

APPLICATION FOR PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR ALTERATIONS TO EXTERNAL DOORS TO THE COURTYARD, EXTERNAL SIGNAGE AND INTERNAL WORKS

PLANNING, HERITAGE AND DESIGN AND ACCESS STATEMENT

**UNIT G5, MINSHULL HOUSE, KAMPUS, 49
CHORLTON STREET, MANCHESTER M1 3FY**

ON BEHALF OF CLOUDWATER BREW CO.

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990**

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1. INTRODUCTION

- 1.1 This Planning, Heritage and Design and Access Statement is to support applications for planning permission, Advertisement Consent and Listed Building Consent for internal and external works at Unit G5, Minshull House, Kampus, 49 Chorlton Street, M1 3FYH. The applicant is Cloudwater Brew Co. who intends to occupy the unit as a drinking establishment. The proposed works are required to facilitate their occupation of the building as a pub.
- 1.2 Previous applications for the works to the overall site have been submitted and approved. The relevant planning and Listed Building Consent are 115570/FO/2017 and 115571/LO/2017 respectively. Given that the works approved by these applications are now largely complete, this application seeks a new planning approval for the external works at the site, rather than a non-material amendment application. A new Listed Building Consent approval is required for the internal and external works proposed and an application for Advertisement Consent is submitted in respect of the proposed signage.
- 1.3 In summary, the works proposed are as follows:
- Alternations to the doors to incorporate half height bifold windows to the courtyard area;
 - Internal glazed lobby areas
 - Partitioning to create toilets, back of kitchen and office areas;
 - Internal structural openings;
 - A change to one set of doors to create an opening hatch;
 - New steps and ramp to mark the existing level change within the building; and
 - Signage necessary to advertise the premises.
- 1.4 This Statement will consider the planning justification for the proposals as well as the site's heritage context and the heritage impact of the proposals and design and access issues. This Statement should be read alongside the proposed planning drawings also provided.

2. SITE AND SURROUNDINGS

2.1 The application site is within Minshull House. This is a Grade II Listed Building which is located within the Kampus development site. The wider development site is located on Chorlton Street and adjacent to the Rochdale Canal. Minshull House is located on Chorlton Street and adjacent to the Rochdale Canal. Minshull House is a 4 storey L-Shaped building, which was originally used as a canal warehouse. Also at the development site is the Minto and Turner Building, which is a 5 story building previously used as a shipping warehouse. The Listed Buildings on site are separated by a cobbled road called Little David Street.

2.2 The application site is edged in 'red' below.

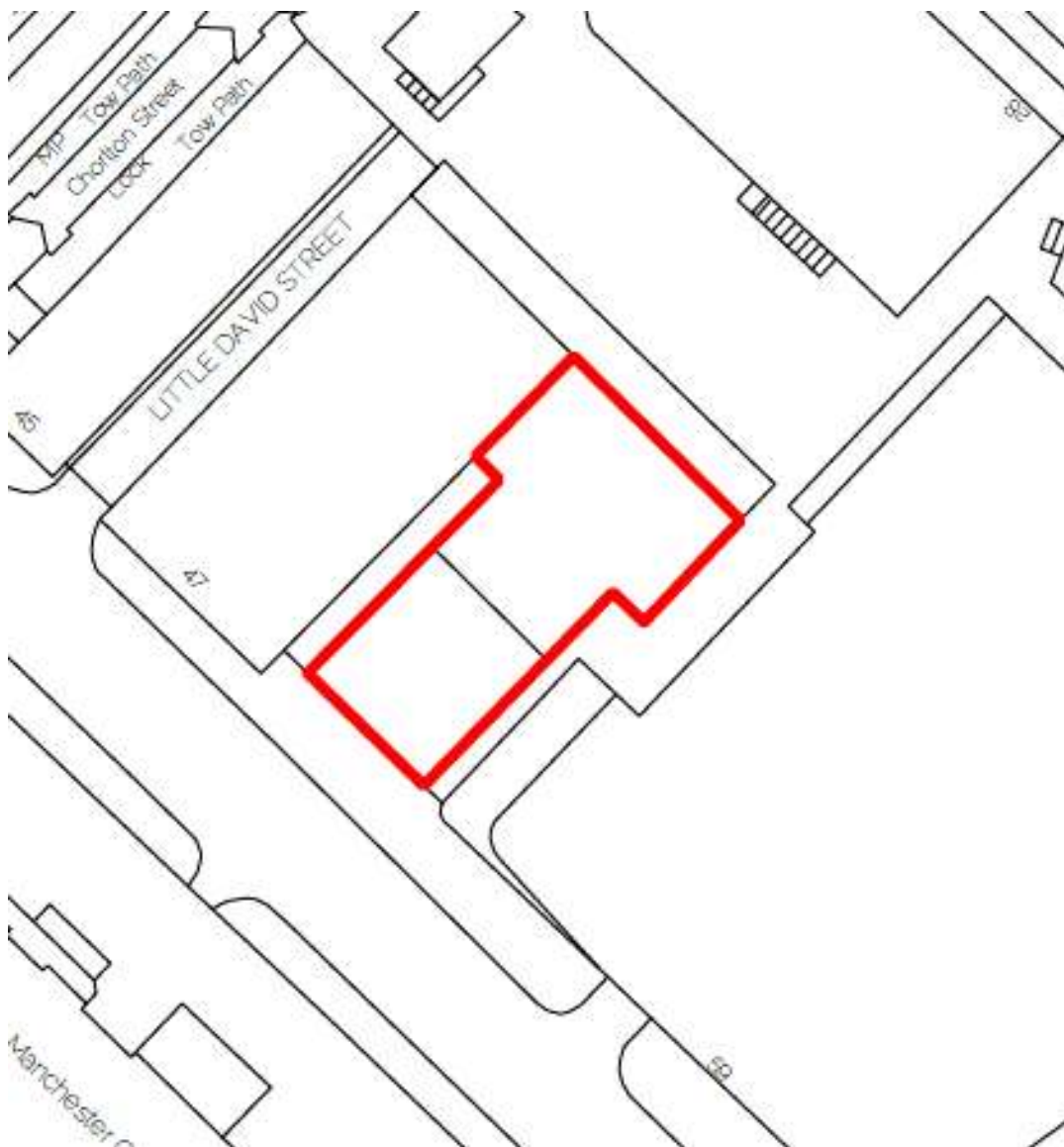


Figure 1: Extract from the Site Location Plan

- 2.3 Minshull House dates back to the 1870s and was originally constructed as a warehouse prior to later becoming the premises of a clothing manufacturer and mail order catalogue company during the middle of the 20th century. Later in the 20th century, the site became a library in use by a university.
- 2.4 Minshull House was first Listed in May 1990. The site's listing description is as follows:

"Canal warehouse, in use as a Polytechnic library at the time of listing. Early to mid C19, probably enlarged in later C19, and subsequently altered. Red brick in English garden wall bond (the front rendered), with sandstone dressings, corrugated sheet cladding to jettied upper floors at rear (roof concealed), internal cast-iron and wrought-iron frame. L-plan formed by main range on east-west axis between Chorlton Street at front and former canal basin at rear, with a wing at the south-east corner. Three storeys over a basement, 5x 13 bays; symmetrical west front 1:3:1 bays, now covered with scored render; the centre breaks forwards slightly and has rusticated quoins and a very wide elliptical arched former wagon entrance with rusticated long-and-short surround and raised keystone (now blocked with C20 glazed screen containing doorway), and segmental-headed windows on both floors above, all with raised sills and altered glazing; the outer bays have tall round-headed openings with C20 glazing, and upper windows like those in the centre. The 13-windows left return wall has (inter alia) a 3-window portion towards the rear which matches the centre portion of the front and has a similar wagon archway (now blocked, with windows on 2 levels), and to the right of this a narrow loading slot with a pitched canopy breaking the eaves. The rear is distinguished by a full-width cantilevered jetty from the 1st floor upwards overhanging the side of the former basin, and the wall below this has a mooring ring and the remains of a wooden wall-crane. Interior: retains intact framework of cast-iron columns (those at ground floor very thick, with entasis, and vertical fins), a system of struts and tie-rods to the cantilevered upper floors, and timber king-post roof trusses with raked struts."

