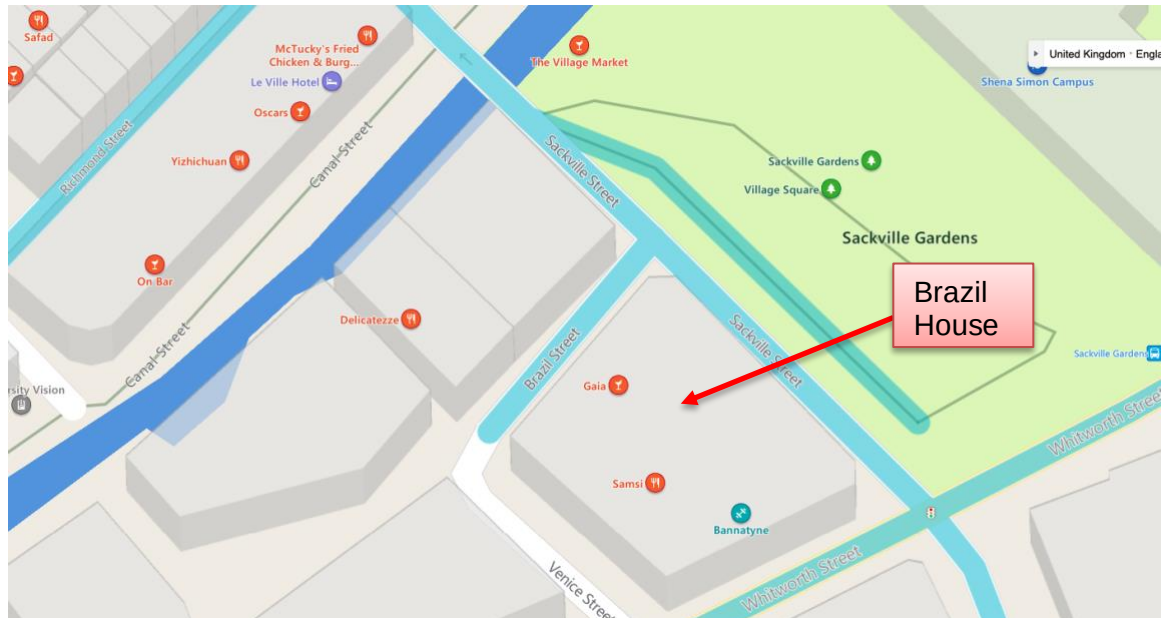
1.6 The application was refused for the three following reason: -

The proposed works are unacceptable as they would cause harm to the character and appearance of the listed building and views of the application site from within the Whitworth Street Conservation Area. The proposed replacement of a set of angled windows with a vertical set of bi-folding doors would harmfully diminish the angled appearance of the elevation which is typical of runs of roof-lights found historically on warehouses such as the application building and introduce an uncoordinated appearance on the Sackville Street elevation. This harm would be compounded by the fact that the proposal would be highly visible from both ground level and/or taller buildings surrounding the site in various directions. For these reasons, the proposal would be unacceptable and inconsistent with guidance within the National Planning Policy Framework and policies SP1, CC9, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

1.7 Having assessed the reason for the refusal, the applicant has taken advice from his Heritage and planning consultants and has chosen to make some amendments to the design of the proposal and to have the design fully assessed by a fully qualified Heritage Consultant with regards to its impact on the Listed Building and Conservation Area. We consider that the proposed development will suitably preserve the setting of the heritage asset and the perception of the building will remain unaltered.

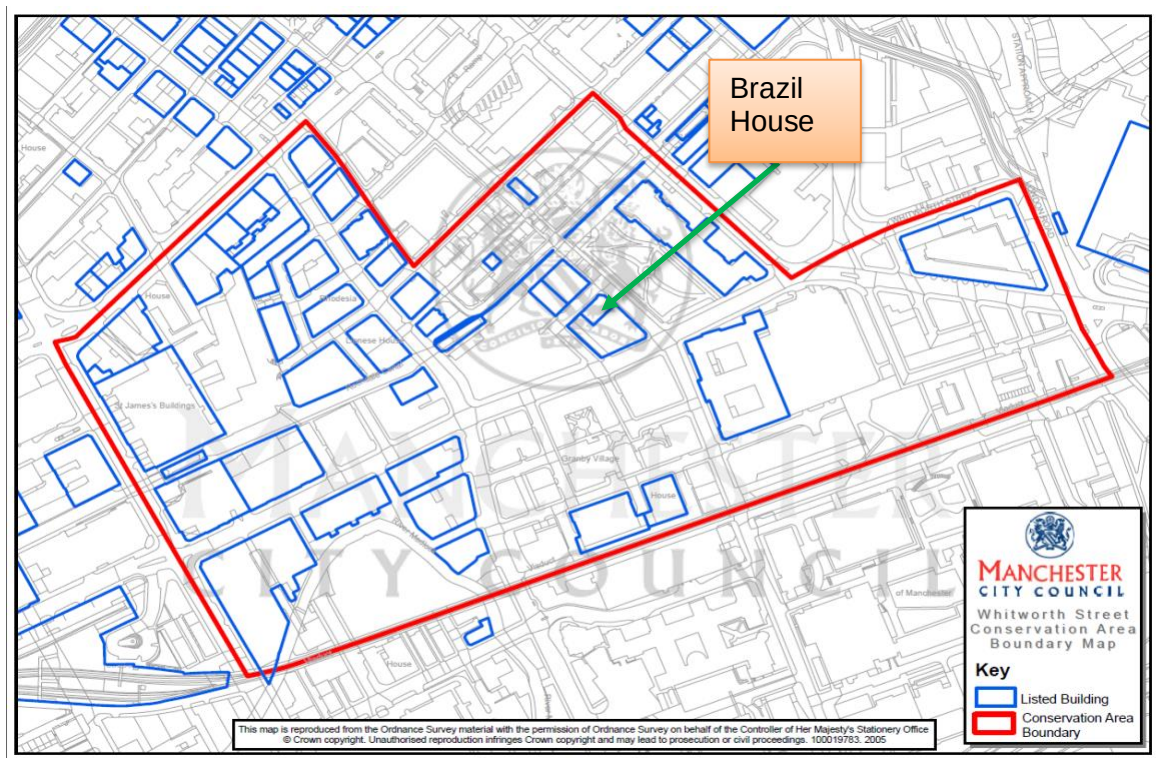
2.0 Site Location / Context

2.1 The property is located within the Whitworth Street/Princess Street Conservation Area which is situated within the boundaries of the city centre.



(Figure 1 – Map showing location of Brazil House)

2.2 The conservation area was designated by the City Council in September 1974, and was bounded by Oxford Street, Portland Street, Abingdon Street, Bloom Street, Chorlton Street, Cobourg Street and the Piccadilly to Oxford Road railway viaduct. It was extended in June 1985 to include an area bounded by Whitworth Street, London Road and the above viaduct.



(Figure 2 Map showing Conservation Area)

- 2.3** Brazil House is registered as a Grade II Listed Building that has some architectural significance in its form that is linked with its former connection to a textile warehouse. Following the collapse of the textile industry, the building was converted into residential use with the formation of a number of apartments.

3.0 The Planning Application

3.1 The application proposal seeks the grant of planning permission and listed building consent to carry out some internal and external alterations including replacing rotting window frames.

3.2 The architect drawings for the submitted scheme have been prepared by Jennifer Stewart and they have professionally designed to provide an attractive high quality development that replaces poor quality window frames that have suffered damage with rot due to the position and shape with a better quality angled windows and bi-folding doors. The drawings and specialist reports being submitted for the proposal include the following:

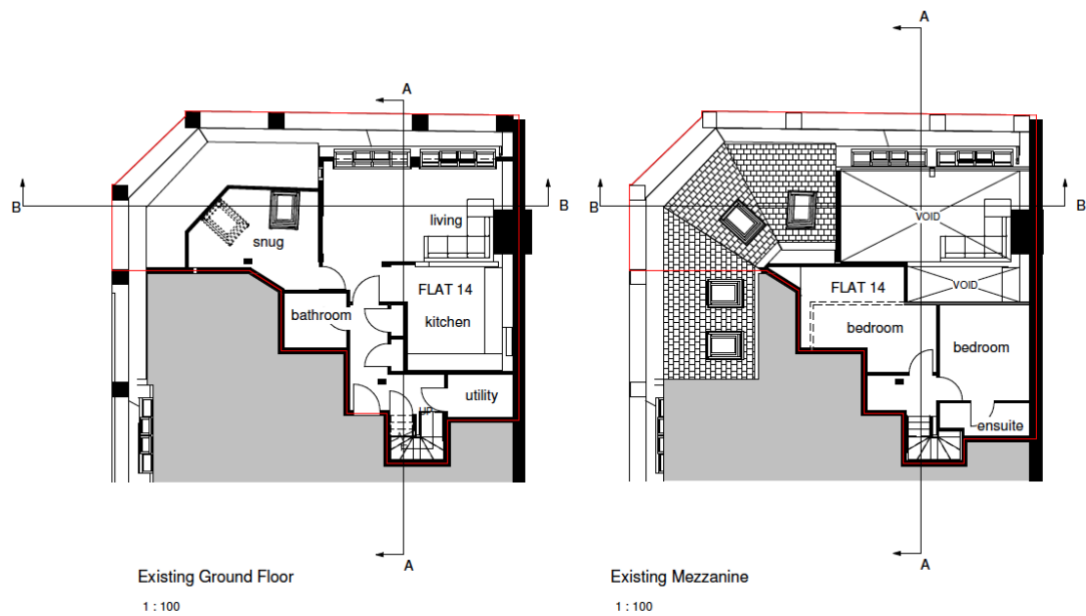
Site Location Plan

Existing Elevations and Floor Plans

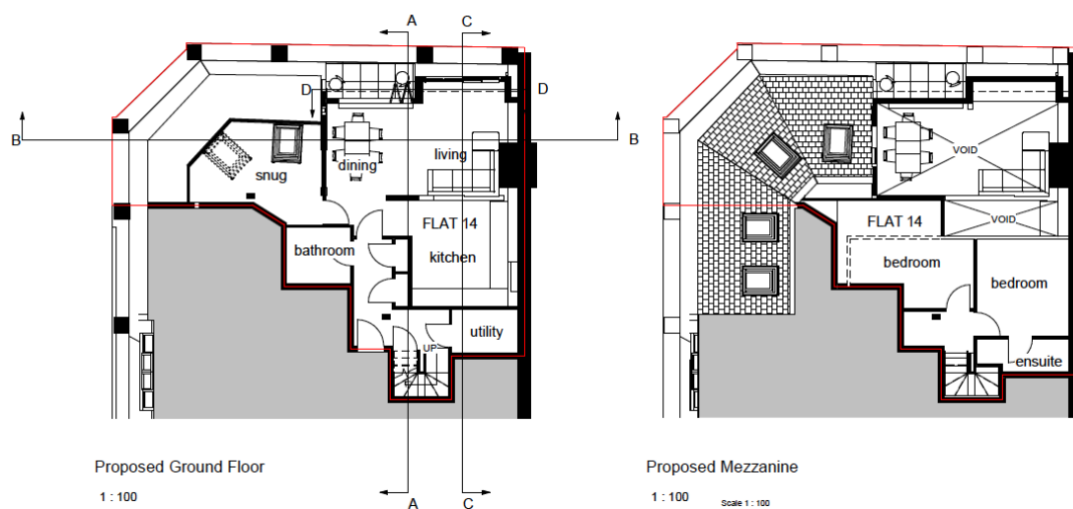
Proposed Elevations and Floor Plans

Planning Statement

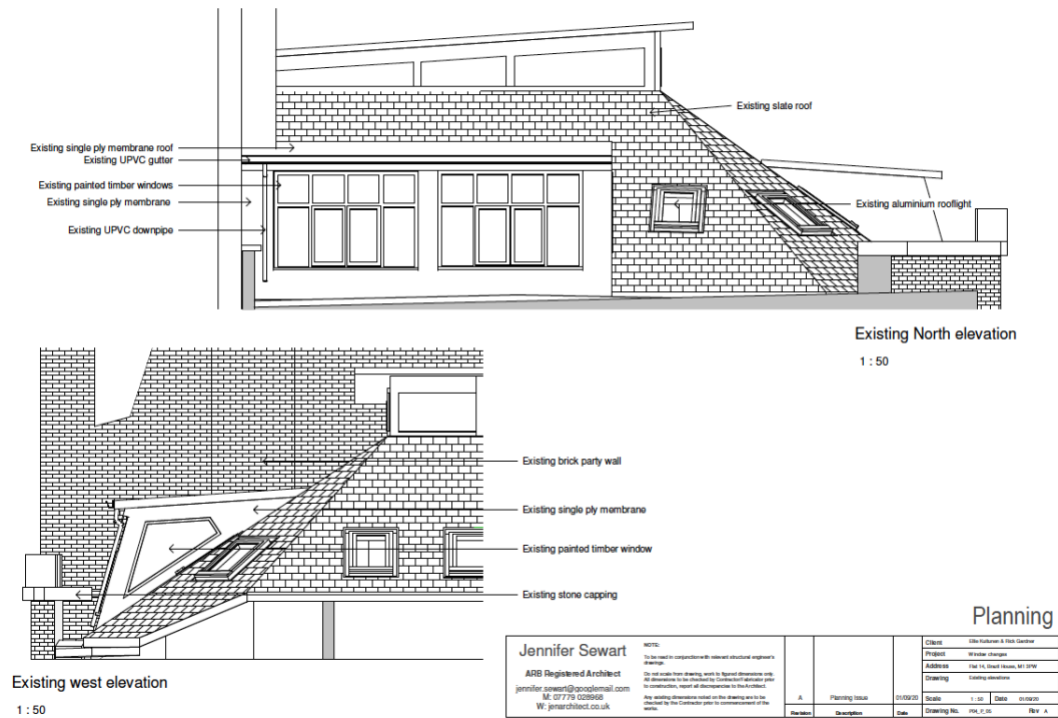
Heritage Report



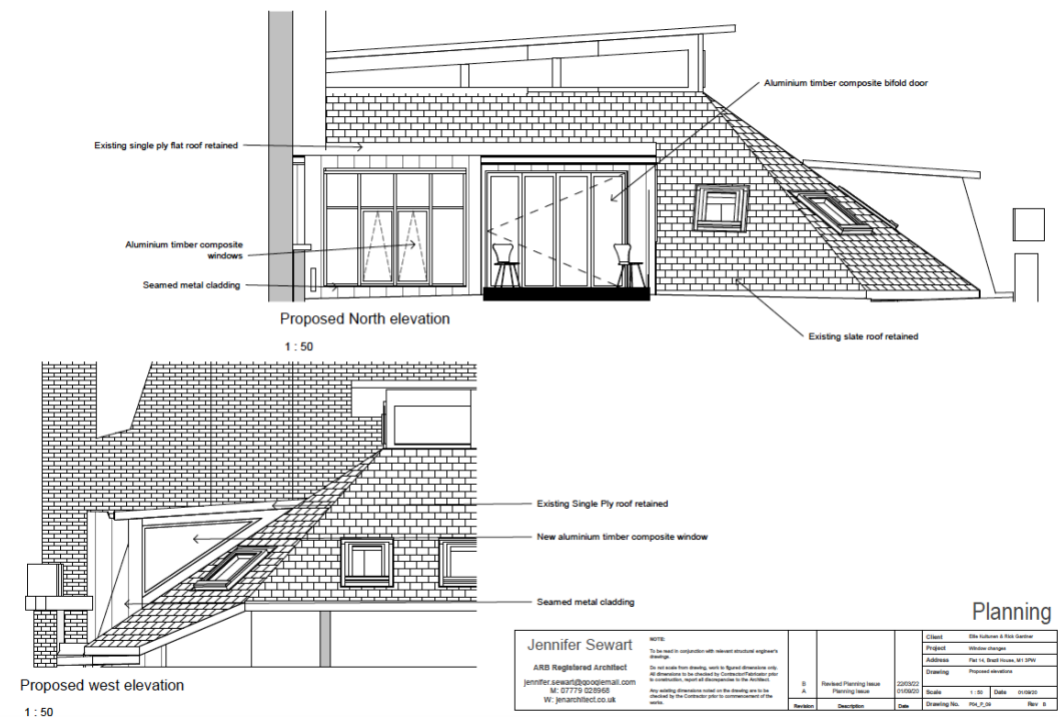
(Figure 3 Existing Floor Plans)



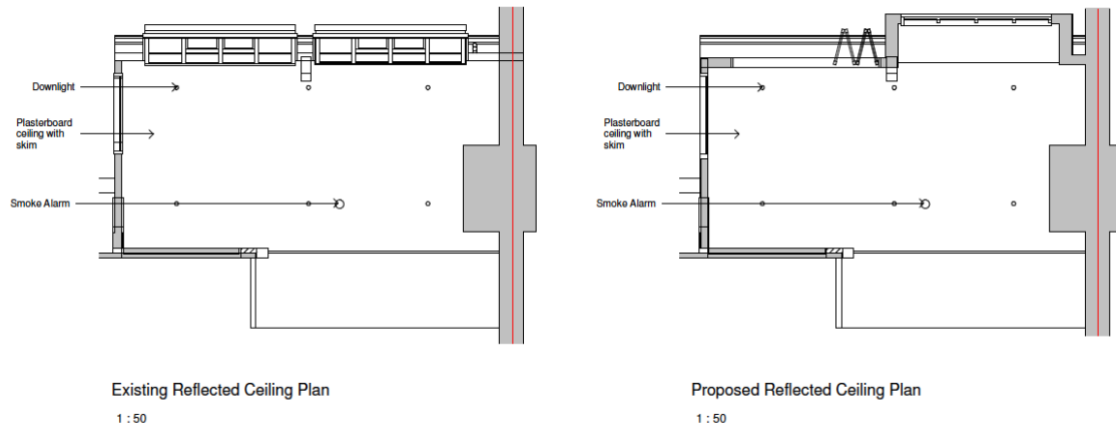
(Figure 4 Proposed Floor Plans)



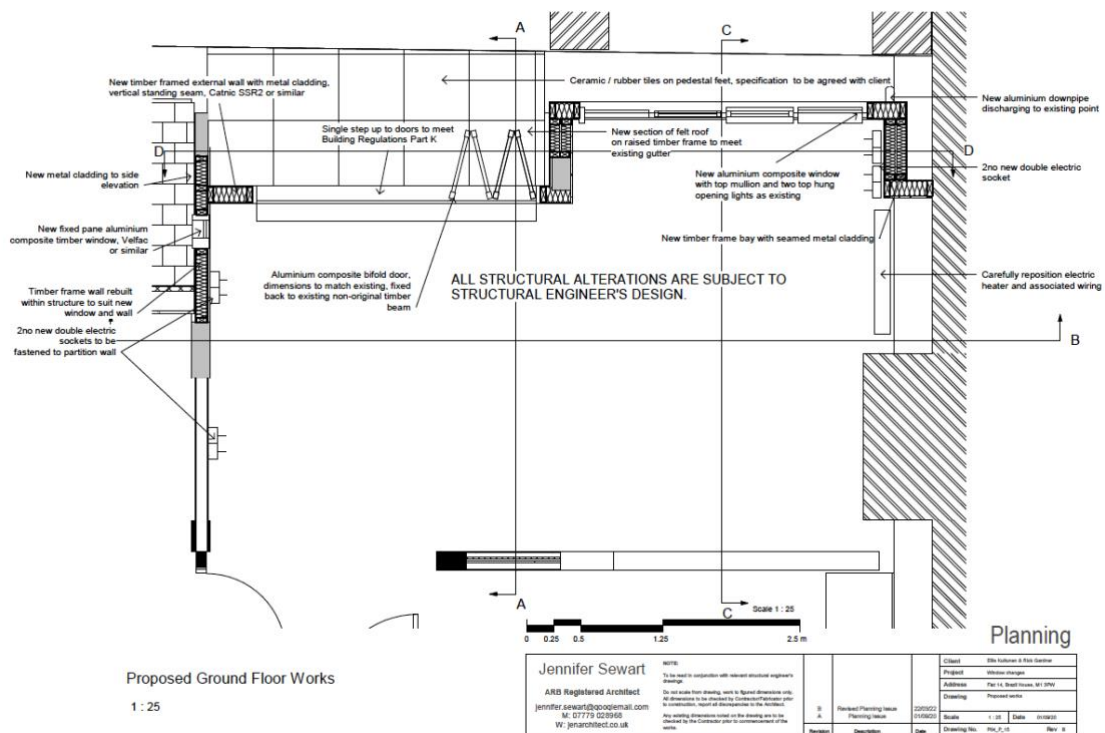
(Figure 5 Existing Elevations)



(Figure 6 Proposed Elevations)



(Figure 7 Existing Ground Floor)



(Figure 8 Proposed Ground Floor)



(Figure 9 Existing patched trocal dormer dating back to 1997)



(Figure 10 Parapet gutter showing damaged caused by water to the wooden windows and gutter)

4.0 Local Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 On 25 July 1985 Manchester adopted the UDP as their Local Plan. The UDP was subsequently replaced by the Core Strategy which was formally adopted on 21 July 2012 and replaced significant elements of the UDP. The Core Strategy sets out the council's planning policies that are used to guide development within the City. Amongst other things, the Core Strategy has policies relating to housing developments with objectives that include requiring them to be high quality and well designed to respect the character, identity and context of the area.

4.3 In submitting this planning application, the following UDP policies are relevant to the determination of this application: -

Policy SP1 is one of the City Councils Core Development Principles and confirms that 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.
- making a positive contribution to the health, safety and wellbeing of residents
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private. The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms

of energy targets this policy should be read alongside policy EN6 and the higher target will apply)

Policy CC 9 (Design and Heritage) protects heritage assets, including listed buildings and requires that they be preserved or enhanced. It states that developers must recognize the specific design challenges that must be overcome to ensure complementarity of function and form.

Policy EN 3 (Heritage) requires development to complement and take advantage of the distinct historic and heritage features. New development must be designed to preserve or enhance the historic environment, including listed buildings and proposals which enable the re-use of heritage assets will be encouraged where they are consistent with the significance of the asset.

Policy DC18.1 (Conservation Areas) states that the Council will give particular careful consideration to development proposals within Conservation Areas. It specifically states that 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 listed buildings;
- III. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees): -
- IV. the effect of signs and advertisements;
- V. any further guidance on specific areas which has been approved by the Council.

Policy DC19.1 (Listed Buildings) advises 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.

5.0 National Planning Policy

5.1 Government guidance is set out in the revised National Planning Policy Framework (NPPF) dated July 2021. The NPPF expresses a presumption in favour of sustainable development. The NPPF is a material consideration in the determination of the application. The Planning Practice Guide (PPG) is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalizing and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in this Planning statement, where appropriate.

5.2 The following sections of the NPPF are considered of most relevance to the application proposal: -

Chapter 2: Achieving Sustainable Development (paras. 7-14)

Chapter 3: Decision Making (para. 38)

Chapter 12: Achieving Well-Designed Places (paras. 126-136)

Chapter 16 Conserving and Enhancing the Historic Environment (paras 189 – 193)

5.3 Central to the NPPF is a presumption in favour of sustainable development and the need for the planning system to support new development. Paragraph 10 states “*So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)*”. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and the application of the policy for decision-making: -

“Plans and decisions should apply a presumption in favour of sustainable development”.

For decision-taking this 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.

5.4 Paragraph 38 of the NPPF confirms that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.5 The NPPF states that the planning system has three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are; economic, social and environmental as follows: -

Economic – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Social – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

Environmental – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.6 Paragraphs 126-136 in Chapter 12 (Achieving well-designed places) advocates a requirement for good design. This is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.7 Paragraph 130 advises that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.8 Paragraph 132 confirms that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests.

5.9 Paragraph 134 confirms that permission should be refused for development that is not well designed and that fails to reflect local design policies and government guidance on design.

5.10 Paragraph 117 of Chapter 11 (Making effective use of land) states that Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.11 Paragraph 189 of Chapter 16 (Conserving and Enhancing the Historic Environment) of the Revised National Planning Policy Framework (as revised February 2019) states local planning authorities should require an applicant to describe the significance of the heritage assets affected, including the contribution made by their setting. The purpose of this report

is to describe the significance of the conservation area and to assess the impact of the proposed extensions in the context of relevant heritage planning policies. It is considered the level of detail employed is, in accordance with paragraph 189, proportionate to the importance of the heritage assets and no more than is necessary to understand the proposal's impact.

5.12 Paragraph 190 of the National Planning Policy Framework states local planning authorities should identify and assess the particular significance of a heritage asset, including its setting, and take this into account when considering the impact of a proposal in order to avoid or minimize conflict between the asset's conservation and any aspect of the proposal. Significance is defined in the NPPF Glossary 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”.

5.13 Section 16 of the Revised National Planning Policy Framework provides the guidance on how the statutory duty is to be put into practice. Paragraph 192 states that in determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and
- The desirability of new development making a positive contribution to local character and distinctiveness

- 5.14** Regarding designated heritage assets, paragraph 193 states that *‘great weight’* should be given to their conservation and the more important the asset, the greater that weight should be; and that significance can be lost through development within its setting. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.15** Paragraph 194 states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

6.0 Planning considerations

6.1 Principle of Development

6.1.1 This application is a re-submission of a previous application that was refused on design grounds with the councils opinion that the proposal caused harm to the heritage asset. The Decision Notice did not explain whether the council considered level of harm was 'substantial' or 'less than substantial'. Saved Policy CC9 of the UDP states that developers must recognize the specific design challenges that must be overcome to ensure complementarity of function and form. The councils planning policies nor the NPPF restricts any building works to listed buildings and the general rule is that such works should not harm the setting of the listed building. A details heritage Assessment has been carried out by Garry Miller who has concluded that the purpose of the listing was related to the building being a former textile warehouse and the works proposed would not alter the perception of that finding. In addition to this, the council has previously approved a similar proposal at 12 Brazil House and therefore the perceived level of harm that the council considered the proposal would create cannot be that great otherwise they would not have approved similar proposals within the same building. It is important to note that that Brazil House was listed prior to the building being converted to a residential use and as part of the conversion to allow additional flats on the top floor, a large proportion of the original roof was removed/demolished. The council did not consider the demolition of the original roof to be an important part of the listing (otherwise they would have not granted approval for the conversion to residential). Therefore, the council must have considered the works to alter the original roof as 'less than substantial harm' and public benefits would have been the regeneration benefits of the conversion. The works that we are proposing is on part of the building that was extended after the listing (therefore not an original feature) and in terms of the impact, it has far less than the previous approved roof design. Consequently, it is our view and that of the Heritage Consultant that the proposal would preserve the setting of the listed building and therefore the proposed building works conforms to the councils adopted policies and there is a precedence

set within the same building that has granted permission for similar works in other flats.



(Figure 11 Similar original windows in Flat 13)



(Replacement windows that was approved by Planning in Flat 12)

6.2 Residential Amenity - Provision of satisfactory living arrangements for the future occupiers and the impact of development on amenity of existing residents.

6.2.1 The layout of the flat affords satisfactory living arrangements for the occupants, however,

the angled windows are now failing due to their age and materials used. The impact of this is that there is now water damage that is starting to happen and patch repairs are not an adequate solution as the main bulk of the timber is now becoming rotten. This is very similar to what happened in flat 12 and having buckets to collect water inside the flat does not create the standard of living that any family should have to suffer from. The proposed works have been carefully designed to ensure that there would be no undue overlooking of any neighbouring flat and therefore the proposal will not result in adverse loss of privacy and amenity to the neighbouring residents.

6.3 Design

- 6.3.1 The Government attaches significant importance to the design of the built environment. Paragraph 126 of the revised NPPF states that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this”*. Design occupies a high priority both in the NPPF and in Local Plan policy. Paragraph 130b of the NPPF requires that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Policies DM1 and SP1 of the UDP reinforce the requirement for good design and that development should respect for the character of the area in which any proposal is to be located.
- 6.3.2 We consider the general design and appearance of the proposed windows are of a high quality and will be sympathetic and compatible with the character of the of the listed building and conservation area in general.
- 6.3.3 The external construction materials proposed will be of a high quality and would harmonize with listed building.

6.3.4 We are therefore of the view that the proposed development complies with the expectations of Sections 12 & 16 of the revised NPPF, UDP policies DM1 and SP1 of the Unitary Development Plan and the character and setting of both the listed building and conservation area would be preserved.

7.0 Planning balance and conclusion

- 7.1** At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that developments should be restricted. The presumption in favour of sustainable development means that a planning application should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole. It is clear from our assessment that any adverse impacts associated with the application proposal are not significant and they do not demonstrably outweigh the benefits.
- 7.2** The works carried out enhance the appearance of the flat by replacing dated and damaged window frames, that offered no architectural merit nor appear to be an original feature of the building. The replacement doors have been constructed using aluminium externally with timber on the inside and they are of a much higher quality in terms of design and appearance and quality of materials used.
- 7.3** The replacement doors cannot be seen from any public location as they are positioned behind the parapet wall and do not harm the setting of the listed building. There are also other examples of modern features that have been introduced throughout the building during its conversion to flats.
- 7.4** On balance we consider the benefits of the proposal clearly outweighs any dis-benefits and the proposal conforms with both national and local planning guidance and therefore

represents sustainable development. The Heritage Report also concludes that the proposal would preserve the setting of the listed building and for these reasons, we believe that planning permission should be granted.