MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127939/FO/2020
Date registered valid:	25 September 2020
Proposal:	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 bifolding doors, together with formation of small external terrace area due to amended angle of new doors
Address:	Flat 14, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Ward(s):	Piccadilly Ward
Applicant:	Dr Elina Kuitunen Flat 14, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Agent (if any):	Mrs Jennifer Sewart 167 Gatley Road, SK8 4BB
Case officer:	Carolyn Parry Tel: 0161 234 4022 Email: carolyn.parry@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	4 March 2021

Application details

Type of application: Full Application Consent

Development type: Householder

Date of site visit: 14 Oct 2020

Standard consultations:
Printed: 8 October 2020 Expired: 29 October 2020

Neighbour notifications
Printed: 8 October 2020 Expired: 29 October 2020

Site notice
Posted: 14 Oct 2020 Expired: 4 Nov 2020

Press advert
Published: 13 October 2020 Expired: 3 November 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order:

The Site - This application relates to Flat 14 within Brazil House which is located on the corner of Sackville Street and Brazil Street in the City Centre . The building is Grade II listed and is within the Whitworth Street Conservation Area. There are many other listed buildings in the surrounding area, including either side on Sackville Street and adjacent on Brazil Street (all Grade II). The building is 5 storeys in height and overlooks Sackville Gardens that is located on the opposite side of Sackville Street. Beyond that is a building operated by The Manchester College. Manchester Gay Village is to the north/north-west of the site. Flat 14 is a top floor flat and has a mezzanine. It contains some original roof timbers and brick walls. The existing flat has a dormer with 2 sets of angled windows in it that was installed as part of the 1997 conversion of the former warehouse building into apartments. The applicant has stated that the windows currently leak. The roof that the modern dormer is set into has the original slate on it. The area surrounding the application site is predominantly commercial and residential in nature and there are also a number of educational buildings nearby.

The Proposal - Planning permission is sought for external alterations at a top floor apartment (Flat 14) 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 the new doors. The application has been amended since first submission as originally it was proposed to make the replacement windows vertical as well as the new bifolding doors. The proposal was modified following discussions with the Local Planning Authority. The applicant has said that whereas the existing windows are timber, the new windows would be aluminium on the exterior and timber on the internal face

within the flat. The vertical doors would be aluminium and their installation would allow for the creation a small terrace area at roof level for use by the apartment occupants.

A parallel application for Listed Building Consent is also being considered (app. 127940).

Consultations & Notification Responses

Publicity - The application was advertised in the local press and on site as one affecting a conservation area and listed buildings. No representations have been received as a result of this publicity.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. No representations have been received.

Highway Services - Limited dimensional information is afforded by the plans provided however it appears that the proposed changes are all within the site boundary and do not impact the adopted highway so in principle MCC Highways do not object to the proposed changes.

The applicant should however be made aware of the following:

- Any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements during construction will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact
Manchester (Tel. 0161 234 5004).

- Should any part of the building/structure/barrier etc extend greater than 350mm over the adopted highway then the applicant will need to apply for a projection over license by contacting Environment on Call on 0161 234 5004.

Environmental Health - No adverse comment or objection

Greater Manchester Police - No comments to make on this occasion

Issues

The effect of the works on visual amenity and the character and appearance of the listed building - In the supporting documentation accompanying the application, it is stated that the apartment cannot be easily seen from ground level and that there are similar dormers on the west side of the building, one of which has already been altered in the same way to replace the sloped window with a vertical door and external terrace. It also states that the proposal would retain most of the existing design with only understated changes, so the works would still be in keeping with the rest of the building including the other modern additions. The applicant has also stated that there are various examples nearby of similar installations, including at Flat 12 within the application building.

The Local Planning Authority does not agree that the proposal would not be visible from street level as the existing roof level extension for Flat 14 (from the apartment conversion scheme) is partly visible in oblique views along Sackville Street and clearly visible from many vantage points within Sackville Gardens (especially when the trees are not in leaf). It is considered therefore that proposed works would be clearly seen by pedestrians on the ground as well as from various buildings near to the site in various directions. This visibility is increasing with the tall buildings currently being erected at 'Kampus' (Chorlton Street/Aytoun Street junction) and 'New Manchester Square' (at the end of Brazil Street on the Whitworth Street/Princess Street junction).

The proposal apartment occupies the entire width of the Sackville Street rooftop structure. It currently has two matching rooflight-type windows at an angle to match that of the surrounding built form within which they are set. The proposal would completely disrupt this sense of consistency and simplicity of the existing design by removing one window and built fabric below to form a larger opening to accommodate the proposed bifolding doors that would be set back deeply within the roof structure to create an external balcony area. It would also be in complete contrast to the coordinated sense of design that continues at roof level around the corner onto the Brazil Street elevation. It is acknowledged that Flat 12 within the building has altered a set of windows to have bifolding doors and a terrace, but these alterations are at the far end of Brazil Street and in an element of the roof that is of a different character to that found on Sackville Street roofscape and the majority of Brazil Street.