- 2.5 Minshull House was originally located on the west side of the Banktop/Bridgwater Trust Coal Wharf. The canal basin came up to the rear of the building upon construction. However, this was infilled in the 1950s and subsequently developed.
- 2.6 Since the 1950s, Minshull House has undergone significant alternation to both its internal layout and externally as it has been used for multiple purposes.
- 2.7 Minshull House and Kampus are located within an historic part of Manchester. The site is situated outside of, but opposite the Whitworth Street Conservation Area, which is of historic importance due to this area's historic links with Manchester's textile industry.
- 2.8 The area has a mix of uses, including the Shena Simon Campus of Manchester College located to the south across Chorlton Street, recently developed residential uses on Kampus to the north and east of the site, and surrounding mixed entertainment uses to the west on Canal Street.
- 2.9 There are numerous Listed Buildings within the site's vicinity. This includes the Minto and Turner Building immediately to the north west, the Rochdale Canal Lock and Rochdale Canal Boundary Wall further to the north west, 39 Chorlton Street and the Churchill Pub to the west on Chorlton Street, and the Shena Simon college building to the south on Chorlton Street.
- 2.10 Below is a map showing the site (in red) in the context of the surrounding Listed Buildings (blue triangles).

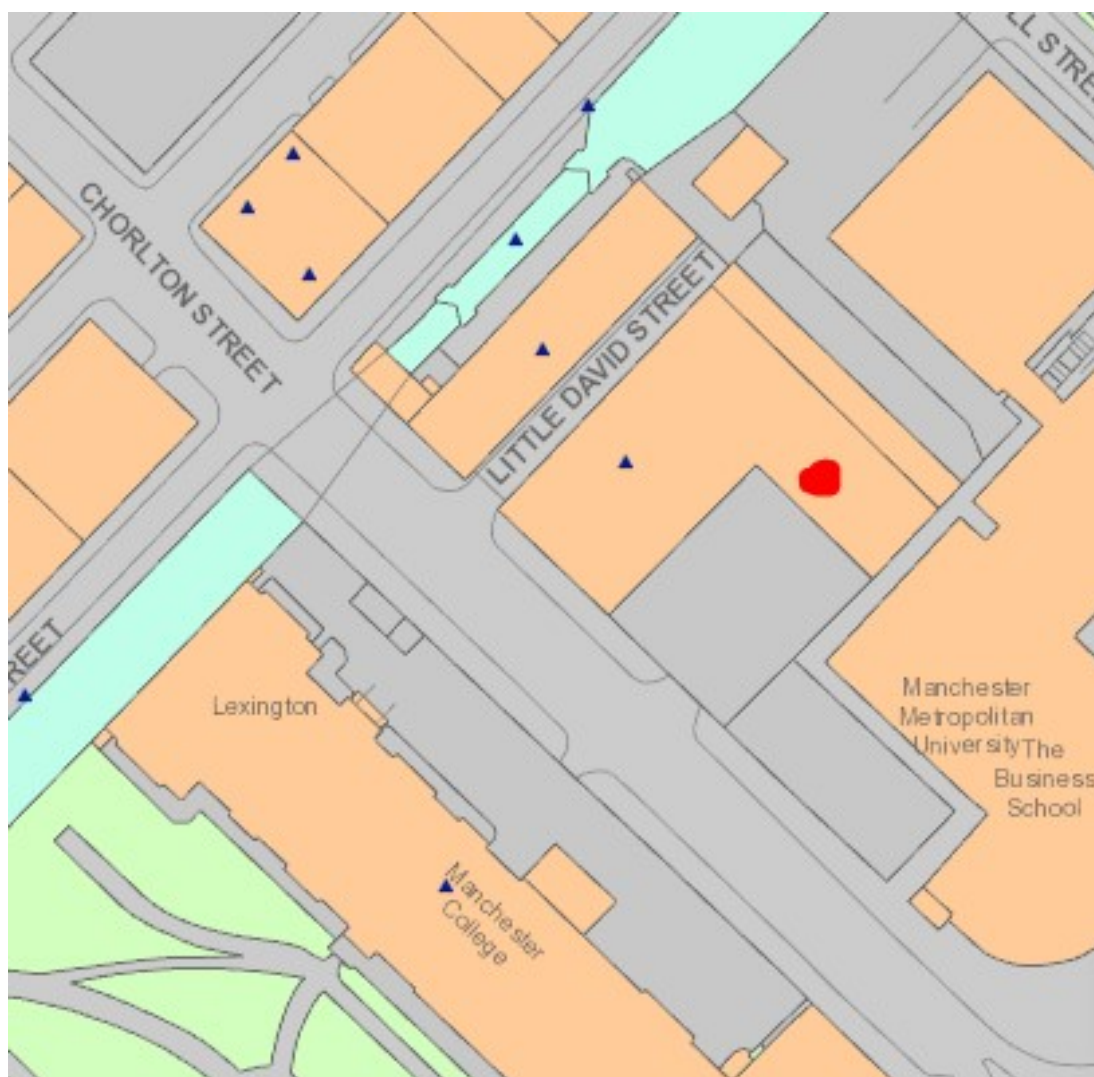


Figure 2: Extract from Historic England map showing site and Listed Buildings

- 2.11 The site is in Flood Zone 1, the area least likely to flood. There are no other relevant designations affecting the site.

3. PROPOSAL

- 3.1 This application is made in respect of proposed works to the property in order to facilitate Cloudwater Brew Co's occupation of the property as a drinking establishment on the ground floor.
- 3.2 The site was granted planning permission via 115570/FO in 2017, which has largely now been implemented and complete, for a mixed use development of residential and flexible commercial space on the ground floor. Cloudwater Brew Co intend to occupy the site under this permission, which allows drinking establishments to occupy the ground floor unit in Minshull House. As such the use of the building is not changing, and planning permission is not required for this aspect of the proposals.
- 3.3 The proposed works to the exterior of the building which will require planning permission and Listed Building Consent are as follows:
- New half height bifolding window to replace existing doors to the courtyard area; and
 - A change to one set of doors to create an opening hatch.
- 3.4 Internally, the following works are proposed, which will require Listed Building Consent:
- Internal structural openings;
 - Glazed lobby areas
 - New WC area and accessible WC;
 - Partitioning for office area;
 - Partitioning for back of house to kitchen area;
 - New steps and ramp to mark the existing level change within the building;
 - New internal lighting scheme;
 - New floor coverings; and
 - New wall coverings.

- 3.5 Additionally, external signage is proposed which will require Listed Building Consent and Advertisement Consent.
- 3.6 The proposals are necessary to renovate the property and allow its occupation by Cloudwater Brew Co. Full details and plans of the proposal are included in the accompanying plans and are discussed later on in this report.

4. ABOUT CLOUDWATER BREW. CO

- 4.1 This section provides information regarding Cloudwater Brew Co and their mission and concept for occupation of the site.

Mission statement

- 4.2 We're an ethically conscious, human centred business here to share our unique, seasonal beer while supporting and nurturing food, drink and creative communities, showcasing passion for innovation and evolving tastes through modern, seasonal beer.

4.3 Proposed concept for Kampus

- 4.4 As the brewery grows, we look to our hospitality operations to do the same, taking our flavours and experiences to a wider market with representation in new areas. We want beer and the venues in which it's consumed to be about more than just post productivity indulgence. Our first modern beer hall located in the centre of Manchester at Kampus, will be our first site for this concept. The site has been chosen for many reasons, some of which are the benefits of its proximity to Canal Street and its visiting demographic, and the community approach of the Kampus operation itself with both residents and other licensed operators.
- 4.5 The design will take an atypical approach to common beer hall design, providing a bright, modern and comfortable space, broken up into a number of different seating areas, lending themselves to a variety of activities from daytime working and meetings, to large group parties and events. Design direction of these areas will be inspired by Cloudwater brand values, helping our customers relax and unwind. Like the flavours of our beer, the design will be bold and precise.
- 4.6 An important part of our product is maximising freshness from production to consumption. We will create a natural extension of our current wet-led offering; our freshly brewed beers, sodas and cocktails with a complement of other fresh and wholesome drinks. We will also have a food offering provided by a collaboration partner that will take on a long term kitchen residency. Both food and drinks will also be available for takeaway from an externally accessible collection hatch.
- 4.7 Proposed opening hours are

10:00 - 12:00 Monday to Thursday

10:00 - 01:00 Friday & Saturday

10:00 - 11:00 Sunday

Company Description

- 4.8 Founded in 2014, Cloudwater brewed its first beers on February 14th, 2015, in its Manchester brewery.
- 4.9 Independently owned and directed by co-founder Paul Jones, the brewery aimed to create modern takes on classic styles, pushing the envelope within UK beer through a focus on seasonality - both in terms of the ingredients used and the styles brewed - and one-off beers. Cloudwater set out with the intention not to produce the same beer twice, in defiance of accepted practice within the industry at the time, which suggested a core range of regularly-produced beers was essential.
- 4.10 Despite eschewing many industry norms, Cloudwater quickly earned a reputation as one of the most progressive breweries in the UK and its scene-changing work includes the highly-regarded 'v series', which set a new standard for hoppy beer.
- 4.11 Producing modern takes on classic styles, as well as paying their respects to heritage recipes and the beers that inspired them on their beer journey, they are devoted to creating bold, precise flavours with bottomless drinkability and focused consistency, one beer to the next. They are also committed to running an ethically conscious, human-centred business, with values they hope will be the standard throughout the industry.
- 4.12 Quick facts:
- -Founded in 2014.
 - Brewed first beers on Valentine's day in 2015.
 - Independently owned and directed by Paul Jones.
 - Employs 60 staff (as of August 2021).
 - Strong equality and equity policy that has resulted in a 50/50 gender split (among other things) in an industry where 90 percent of production staff are male.

- Exports beer to more than 30 countries across the world.
- Operates three retail sites - at Unit 9 (on the same site as the brewery in Manchester) and 73 Enid Street (Bermondsey, London) and the Sadler's Cat pub (Manchester).
- Produced 6,112 hectolitres of beer in 2020, equivalent to 1,075,562 pints.
- Operates a not-for-profit festival, friends & family & beer, showcasing the best of independent beer from across the world. It has donated £31,695 to charity (£20,076 in 2019 and £11,619 in 2020) over two years.
- Strong focus on work designed to bring about social change through initiatives such as the Wayfinder Project, a quarterly residency given a budget of £10,000 with the remit of directing lasting change work, both within our organisation and the wider industry

4.13 Our individuality and shared humanity is central to Cloudwater and its culture. It's not about just brewing beer, but it's about building something meaningful, and fulfilling, while striving for a sense of holistic, collective and individual satisfaction and happiness. We work together within a hybrid company structure that promotes a best-idea-wins culture to fully engage each of us, irrespective of time served or seniority, as we join forces to offer you our best.

5. PLANNING HISTORY

5.1 The site has a complex planning history stretching back many years. However, relevant planning history is set out below:

5.2 Planning permission **112034/FO/2016/C2** was approved in 2016 for the adjacent part of the Kampus development, in respect of the new-build development. This permission resulted in 478 residential units, new commercial and community uses and ancillary car parking, service areas and landscaping.

5.3 Application 115570/FO/2017 was granted at the application site and adjacent Minto & Turner Building in August 2017 for the following development:

"Conversion of buildings to provide 58 residential apartments (Class C3) (26 x 1 bed and 32 x 2 bed) (41 units in Minshull House and 18 units in Minto Turner Building) above lower ground and ground floor Class A1 (shop), A2 (Financial and Professional Services), A3 (Restaurant and Café), A4 (Drinking Establishment), B1 (Offices), D1 (Non-residential institutions creche, nursery, clinic and health centre, art gallery only) and D2 (Assembly and Leisure – Gymnasium, indoor sport and recreation only), ground floor extension to Minshull House to provide additional commercial space (uses as specified above), creation of 59 secure cycle parking spaces and works to provide hard and soft landscaping including new public square in front of Minshull House and pedestrian route along Little David Street to the Kampus Courtyard, servicing and access."

5.4 This permission has been largely implemented on site.

5.5 Listed Building Consent ref **115571/LO/2017** was approved in August 2017 to accompany planning permission 115570/FO/2017. This has also largely been implemented.

5.6 In August 2021, a Non-material amendment application **130262/NMC/2021** was approved to vary condition 2 of 115570/FO/2017. This was required to change the original drawings relating to minor alterations relating to the interface with the existing building fabric.

- 5.7 Also in August 2021, application **13/0264/JO** varied the accompanying Listed Building Consent for the same reasons.

6. PLANNING POLICY FRAMEWORK

- 6.1 This section of the Statement sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the application site, with a focus on those policies relating to design and the protection of the historic environment, as well as those about supporting businesses.

Legislation

- 6.2 Legislation relating to the Built Historic Environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990* which provides statutory protection for Listed Buildings and Conservation Areas.
- 6.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, 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."

- 6.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case¹ Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

- 6.5 A 2015 Judgement in the Court of Appeal² ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the previous version of the NPPF, the requirements of

¹ East Northamptonshire District Council v SSCLG (2015) EWCA Civ 137

² Jones v Mordue Anor (2015) EWCA Civ 1243

which are now given in paragraph 196 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.

- 6.6 With regards to development within Conservation Areas, Section 72 (a) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

- 6.7 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservation Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless materials considerations indicate otherwise.

National Policy Guidance

The National Planning Policy Framework (July 2021)

- 6.8 National policy and guidance is set out in the Government's National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous versions of the Framework. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.
- 6.9 The NPPF sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.
- 6.10 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its

purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

- 6.11 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three “objectives” to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pre-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraphs 11 of the NPPF, and reads as follows:

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

*For **plan-making** this means that:*

- a) *All plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b) *strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; 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.*

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *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."*

6.12 However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."

6.13 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

6.14 Heritage Assets are defined in Annex 2 of the NPPF as:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated

heritage assets and assets identified by the local planning authority (including Local Listing)."

5.15 The NPPF goes on to define a Designated Heritage Asset as a:

"World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.³" (my emphasis)

6.15 As set out above, significance is also defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.⁴"

6.16 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and states at paragraph 195 that:

"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."

6.17 Paragraph 197 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

³ NPPF Annex 2, DCLG, 2021

⁴ Ibid.

- 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”*

6.18 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

"199 – 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

200 – 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:

- a) Grade II listed buildings, or grade II registered parks or gardens should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

6.19 In the context of the above, it should be noted that paragraph 201 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to

achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use"

6.20 Paragraph 202 goes on to state:

"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"

6.21 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

6.22 Paragraph 207 goes on to recognise that "not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance" and with regard to the potential harm from a proposed development, states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World

Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole” (my emphasis)

- 6.23 With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

- 6.24 Non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to a Scheduled Monument will be subject to the policies for designated heritage assets.

- 6.25 Paragraph 81 of the NPPF relates to support for business via the planning system. This states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”

- 6.26 Paragraph 82 goes on to state that planning policies should (inter alia):

“...c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices..., and to enable a rapid response to changes in economic circumstances.”

- 6.27 Paragraphs 119 - 120 of the NPPF states that planning decisions should promote and support development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- 6.28 Regarding design, Paragraph 126 identifies that high-quality buildings and places are fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development in creating better places in which to live, work and visit.
- 6.29 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Guidance

- 6.30 The Department for Communities and Local Government (DCLG) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 6.31 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 6.32 The PPG has a discrete section on the subject of 'Conserving and enhancing the historic environment' which confirms that the consideration of 'significance' in decision taking is important and states:

"Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals⁵"

⁵ PPG, paragraph 009 (ID: 18a-009/2014306 revision date 06.03.2014)

6.33 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting⁶.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm" (my emphasis)

6.34 With regard to design the PPG states at paragraph 02 that:

"Good design should:

ensure that development can deliver a wide range of planning objectives

enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and

effectiveness and their impact on well being address the need for different uses sympathetically⁷."

⁶ PPG, paragraph 017 (ID: 18a-017/2014306 revision date 06.03.2014)

⁷ PPG, paragraph 02 (ID: 26-002-2014306 revision date 06.03.2014)

6.35 Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

"Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

layout – the way in which buildings and spaces relate to each other

form – the shape of buildings

scale – the size of buildings

*detailing – the important smaller elements of buildings and spaces."*⁸

Historic England Guidance

6.36 With regard to development within historically sensitive areas, Historic England and CABI set out in their guidance document 'Building in Context – New Development in Historic Areas' (2001), a number of key considerations which they feel will add to the success of a project. Proposals should:

- *"relate well to the geography and history of the place and the lie of the land*
- *sit happily in the pattern of existing development and routes through and around it*
- *respect important views*
- *respect the scale of the neighbouring buildings*
- *use materials and building methods which are as high in quality as those used in existing buildings*

⁸ PPG, paragraph 34 (ID: 26/023/2014306 revision date 06.03.2014)

- *create new views and juxtapositions which add to the variety and texture of the setting*

6.37 In accordance with the above guidance, the proposals have been carefully designed to be sympathetic to both the Listed Building and the wider Conservation Area. As such, it is considered that the proposals would relate well to the geography and history of the local area, would sit comfortably alongside the existing buildings adjacent to the property, respecting the scale of neighbouring development and important views.

Local Planning Policy and Guidance

6.38 Local policies relating to the protection of the historic environment are contained within the Manchester Local Plan which comprises (inter alia) the Core Strategy, the Proposals Map and the extant Unitary Development Plan Policies.

Core Strategy 2012-2027

6.39 **Policy EC 1** of the Core Strategy relates to employment and economic growth in Manchester. The policy seeks to support contributors to economic growth, including retailing, cultural and tourism facilities and other employment generating uses in the city centre. The policy confirms that development proposals should make the best possible use of a site or buildings and should ensure social, economic, and environmental regeneration of the city.

6.40 **Policy CC 9** relates to design and heritage The policy states (inter alia):

"...Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed used development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementary of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment."

6.41 **Policy EN 3** also relates to heritage. This policy states:

"Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

New developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset."

Extant Unitary Development Plan Policies

- 6.42 **Policy 14** relates to shopfronts and signage. The policy seeks to ensure that proposals for new shopfronts are in keeping with the character of the building and adjoining and are appropriate for the areas in which the business is located.
- 6.43 The policy also requires that shop signs be considered in the interests of amenity and public safety only, as is permitted by the Advertisement Regulations.
- 6.44 **Policy 15** relates to advertisements and also notes that signage should be considered in the interests of amenity and public safety only, as per the Advertisement Regulations.
- 6.45 **Policy 18** relates to Conservation Areas. The policy confirms that careful consideration should be given to development within Conservation Areas.
- 6.46 **Policy 19** relates to Listed Buildings. The policy states that the Council will regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings.

7. HERITAGE METHODOLOGY

- 7.1 The aims of this Built Heritage Assessment are to assess the heritage significance of the built form within the site, and the contribution that it may make to the surrounding designated heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

Sources

- 7.2 The following key sources have been consulted as part of this assessment:
- The National Heritage List for England for information on designated heritage assets;
 - Information on the Whitworth Street Conservation Area prepared by Manchester City Council and accessed from their website;
 - Historic England Listing Description (accessed 21/04/2022);
 - Planning documentation submitted in support of other applications at the site; and
 - Aerial photographs and satellite imagery.

Assessment of significance

- 7.3 In the NPPF, heritage significance is defined as:

"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. ⁹For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance"

⁹ NPPF Annex 2, DCLG, 2018

7.4 Historic England's *Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*¹⁰ (henceforth referred to as '*GPA 2: Managing Significance*') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, *GPA 2: Managing Significance* also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's Conservation Principles¹¹; **evidential**, **historical**, **aesthetic** and **communal**. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest."

7.5 *Conservation Principles* provides further information on the heritage values it identifies:

- **Evidential value:** the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.
- **Historical value:** the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives a particular resonance through association with a notable family, person, event or movement.
- **Aesthetic value:** the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

¹⁰ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

¹¹ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

• **Communal value:** the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.

7.6 Significance results from a combination of any, some or all of the values described above.

7.7 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

7.8 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting. "¹²

7.9 Setting is defined 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. "¹³

7.10 Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

7.11 It is also important to note that whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. This was recently considered in a High Court Judgement¹⁴ where it was concluded that:

¹² NPPF Annex 2, DCLG, 2021

¹³ Ibid.

¹⁴ EWHC 1456, Steer v. Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council, 2017.

"The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual".

Assessing change through alteration to setting

- 7.12 How setting might contribute to these values has been assessed within this report with reference to Historic Environment Good Practice Advice in *Planning Note 3 (Second Edition): The Setting of Heritage Assets*¹⁵ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of 'what matters and why'.
- 7.13 In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess "*whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate*". The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.
- 7.14 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to "*maximise enhancement and avoid or minimise harm*". Step 5 is to "*make and document the decision and monitor outcomes*".
- 7.15 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

¹⁵ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

Levels of significance

7.16 In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;

- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the Government's Planning Practice Guidance as "*buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets*"¹⁶.

7.17 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

7.18 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

¹⁶ DCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20140306, Revision date: 06 03 2014)

7.19 In order to relate to key policy, the following levels of harm may potentially be identified:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013¹⁷ that this would be harm that would “*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*”; and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

7.20 It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. A High Court Judgement of 2014 is relevant to this¹⁸. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.

7.21 Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

7.22 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating ‘*what matters and why*’. Of particular relevance is the checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

7.23 It should be noted that this key document states that:

“setting is not itself a heritage asset, nor a heritage designation”¹⁹

¹⁷ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

¹⁸ EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L’Isle

¹⁹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets* (paragraph 9)

- 7.24 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 7.25 With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that "*conserving or enhancing heritage assets by taking their settings into account need not prevent change*".
- 7.26 Additionally, it is also important to note that, as clarified in the Court of Appeal²⁰, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require planning permission to be refused.

Benefits

- 7.27 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence significance of the assets concerned.

²⁰ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

8. THE HISTORIC ENVIRONMENT

- 8.1 As has been set out earlier in this document, the site at Minshull House, as included within the red line boundary, is a designated Listed Building. The site is also located in the vicinity of a number of designated Listed Buildings.
- 8.2 The site is not located within a Conservation Area. However, the boundary of the Whitworth Street Conservation Area runs along Chorlton Street to the immediate south west of the site.
- 8.3 The following will provide a description of each of these heritage assets and their heritage value.
- 8.4 Within this context, it should be noted that it is widely accepted (Paragraph 207 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of any asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout of space or land use associated with a building or area.

Application Site at Unit G5, Minshull House

- 8.5 The application site is a Grade II Listed Building. As such, it is a designated heritage asset of less than the highest significance. The site's full listing description is set out earlier in this Statement.
- 8.6 Planning permission and Listed Building Consent were recently granted in 2017 for the refurbishment and extension of the building to facilitate the reuse of the building, which has now largely been completed.
- 8.7 The ground floor of Minshull House, where Unit G5 is located, was subject to signification alterations as part of the approved works. The works that have recently been improved and undertaken have included a new concrete floor, new ceilings from plasterboard, new external windows and doors, and new studwork, as well as a new extended area.
- 8.8 In terms of significance, the Listing Description refers mainly to the building's history as a warehouse associated with the textile trade, and its external features, in particular the south west main elevation of the building and the rear cantilevered

upper storeys over what was once a canal basin. There is limited reference to the south east wing where the site is located.

- 8.9 There is limited reference to internal features retained in the building. The intact framework of cast iron columns is referred to, and how these are very thick at the ground floor in particular.

Statement of Significance

- 8.10 The Grade II Listed of the Building, as well as the historic and architectural significance of the building highlights that it is a heritage assets of less than the highest significance as defined by the NPPF.
- 8.11 The heritage significance of the Listed Building is principally embodied in the evidential, architectural and historic value of the building as part of Manchester's historic textile industry, adjacent to the canal. The building's historic value is thus of significance. The external appearance of the building the building is considered to be of aesthetic value, reflecting a good example of this type of warehouse.
- 8.12 The setting of the asset also contributes to its significance, although the significance derived from the setting is less than from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its historic significance comprise:
- Its positioning and location to the south west of the Rochdale Canal;
 - The group value of the site in connection with Minto & Turner Building to the north west;
 - The experience and appreciation of the asset from Chorlton Street in particular.

Grade II Listed Minto & Turner Building

- 8.13 The Minto & Turner Building is located to the north west of the side across Little David Street. It was designated Grade II Listed in 1994. The site is known as Mitierna House in its Listing Description, which is as follows:

"Chorlton Street 698-1/32/65 (North East side) No. 45 Mitierna House

Shipping warehouse. Probably mid to later C19; altered. Red brick with façade of coursed sandstone rubble (roof concealed). Long rectangular plan at right-angles to street and parallel to Rochdale Canal at Lock No. 86. Basement and 4 storeys, a 4-window façade, with rusticated quoins, sill-bands to the upper floors, moulded cornice and low parapet; round-headed doorway to left with rusticated surround and internal steps; small basement door next to this, and 2 basement windows with honeycomb grills; otherwise all windows are 2-light casements with moulded architraves except those at top floor which have altered glazing. Left return side (overlooking canal) has windows with flat-arched heads. Interior not inspected. Forms group with canal lock No. 86 (g.v.), and No. 47 (Minshull House) to right (q.v.)."

Statement of Significance

- 8.14 The Grade II Listing of the building highlights that is a heritage asset of less than the highest significance as defined by the NPPF.
- 8.15 The heritage significance of the Listed Building is principally embodied in the evidential, historic and aesthetic value of its physical fabric as an example of a shipping warehouse building, and its impact upon the street scene of this part of Chorlton Street as a whole, in particular its relationship with Minshull House to the south east, and the Rochdale Canal and associated lock to the north west.
- 8.16 The setting of the asset also contributes to its significance, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:
- Its positioning and location within the surrounding street scene and relationship in the streetscene with Minshull House; and
 - The experience and appreciation of the asset as a whole running along Chorlton Street and from the Rochdale Canal to the north west and Canal Street to the west of the site.

Grade II Listed The Shena Simon 6th Form College

- 8.17 The Shena Simon 6th Form College is located on the south west side of Chorlton Street, directly opposite the site. This building was Grade II Listed in 1994. The listing description is as follows:

"MANCHESTER, WHITWORTH STREET (North side), The Shena Simon Sixth-Form College)

School, now sixth-form college. 1874-1901, extended c1911. Red brick with terracotta dressings and Welsh slate roof with brick wall stacks. French Renaissance style. Large rectangular black extending N along street with further block projecting forward on right of the street corner. Mainly four storeys and basement. 5-window range on main black with 3-window range on projection, mullion and transom windows with terracotta details. Façade enriched with pilasters, string courses, cornice and parapet, and the central window projects and has a curved pediment. ON the roof a projecting feature has square balustrade and round lantern. On the street corner is a curved and polygonal tower feature which is surmounted by an open octagonal drum with tall roof and open lantern. The front to street is a 24-window range with sections projecting, the elements emphasised by pediments, gables, wall stacks and pavilion roof with ornamental cresting. Similar façade to rear."

- 8.18 The Shena Simon Sixth Form College runs the length of the south western frontage of Chorlton Street from Fairfield Street to the Rochdale Canal.

Statement of Significance

- 8.19 The Grade II Listing of the building highlights that is a heritage asset of less than the highest significance as defined by the NPPF.
- 8.20 The heritage significance of the Listed Building is principally embodied in the evidential, historic and aesthetic value of its physical fabric as an example of a coherent school building constructed in French Renaissance style, and its impact upon the street scene of this part of Chorlton Street as a whole.
- 8.21 The setting of the asset also contributes to its significance, although the significance derived from the setting is less than that from its historic fabric. The principal

elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- Its positioning and location within the surrounding street scene; and
- The experience and appreciation of the asset as a whole running along Chorlton Street from either Fairfield Street to the south east or from the Rochdale Canal to the north west.

Whitworth Street Conservation Area

8.22 The Whitworth Street Conservation Area was first designated in September 1974. It was extended in 1985. The Conservation Area is described by the Council as being *"uniquely Mancunian in character, its physical form being established by the wealth of fine Victorian and Edwardian buildings erected between 1850 and 1920"*. Below is a map showing the extent of the Conservation Area.

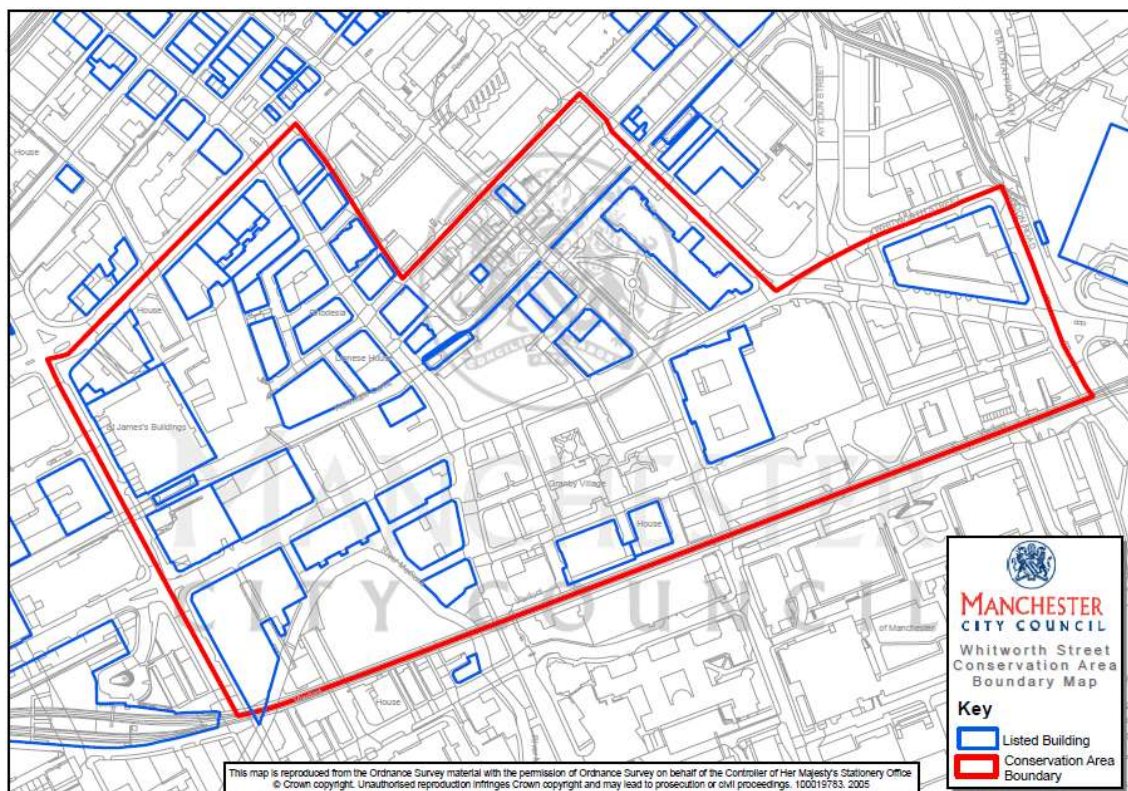


Figure 3 - Map showing extent of Whitworth Street Conservation Area

- 8.23 The Conservation Area is described as having distinctive architecture which arose as Manchester became the world's largest textile centre and with that, a need for warehousing. The Council describes the architecture which resulted from this need as "*distinctive*" and as "*...both functional and expressive of the wealth of the owners. The front of the warehouses facing the main street was often used for offices whilst the rear of the building was used for storage space and for the inspection of the cotton goods in natural light. This led to six – or seven-storey buildings with opulent and deeply modelled front facades in brick and/or terracotta, whilst the rear was almost entirely glazed either in a vertical plane or a stepped configuration.*"

Statement of Significance

- 8.24 It is clear that the significance and special interest of the Conservation Area lies in the built form and spaces it contains, including the surviving and remarkably intact townscape of on Whitworth Street and Princess Street which relate to the area's historic use as the centre of the world's textile industry. The significance and special interest of the Conservation Area is also found in the history of the area which is reflected in the architecture which largely survives.
- 8.25 The site is located outside of the Conservation Area, although it is opposite the Shena Simon Sixth Form College which is located within the Conservation Area. Notwithstanding its exclusion from the Conservation Area, the site is somewhat typical of the warehouse buildings within the Conservation Area and makes a contribution to the history of the area. Within this context, the site is considered to make a contribution to the street scene along Chorlton Street.
- 8.26 This contribution is principally derived from the evidential, historic and aesthetic value that the overall external composition of the site makes to Chorlton Street.
- 8.27 The presence of the built form within the site is also considered to contribute to the evidential and historic value of the Conservation Area by way of addition to the understanding of the development and commercial character of this area

9. ASSESSMENT OF HARM OR BENEFITS

- 9.1 This section addresses the heritage planning issues that warrant consideration in the determination of the planning and Listed Building applications at Minshull House, in line with the proposals set out earlier in this report.
- 9.2 The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 9.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at Sections 66(1) and 72(1) confirms that considerable weight should be given to the preservation of the historic and architectural interest of Listed Buildings and their settings, as well as the protection of the character and appearance of a Conservation Area. In addition, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Listed Buildings and Conservation Areas, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the designated heritage assets, in the context of paragraphs 195 and 196 of the NPPF.
- 9.4 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the proposals see the renovation of the property, including some alterations to historic fabric, the PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High Court Judgement of 2013²¹ that substantial harm would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*.
- 9.5 The site is itself a designated heritage asset. As such, the proposals have the potential to impact upon the character and appearance of the site as well as the

²¹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

nearby Conservation Area and the significance of the surrounding Listed Buildings, via a change in setting.

- 9.6 This section will discuss each of the elements in turn, and how they may impact on the historic environment.

Alterations to the Doors to Incorporate Half Height Bifold Windows to the Courtyard Area

- 9.7 In order to take advantage of the courtyard area to the south of the premises, the proposals require alterations to the shopfront on the southern elevation of the building to incorporate new, half height bifolding windows. The proposals will remove part of the existing fully glazed shopfront and replace this with bifold windows, with a glazing panel below.
- 9.8 The existing shopfront is a new addition and is not considered to contribute to the significant of the character and appearance of the designated Listed Building in which it is located, or the setting of the nearby Listed Buildings or Conservation Area. As such, its removal is considered to be acceptable.
- 9.9 The new bifold windows will replace the existing modern shopfront. The impact of these new windows is considered to be negligible on Minshull House, the Listed Building in which they are located, and on the setting of surrounding Listed Buildings and the nearby Conservation Area.
- 9.10 The works proposed do not alter the overall form and intelligibility of Minshull House, or the setting of nearby Listed Buildings or the Conservation Area. Their design composition and interrelationships remains unaltered for the most part.
- 9.11 Given the context of the site and the nature and appearance of the proposed half height bifold windows, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House or the setting of nearby Listed Buildings, or the Conservation Area. As such, this element of the proposal would result in no harm.
- 9.12 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

Change to one Set of Doors to Create an Opening Hatch

- 9.13 The proposals include for an alterations to one of the sets of double doors located on the northern side of the property. This will replace one of the existing steel and glazing double doors with a new steel and glazing hatch which can be used for serving the public onto the forecourt beyond.
- 9.14 The existing set of entrance doors is a new addition and is not considered to contribute to the significant of the character and appearance of the designated Listed Building in which it is located, or the setting of the nearby Listed Buildings or Conservation Area. As such, its removal is considered to be acceptable.
- 9.15 The new serving hatch doors will replace the existing modern shopfront. The impact of this hatch is considered to be negligible on Minshull House, the Listed Building in which they are located, and on the setting of surrounding Listed Buildings and the nearby Conservation Area.
- 9.16 The works proposed do not alter the overall form and intelligibility of Minshull House, or the setting of nearby Listed Buildings or the Conservation Area. Their design composition and interrelationships remains unaltered for the most part.
- 9.17 Given the context of the site and the nature and appearance of the proposed serving hatch, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House or the setting of nearby Listed Buildings, or the Conservation Area, given that this is located away from the Conservation Area on the northern side of Minshull House. As such, this element of the proposal would result in no harm.
- 9.18 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

Internal Glazed Lobby Areas

- 9.19 The proposals a new glazed lobbies just within the southern entrance and one of the northern entrances of the building. This will allow adverse weather conditions to be mitigated, by providing a buffer area between the exterior entrance and the main internal area of the site. This is an element of internal works and will not

impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.

- 9.20 The new glazed lobbies will have minor impact on the internal layout of the site. They will result in small areas being separated with glazing. The use of glazing will ensure that light and views filter between the lobby area and main area of the site, and will not cause any alteration to the main layout of the premises. The impact of these new lobby areas is considered to be negligible on Minshull House.
- 9.21 The works proposed do not alter the overall form and intelligibility of Minshull House.
- 9.22 Given the context of the site and the nature and appearance of the proposed new lobby areas, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.
- 9.23 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

Internal Structural Openings

- 9.24 The proposals include the creation of two structural openings within the internal wall, located towards the north of the site. One of these openings will be a small core to allow for the kitchen extract ducting to pass through. The other opening will allow the creation of an internal window opening. This will bring light through to the central part of the premises which has no internal windows. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.
- 9.25 The structural openings and the removal of small pieces of internal fabric are not considered to contribute to the significant of the character and appearance of the designated Listed Building in which it is located. As such, its removal is considered to be acceptable.

- 9.26 The new window will result in an increase of internal light and visibility, but it will not result in a significant change to the internal layout of the premises. The impact of this new window is considered to be negligible on Minshull House. Similarly, the removal of a small area of fabric to allow for a duct to pass through will not result in any significant alteration or harm to the building.
- 9.27 The work proposed does not alter the overall form and intelligibility of Minshull House.
- 9.28 Given the context of the site and the nature and appearance of works proposed, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.
- 9.29 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

New WC area and Accessible WC; Partitioning for Office Area; and Partitioning for Back of House to Kitchen Area

- 9.30 The proposals a new partitioning within the building; to create a new WC area and accessible WC; partitioning for an office area; and partitioning for a back of house area to the kitchen. This will facilitate the occupation of the site as a public house, providing comfort facilities, as well as necessary administrative and back of house areas. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.
- 9.31 The new partitioning will have minor impact on the internal layout of the site. They will result in only small areas being separated from the main part of the floor area. The partitioning will not cause any alteration to the main layout of the premises. The impact of these partitioned areas is considered to be negligible on Minshull House.
- 9.32 The works proposed do not alter the overall form and intelligibility of Minshull House.

9.33 Given the context of the site and the nature and appearance of the proposed new partitioned areas, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.

9.34 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

New Steps and Ramp to Mark the Existing Level Change within the Building

9.35 Internally, there is an existing level change between the front and rear areas of the site. This level change has not been addressed by previous applications and is too steep to be unaddressed as part of this proposals. The proposals include the inclusion of a DDA compliant ramp to facilitate inclusive access throughout the property, and an accompanying set of stairs to allow customers and staff to safely pass between the two areas of the property. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.

9.36 The new stairs and ramp will facilitate the site's use as a pub and are necessary to allow the site to be safely traversed. They will not result in the loss of any fabric from the building.

9.37 The works proposed does not alter the overall form and intelligibility of Minshull House.

9.38 Given the context of the site and the nature and appearance of the proposed ramp and stairs, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.

9.39 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

New Internal Lighting Scheme

- 9.40 Internally, the proposals include a new lighting scheme. This comprises mainly of suspended ceiling lights and strip lights mounted directly onto the ceiling, as well as emergency exit lighting. Additionally, smoke detector and heat detector equipment will be mounted on the ceiling. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.
- 9.41 The new lighting and works to the ceiling is necessary to allow Cloudwater Brew Co. to occupy the building. It will not result in the loss of any fabric from the building.
- 9.42 The works proposed does not alter the overall form and intelligibility of Minshull House.
- 9.43 Given the context of the site and the nature and appearance of the proposed lighting, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.
- 9.44 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

New Floor Coverings

- 9.45 Internally, the proposals include new flooring. This comprises a mix of grey screed, to match the existing; Altro Stronghold for safety in the kitchen areas; Terrazzo eco-friendly tiles; and entrance matting. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.
- 9.46 The new flooring is necessary to allow Cloudwater Brew Co. to occupy the building. It will not result in the loss of any fabric from the building.
- 9.47 The works proposed does not alter the overall form and intelligibility of Minshull House.
- 9.48 Given the context of the site and the nature and appearance of the proposed flooring, it is not considered that this element of the proposal would result in any

harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.

- 9.49 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

New Wall Coverings

- 9.50 Internally, the proposals include new wall coverings and decoration. For the most part, this comprises largely painting and decoration of the existing walls. However, in the partitioned and newer areas of the building, this also includes bamboo veneer cladding, zinc cladding, wall tiling, panelling and cleaning and sealing the existing brickwork. This is an element of internal works and will not impact on the surrounding Listed Buildings or nearby Conservation Area. Thus, only the impact on Minshull House itself will be considered.
- 9.51 The new wall decorations and cladding is necessary to allow Cloudwater Brew Co. to occupy the building. It will not result in the loss of any fabric from the building.
- 9.52 The works proposed does not alter the overall form and intelligibility of Minshull House.
- 9.53 Given the context of the site and the nature and appearance of the proposed wall decoration and coverings, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House. As such, this element of the proposal would result in no harm.
- 9.54 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

Signage Necessary to Advertise the Premises

- 9.55 New signage is proposed on the northern, eastern and southern elevations, necessary to suitably advertise the premises. The signage on the southern elevation facing towards Chorlton Street will comprise internally hung lettering, behind the glazing, and vinyl lettering. An internally illuminated lightbox sign will

be located on the eastern elevation. On the northern elevation, there will be four externally illuminated fascia signs, an externally illuminated projection sign and one internally illuminated lightbox sign.

- 9.56 The new signage is considered to have a negligible impact on Minshull House, the Listed Building on which they are located, and on the setting of surrounding Listed Buildings and the nearby Conservation Area.
- 9.57 The works proposed do not alter the overall form and intelligibility of Minshull House, or the setting of nearby Listed Buildings or the Conservation Area. Their design composition and interrelationships remains unaltered for the most part.
- 9.58 The level of signage is restrained and appropriate for a development of this type. The signage on the southern elevation is all behind glazing; there is only one projection sign, design there being three frontages; the signage on the northern elevation utilises the fascias above the entrance doors, which have been designed for this purpose. As such, this is entirely appropriate.
- 9.59 Given the context of the site and the nature and appearance of the proposed signage, it is not considered that this element of the proposal would result in any harm to the character or appearance of Minshull House or the setting of nearby Listed Buildings, or the Conservation Area. As such, this element of the proposal would result in no harm.
- 9.60 However, if the Council disagrees with this assessment of harm, any harm caused would be less than substantial; the public benefits of the proposal will be discussed later in this Statement to enable a balancing exercise to take place in decision-making in line with the requirements of the NPPF.

10. PLANNING CONSIDERATIONS

- 10.1 The works proposed are essential to facilitate the occupation of the premises by Cloudwater Brew Co. as a new drinking establishment.

Principle of Development

- 10.2 It is considered that the proposal for minor internal and external works to facilitate the building's occupation by Cloudwater Brew Co as a pub is acceptable in principle. The site has an extant planning permission for this use and therefore, the applicant seeks to undertake the works to lawfully implement this extant use. As such, development of this type is acceptable in principle.
- 10.3 Paragraphs 119-120 of the NPPF confirm that planning decisions should promote and support the development of under-utilised land, thus confirming the support for this development.
- 10.4 Policy EC 1 of the Core Strategy relates to growth and the economy of Manchester. The policy is supportive of development which will bright about economic growth and create jobs within the city.
- 10.5 As such the principle of development is acceptable in planning terms.

Impact on the Economy

- 10.6 As has been set out earlier in this Statement, the has an extant planning permission to allow Cloudwater Brew Co. to occupy the site as a drinking establishment. This application does not seek to alter the permitted use in any way. However, the development for the external and internal works to the property is required to facilitate the site's occupation and is imperative to the business needs of this innovative local business.
- 10.7 The creation and investment into new businesses and expansion of existing businesses is supported by policy at national and local levels.
- 10.8 Similarly, Policy EC 1 of the Core Strategy seeks to make the best use of land in Manchester. Given that the site is an existing building, and the proposal will result in its increased use, Policy EC 1 is supportive of the principle of this use.
- 10.9 It is therefore considered that the proposed development of the site, to make alterations to an existing, commercial building to facilitate its occupation by a new

lawful use that will generate jobs and grown the economy, is acceptable in principle. Indeed, policies are supportive of business growth and start up at all levels of policy, and national policy requires that “significant weight” is placed by decision takers on the needs of businesses.

Design and Streetscene

- 10.10 The design of the proposals has been considered in detail in both the Design and Access Statement and the Heritage sections of this Statement. As such, it will not be covered in detail in this planning section. However, relevant policies will be given consideration.
- 10.11 Policy CC 9 of the Core Strategy relates to design and heritage. This policy supports new development where it delivers growth and includes good design and preserves, enhances the character and setting of the area. This has been considered earlier on in this Statement and it is clear that the proposal is of good design and preserves and enhances the area’s character and setting. Additionally, the policy seeks good design which supports high density development with a mix of uses. The proposal is in accordance with this policy.
- 10.12 Policy EN 2 is a policy which seeks high standards of design and townscape in the context of heritage.
- 10.13 Policy S.DH1 requires that development be of the appropriate scale, height, mass bulk and form in its site and context. This has been demonstrated to be the case earlier in this Statement. The policy seeks development which complements and takes advantage of historic features wo enable new uses of heritage assets. The proposal is in accordance with the aims of this policy.
- 10.14 As such, the proposals are well designed and are in accordance with policies contained within the Local Plan.

11. PLANNING BENEFITS

11.1 This section of the Statement summarises the planning benefits of the site. Earlier in this Statement and assessment was made of the works proposed and the impact of these works on the designated heritage assets and their settings. It was concluded that the proposals would result in no harm to any of the heritage assets or the settings.

11.2 However, in the event that the Council disagrees with this assessment, any perceived harm would be considered to be less than substantial harm. Paragraph 196 of the NPPF states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

11.3 As such, if the Council do perceive there to be any harm as a result of the proposals, they must weight this against the public benefits for the proposal. The public benefits have already been discussed earlier in this Statement. However, for the sake of clarity and ease of reference, they are summarised below:

- Securing a viable new occupier for the building and bringing it back into use;
- Creating a use which will act as a benefit to the community, providing a location for socialising and community well-being;
- Enabling a use which will bring physical and mental health benefits to the local community;
- Creating new employment for people in a range of roles;
- Providing a facility which enhances the community by enabling linked trips with nearby shops and services;
- Providing a facility which can easily be reached by foot, bike or public transport;
- Generating investment into the area and the built environment of the site; and

- Generating public realm improvements, not only by the physical alterations to the front of the property, but by generating street activity and passive surveillance which improves activity and safety of the street as a whole.

11.4 As per paragraph 196 of the NPPF, these public benefits must be weighed up against any perceived harm in taking any planning decisions.

12. DESIGN AND ACCESS STATEMENT

Design

- 12.1 The proposal is for internal and external works to facilitate the occupation of the site as a public house, which is its lawful use.
- 12.2 The design of the works is considered to be acceptable in this location. They are seen in the context of the overall Kampus site, which involves modern and historic buildings developed and renovated together to result in an exciting, new development. In this context, the design of the proposed works is considered to be acceptable.
- 12.3 As has been set out in the previous section of this Statement, the proposals are acceptable in principle and do not result in any harm to the surrounding area. They are considered to be entirely appropriate in the site's context and do not cause any harm to the street scene, or visual amenity of the local area.
- 12.4 Heritage issues have been thoroughly assessed earlier in this Statement. It has been demonstrated that the proposals are acceptable and will result in no harm to the designated heritage assets or their setting in the site's local vicinity and immediate context.
- 12.5 It is therefore considered that the design of the proposal is acceptable.

Access

- 12.6 There will be no alteration to vehicular access to the site.
- 12.7 The proposals will increase access to the site, by resulting in inclusive access throughout with the inclusion of a new ramp and stairs internally to address the existing level change. Access is considered to be acceptable.

13. CONCLUSION

- 13.1 This application is for planning permission, Advertisement Consent and Listed Building Consent for internal and external works to the building at Unit G5, Minshull House, Kampus, 49 Chorlton Street, M1 3FY. The permission is to facilitate the occupation of the site by Cloudwater Brew Co as a new drinking establishment.
- 13.2 This Planning and Heritage Statement has demonstrated that the development is acceptable in principle. It has been shown that the location of the development is acceptable and that policies at both national and local level are supportive of development which helps facilitate new businesses. National policy requires that decision takers place "significant weight" be place on supporting the economy and the needs of local businesses. This is relevant to the weighing of this decision, where heritage issues are also a consideration.
- 13.3 A full Heritage Assessment has been undertaken, including an understanding of the site and its surrounding Heritage Assets and their significance, and an assessment of harm of the various aspects of the proposal on the significance and setting of the Heritage Assets. The Assessment concludes that there is no harm. However, if the Council disagrees with this assessment, any harm would be less than substantial. In the event that the Council consider that there are elements of less than substantial harm, the public benefits of the proposal have been clearly set out and can be weighed in line with the requirements of paragraph 196 of the NPPF.
- 13.4 Accordingly, it is considered that the proposal is acceptable and that planning permission, Advertisement Consent and Listed Building Consent should be granted.

