MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141327/FO/2024
Date registered valid:	21 October 2024
Proposal:	Retrospective approval for the replacement of one bedroom window and lounge French window.
Address:	22 Rozel Square, Manchester, M3 4FQ
Ward(s):	Deansgate Ward
Applicant:	Ms Linda Finnigan
Agent (if any):	
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**20 November 2024**

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 October 2024

Standard consultations:
Printed: 22 October 2024 Expired: 12 November 2024

Neighbour notifications
Printed: 22 October 2024 Expired: 12 November 2024

Site notice
Posted: 22 October 2024 Expired: 12 November 2024

Press advert
Published: 29 October 2024 Expired: 19 November 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Not applicable

The apartment is a part of the Rozel Square residential development. Whilst the wider surrounding City Centre area is predominantly commercial in nature, Rozel Square is situated within a residential pocket of development that includes Porchfield Square and residential properties around St John Street and St John's Gardens.

It is located within Castlefield Conservation Area.

The apartment sits towards the north side of Rozel Square, facing on to Lower Byrom Street. It is accessed through a pedestrian route from Culvercliffe Walk.

Description of Development

The proposal seeks retrospective approval for the replacement of one bedroom window and lounge French window.

Consultations & Notification Responses

Highway Services - Have no objections.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The following policy and guidance are considered relevant to the consideration of this application:

The Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space, and provide good access to sustainable transport provision.

EN1 (Design Principles and Strategic Character Areas) advises that development provide opportunities for good design to enhance the overall image of the City should be fully realised and both reinforce and enhances the local character. It also advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

DM1 (Development Management) states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

- 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 and 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 prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The Unitary Development Plan (UDP) for the City of Manchester

The Unitary Development Plan was adopted in July 1995. Coinciding with the adoption of the Core Strategy in 2012 significant proportions of the UDP have been replaced; however, a number of polices were saved on 11 July 2012 and remain extant.

DC18.1 (Conservation Areas) states that the Council will give particularly careful consideration to development proposals within Conservation Area. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering; the relationship of new structures to neighbouring buildings and spaces; and the effect of major changes to the appearance of existing buildings.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures, and environmental sustainability.

In **Chapter 2 'Design'**, paragraph 2.7 outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment and encourages "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing, and orientation of its buildings should achieve a unified form which blends in with and links to adjacent areas.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the ten boroughs which make up Greater Manchester.

The following policies are considered relevant to this application:

JP-Strat2 (City Centre) states that the role of the City Centre as the most significant economic location in the country outside London will be strengthened considerably. The City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester, but the increasingly important residential role of the City Centre will be expanded. It will be a priority for investment in development and infrastructure. This will include addressing current network capacity issues in the City Centre which will enable the future expansion of the rapid transit public transport network across Greater Manchester. Improvements in the public realm, walking and cycling facilities, and green infrastructure will help to enhance the local character and environmental quality of the City Centre so that it can rival city centres across the globe, enabling it to compete effectively at the international level for investment, businesses, skilled workers, residents and tourists. A broad range of commercial accommodation will be delivered, helping the City Centre to capture growth across key economic sectors. The new functions within the City Centre will be delivered in a way that complement, rather than displace the area’s non-residential functions and will seek to protect and enhance the city centre’s historic environment and assets.

JP-P2 (Heritage) states an aim to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals

affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Planning Policy Framework (NPPF) (2023)

Decisions should accord with the requirements of the National Planning Policy Framework (NPPF) (2023), which sets out the Government's Planning Policies for England and how these are expected to be applied.

The following policies are of relevance to this application:

Section 12 (Achieving Well-Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It specifically states that:

"Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Developments should help to raise the standard of design more generally in an area and fit in with the overall form and layout of their surroundings" (**paragraph 139**).

At the heart of the Framework is a presumption in favour of sustainable development in terms, "*For plan-making*" and "*For decision-taking*", (**paragraph 11**).

This is further explored in **paragraph 8**, which confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective
b) a social objective and
c) an environmental objective.

Section 16 (Conserving and Enhancing the Historic Environment) addresses how proposals that affect heritage assets should be considered.