As well as the vertical bifolding doors now proposed, the originally submitted proposal included for the replacement of the 2nd set of windows in the dormer of Flat 14 with a vertical (rather than angled) set of windows. Information was provided regarding the fact that the windows let in water due to problems with the windows themselves and the gutter arrangement. It would seem that this has been partly due to a lack of an appropriate maintenance regime and possibly poor quality of materials and/or implementation at the time they were installed. These issues were used to justify the proposed works and this is considered inappropriate as all of these matters should be capable of being dealt with by an appropriate conservation-led approach to repairs and maintenance that would not alter the external or internal appearance of the building and avoid any undue intervention on the original/historic built fabric. Whilst the proposal has now been amended to omit the removal of the angled 2nd set of windows and its replacement with a vertical set of windows (as new angled windows are now proposed), it is still considered that the proposed vertical bifolding doors that would replace one set of angled windows is inappropriate for the reasons stated above. If there is an issue with water ingress due to the angled windows, this could be resolved by a coordinated approach from the management company that looks at the rooftop issues in a more comprehensive manner, including the condition/appearance of the various external components. A window design would need to be found that would perform satisfactorily at an angle within the existing sloping elevation. The suggestion made by the applicant that a window needs to be set vertically to perform appropriately is not accepted, although it may be that the design of the windows installed in 1997 was inappropriate for this type of use.

The applicant has suggested that the proposed doors are required as a means of escape (which they say is currently achieved via the existing windows). However, there is no suggestion that this is an officially recognised or required escape route and, if it is, that the window is adequate for such a purpose or could be adapted (without altering its external appearance) to better serve this purpose.

The applicant also suggests that the proposed works can be justified in the context of the Covid-19 pandemic, that having a young family in residence at the proposal apartment and having the need to access external space. The application building is directly opposite the green public open space of Sackville Gardens and also near to Vimto Gardens which have continued to be available for public use during the pandemic. In addition, the pandemic is a temporary circumstance and it is not appropriate to use a temporary pandemic to justify permanent works that would cause harm to the heritage significance of a listed building and wider historic environment.

For the above reasons, it is considered that the proposal would cause harm to the heritage significance of the listed building. This harm would be 'less than substantial harm' in terms of the NPPF but would be avoidable by a more appropriate conservation-led approach to resolving identified building defects. It is also considered that the proposal would adversely affect the

appearance of the building in general and visual amenity within the wider area, including views from within the Whitworth Street Conservation Area.

Planning Policy

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan 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.

For the above reasons, the proposal is considered to be unacceptable and inconsistent with policies SP1, CC9, EN3 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

Negotiations - Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. An acceptable solution to satisfy both parties could not be reached on this occasion.

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 polices 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: Refuse

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. An acceptable solution to satisfy both parties could not be reached on this occasion.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) 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 bifolding doors would harmfully diminish the angled appearance of the elevation which is typical of runs of rooflights 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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Urban Design & Conservation
Greater Manchester Police

38 Whitworth Street, Manchester, M1 3NR
Restaurant Adjacent 38, Whitworth Street, Manchester, M1 3NR
Basement And Sub Basement, Amazon House, 3 Brazil Street, Manchester, M1 3PW
Second Floor, Amazon House, 3 Brazil Street, Manchester, M1 3PE
Fourth Floor, Amazon House, 3 Brazil Street, Manchester, M1 3PE
First Floor Rear, Amazon House, 3 Brazil Street, Manchester, M1 3PW
BUY ASSOCIATES LIMITED, Third Floor, Amazon House, 3 Brazil Street, Manchester, M1 3PW
First Floor Middle, Amazon House, 3 Brazil Street, Manchester, M1 3PW
First Floor Front, Amazon House, 3 Brazil Street, Manchester, M1 3PW
Flat 1, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 33, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 28, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 24, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 22, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 8, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 6, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 4, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 15, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 11, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 16, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 10, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 21, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 18, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 29, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 11, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 43, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 26, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 24, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 21, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 16, 42 - 44 Sackville Street, Manchester, M1 3NF
Regency House, 36 Whitworth Street, Manchester, M1 3NR
50 Sackville Street, Manchester, M1 3WF
Flat 32, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 30, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 26, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 23, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 19, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 9, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 7, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 5, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Flat 2, Regency House, 36 - 38 Whitworth Street, Manchester, M1 3NR
Ground Floor, Amazon House, 3 Brazil Street, Manchester, M1 3PW
Flat 12, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 17, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 3, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 14, Regency House, 36 Whitworth Street, Manchester, M1 3NR

Flat 20, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 27, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 31, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 25, Regency House, 36 Whitworth Street, Manchester, M1 3NR
Flat 13, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 12, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 10, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 9, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 8, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 7, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 6, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 5, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 4, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 3, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 2, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 1, Brazil House, 2 Brazil Street, Manchester, M1 3PW
Flat 44, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 42, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 41, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 36, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 35, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 34, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 33, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 32, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 31, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 14, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 12, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 11, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 7, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 6, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 5, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 4, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 3, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 25, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 23, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 22, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 17, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 15, 42 - 44 Sackville Street, Manchester, M1 3NF
Richmond Tea Rooms, 46 Sackville Street, Manchester, M1 3WF
Flat 2, 42 - 44 Sackville Street, Manchester, M1 3NF
Flat 1, 42 - 44 Sackville Street, Manchester, M1 3NF

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CITY2