

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132104/FO/2021

Date registered valid: 6 January 2022

Proposal: Creation of external seating area within existing light well and reconfiguration of bin store and relocation of external pipes, ducts and mechanical air conditioning units as well as elevational alterations

Address: Queens Chambers , 5 John Dalton Street, Manchester, M2 6ET

Ward(s): Deansgate Ward

Applicant: Queens Chambers Property Co. Ltd 1 Ashley Road, Altrincham, WA14 2ST

Agent (if any): Andrew Burns Atelier MB Suite 1A, Amazon House , Brazil Street, Manchester, M1 3PJ

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 26.05.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 12 January 2022 Expired: 2 February 2022

Neighbour notifications

Printed: 12 January 2022 Expired: 2 February 2022

Site notice

Posted: Expired:

Press advert

Published: 18 January 2022 Expired: 8 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Grade II

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order:

Description of Site/Area

This application relates to a premise within a building named Queens Chambers, which is a Grade II listed building that occupies a block of buildings bounded by Deansgate, John Dalton Street, Ridgefield and South King Street. The building is within the St Ann's Square Conservation Area.

The building incorporates shops and drinking establishments within the basement and ground floor and offices on the upper floors. It has an internal courtyard that is lower than street level and provides access and egress from the basement. The courtyard includes escape stairs and is littered with externally mounted equipment and bins.

It is within the central shopping and business area of the City Centre and surrounding uses include shops, offices, residential accommodation, bars, restaurants and entertainment venues. Deansgate is a major radial route through the City Centre.

Description of Development

The submitted applications seek planning permission and Listed Building Consent for the creation of external seating area within existing light well and reconfiguration of bin store and relocation of external pipes, ducts and mechanical air conditioning units as well as elevational alterations.

Relevant Planning History - 093974/LO/2010/C1 - LISTED BUILDING CONSENT for the refurbishment of 2nd, 3rd and 4th floors with new partitions to form new circulation. Relocation

of existing air conditioning units from courtyard to new 3rd floor plant room. Provision of new perforated steel deck to courtyard at first floor level – APPROVED 27 October 2010

Consultations & Notification Responses

Local businesses and residents were notified for 21 days and a site notice was posted.

Highways – no objections

Environmental Health – Recommended conditions relating to opening hours, external plant equipment and waste management.

Policies

NPPF (2021):

The NPPF sets out the Government's planning policies for England and these should be applied. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay.

Saved Unitary Development Plan Policies:

DC18: The LPA shall give particularly careful consideration to development proposals within Conservation Areas. The council will seek to preserve and enhance the character of Conservation Areas.

DC19: The LPA will have regard to the desirability of securing the retention, restoration, maintenance and continued use of listed buildings. LBC would not generally be granted for demolition of a listed building, for changes to a listed building where they would have a detrimental impact on the character or appearance nor the internal/external alteration or addition to the listed building where there would be an adverse effect on its architecture or character.

DC26: The LPA shall use the development control process to reduce the impact of noise on people living, working and visiting the city. The LPA shall consider the effect of new development proposals that are likely to be generators of noise, as well as new development that may be exposed to existing noise sources which are effectively outside of planning control.

Core Strategy Policies

SP1: Development in all parts of the city shall make a positive contribution to neighbourhoods by creating well designed places that enhance or create character, make a positive contribution to the health/safety/wellbeing of residents, consider the needs of all members of the community, protect and enhance the built and natural environment whilst minimising emissions.

CC9: Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas etc.

EN3: Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

DM1:

All development should have regard to a variety of specific issues, including but not limited to:

- Appropriate siting, layout, scale, form, massing, materials and detail
- Impact on surrounding areas in terms of design, scale, appearance and character
- Effects on amenity including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation including development that would be sensitive to existing noise sources
- Accessibility including in terms of disabled access and sustainable transport
- Community safety and crime prevention
- Design for health
- Adequate internal accommodation
- Refuse storage and collection
- Vehicular access and parking
- Biodiversity, landscape and built heritage
- Flood risk and drainage

Issues

Principle of Development

The proposal seeks planning permission for the installation of an external seating area in associated with the existing use as a deli as well as the reconfiguration of existing plant equipment and other M&E. The proposal is considered to be acceptable in principle as it seeks to create an external seating area for an existing commercial use in the city centre, many commercial uses have outside seating areas which increases the amount of covers and therefore has economic benefits. Issues to consider however are the developments impact on amenity including noise, impact on the heritage asset and waste.

Amenity (Noise)

The proposed location is within the courtyard elevation of Queens Chamber which is not accessible/visible from the public realm. The proposed external seating area would supported a total of 7 covers and 28 seats. Overall it is considered that given the limited number of covers in association with the deli, within a busy city centre location, the proposals would not give rise to any significant increase in ambient noise levels and therefore there would be no detrimental impact to the nearby offices uses. There are no residential uses within close vicinity.

Heritage

The proposal relates to an existing lightwell which is located centrally with the Queens Chamber building (Grade 2 listed). The lightwell area is not visible from the public realm however it is considered to be of medium significance and has historic and evidential value in its contribution to the understanding of the original plan form of the building. The significance however has been eroded as the lightwell area is currently cluttered with plant equipment and M&E that are in association with the commercial uses of the building and a modern fire escape stairs inserted. The relocation and rationalisation of the existing M&E equipment is not considered to be harmful to the significance of the building and is considered to be minor beneficial. The minor elevational alterations relate to areas of low significance and would allow the lightwell to be made accessible.

The proposals seeks to introduce a new deck structure, the proposed deck is at first floor level, creating a horizontal division within the lightwell. The proposed deck has been designed to ensure there is no penetration to existing fabric by the use of columns to support the deck from underneath and the deck would therefore be fully reversible with no damage to the historic fabric.

Some harm to the listed building will occur however as original open character of the lightwell will be altered, this is mitigated to an extent by a 99mm setback around the perimeter, maintaining a distance between the existing fabric and the new. In accordance with paragraph 202 of the NPPF this harm however would be less than substantial, which would be outweighed by the benefits of the proposal which include sustaining the ongoing viable economic use of the building by providing additional external seating.

Waste

The proposal includes the reduction in size of the bin store, during the application period Environmental Health requested further information in relation to waste management to ensure the provisions are sufficient for the occupiers of the building and that there are no potential impacts on the amenity of building occupiers as a result of this. Environmental Health have confirmed they are satisfied with the waste strategy as updated.

Disabled Access

The deck area is fully wheelchair accessible and ramp is proposed from the existing commercial unit to the outside seating area as there is a level change.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

In assessing the merits of the planning application, officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. In this instance this has included advice about the information required to be submitted to support the application and discussions regarding amendments to the proposals

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Received by the City Council as Local Planning Authority on 01 December 2021:

Site Location Plan reference E(900)

Drawings referenced: E(2110), E(2304), E(2305), E(2306), E(2306)

- Design and Access Statement
- Heritage Statement

Received by the City Council as Local Planning Authority on 16 December 2021:

-Drawings referenced P(2302)B, P(2303)A, P(2304)A, P(2305)A, P(2306)A

Received by the City Council as Local Planning Authority on 28 February 2022:

Drawing referenced P(2110)D

Received by the City Council as Local Planning Authority on 08 March 2022:

Waste Management Proforma

Received by the City Council as Local Planning Authority on 17 May 2022:

Drawings referenced P(2100)A, P(2302)C, P(2303)B

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The approved scheme for the storage and disposal of refuse 'Waste Management Proforma' received by the City Council as Local Planning Authority on 08 March 2022 and Drawing referenced 'P(2110)D' received by the City Council as Local Planning Authority on 28 February 2022, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

4) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background(LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the first operation of the relocated plant, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site in accordance with saved UDP policy DC26 and Core Strategy Policies DM1 and SP1.

5) There will be no playing of live or amplified music in the outside seating area.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

6) Prior to the first use of the external seating area, the opening hours shall be submitted to and agreed in writing by the City Council as local planning authority.

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

2 Ridgefield, Manchester, M2 6EQ
Third Floor, 2 Ridgefield, Manchester, M2 6EQ
9 John Dalton Street, Manchester, M2 6FW
Basement, 111 Deansgate, Manchester, M3 2BQ
Arcane, 2 South King Street, Manchester, M2 6DQ
Fourth Floor, Queens Chambers, 5 John Dalton Street, Manchester, M2 6ET
Ground Floor, Queens Chambers, 5 John Dalton Street, Manchester, M2 6ET
4A South King Street, Manchester, M2 6DQ
Basement And Ground Floor, 4A South King Street, Manchester, M2 6DQ
Ground Floor And First Floor, 105 - 107 Deansgate, Manchester, M3 2BQ
105 - 107 Deansgate, Manchester, M3 2BQ
Second Floor, Queens Chambers, 5 John Dalton Street, Manchester, M2 6ET
109 Deansgate, Manchester, M3 2BQ
4A Ridgefield, Manchester, M2 6EQ
Third Floor, Queens Chambers, 5 John Dalton Street, Manchester, M2 6ET
First Floor, Queens Chambers, 5 John Dalton Street, Manchester, M2 6ET
113 Deansgate, Manchester, M3 2BQ
111 Deansgate, Manchester, M3 2BQ
7 John Dalton Street, Manchester, M2 6FW

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CITY1