Paragraph 200 advises that Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs 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 202 advises that in determining applications, local planning authorities should take account of:

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

The National Design Guide (January 2021)

Illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

There are 10 characteristics of well-designed places within the National Design Guide which are listed below:

- Context - enhances the surroundings
- Identity - attractive and distinctive
- Built form - a coherent pattern of development
- Movement - accessible and easy to move around
- Nature - enhanced and optimised
- Public Spaces - safe, social, and inclusive
- Uses - mixed and integrated
- Homes and buildings - functional, healthy, and sustainable
- Resources - efficient and resilient
- Lifespan - made to last

Other Legislation

Sections 16, 66, and 72 of the **Listed Buildings and Conservation Areas Act 1990** require that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

Principle of the Development

The principle of the development is considered to be acceptable. The previous windows were beyond their lifespan and were required to be replaced in order to retain heat in the building.

Visual Amenity

Similar windows have been installed across the surrounding residential units at Rozel Square.

Whilst timber windows across all of Rozel Square would have been preferred, given that the site is located in a conservation area, the fact that the windows installed correspondence to neighbouring units creates a consistent visual appearance across these residential units within the conservation area.



Exterior of the property

It is considered that there is not enough reason on visual amenity grounds to refuse the application and therefore it is approved.

Access

This proposal has no implications on access to the property.

Conclusion

Given the above, it is considered that the proposal is in accordance with the above policies and should be approved.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Approve

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application.

Condition(s) to be attached to decision for approval

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 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents, received by Manchester City Council as the Local Planning Authority on 21 October 2024:

- Location Plan
- Elevation (Front)
- Internal Elevation – Door
- Internal Elevation Window

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services

83 Rozel Square, Manchester, M3 4FQ
77 Rozel Square, Manchester, M3 4FQ
71 Rozel Square, Manchester, M3 4FQ
65 Rozel Square, Manchester, M3 4FQ
6 Rozel Square, Manchester, M3 4FQ
5 Rozel Square, Manchester, M3 4FQ
26 Rozel Square, Manchester, M3 4FQ
10 Rozel Square, Manchester, M3 4FQ
1 Rozel Square, Manchester, M3 4FQ
39 Culvercliff Walk, Manchester, M3 4FL
4 Rozel Square, Manchester, M3 4FQ
36 Rozel Square, Manchester, M3 4FQ
34 Rozel Square, Manchester, M3 4FQ
32 Rozel Square, Manchester, M3 4FQ
30 Rozel Square, Manchester, M3 4FQ
3 Rozel Square, Manchester, M3 4FQ
28 Rozel Square, Manchester, M3 4FQ
24 Rozel Square, Manchester, M3 4FQ
23 Rozel Square, Manchester, M3 4FQ
21 Rozel Square, Manchester, M3 4FQ
20 Rozel Square, Manchester, M3 4FQ
2 Rozel Square, Manchester, M3 4FQ
19 Rozel Square, Manchester, M3 4FQ
18 Rozel Square, Manchester, M3 4FQ
17 Rozel Square, Manchester, M3 4FQ
16 Rozel Square, Manchester, M3 4FQ
15 Rozel Square, Manchester, M3 4FQ
14 Rozel Square, Manchester, M3 4FQ
37 Culvercliff Walk, Manchester, M3 4FL
35 Culvercliff Walk, Manchester, M3 4FL
33 Culvercliff Walk, Manchester, M3 4FL
31 Culvercliff Walk, Manchester, M3 4FL
29 Culvercliff Walk, Manchester, M3 4FL
25 Culvercliff Walk, Manchester, M3 4FL
23 Culvercliff Walk, Manchester, M3 4FL
21 Culvercliff Walk, Manchester, M3 4FL
19 Culvercliff Walk, Manchester, M3 4FL
17 Culvercliff Walk, Manchester, M3 4FL
13 Rozel Square, Manchester, M3 4FQ
12 Rozel Square, Manchester, M3 4FQ
11 Rozel Square, Manchester, M3 4FQ
9 Rozel Square, Manchester, M3 4FQ
8 Rozel Square, Manchester, M3 4FQ
79 Rozel Square, Manchester, M3 4FQ
75 Rozel Square, Manchester, M3 4FQ
73 Rozel Square, Manchester, M3 4FQ
7 Rozel Square, Manchester, M3 4FQ
69 Rozel Square, Manchester, M3 4FQ
67 Rozel Square, Manchester, M3 4FQ
63 Rozel Square, Manchester, M3 4FQ

61 Rozel Square, Manchester, M3 4FQ
59 Rozel Square, Manchester, M3 4FQ
57 Rozel Square, Manchester, M3 4FQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Castlefield Conservation Area 1979
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL