MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139718/FO/2024
Date registered valid:	23 April 2024
Proposal:	Creation of louvred panel over service door to northern elevation to provide a fresh air intake louvre.
Address:	Lincoln Building , Brazennose Street, Manchester, M2 5BP
Ward(s):	Deansgate Ward
Applicant:	Mr Gerrard Marks Sukhothai Restaurants Ltd
Agent (if any):	Mr Peter Schofield Inspire Design Consultancy Ltd
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: **17 June 2024**

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 1 May 2024

Standard consultations:
Printed: 30 April 2024 Expired: 22 May 2024

Neighbour notifications
Printed: 30 April 2024 Expired: 22 May 2024

Site notice
Posted: 1 May 2024 Expired: 23 May 2024

Press advert
Published: 7 May 2024 Expired: 21 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Albert Square (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

The site is bounded by Brazennose Street, Mulberry Lane and Mulberry Street. Brazennose Street is a key route between Spinningfields and the Civic Quarter. The predominant use in the immediate surroundings is offices with ground floor retail outlets, including cafes and restaurants. The Hidden Gem lies immediately to the north of the site and is directly adjacent to Brazennose House's existing basement car park.

The site is located within the Albert Square Conservation Area and is adjacent to the St. Ann's and Deansgate / Peter Street Conservation Areas. There are a number of Listed Buildings in the immediate vicinity including the Town Hall (Grade I), Albert Memorial (Grade I), Abraham Lincoln Statue (Grade II), St Mary's Church 'The Hidden Gem' (Grade II), statues in Albert Square including Bright's, Fraser's, Gladstone's, and Heywood's (all Grade II).

Brazennose House was constructed in 1964 and comprises 6 storeys of largely vacant offices above shops, with ancillary basement car parking. The few remaining occupiers are on short-term leases. The building is outmoded owing to the level of work required to maintain it and replace outdated mechanical and electrical services. The office space is inflexible with restrictive floor to ceiling heights and poor insulation. The level of investment required to refurbish the building to attract occupiers and secure an acceptable rental return is not economically viable and therefore it is considered that the refurbishment of Brazennose House is not a feasible option. The building does not meet current environmental policy standards, is inefficient and is not attractive to modern day occupiers. The site is easily accessible by a range of means of transport including vehicle, by foot, rail, Metrolink, and bus.

Description of Development

The proposal seeks the creation of louvred panel over service door to northern elevation to provide a fresh air intake louvre.

Related Applications

137276/FO/2023 - Removal of backing panel to the vertical louvres above the carpark entrance gates to provide fresh air intake louvres.
Approved February 2024.

137650/NMC/2023 - Non-material amendment to Planning Permission 111805/FO/2016/C1 to combine units 1 & 2 on the ground floor to be fitted out as a restaurant Use Class E(b).
Approved February 2024.

140162/NMC/2024 - Non-material amendment of Planning Application 111805/FO/2016/C1 to amend condition 16 (No A5 Use) to confirm that the commercial units on site can be occupied as Use Class E (excluding convenience retail and Hot Food Takeaways (unless ancillary to a Class E use) (Sui Generis) and to remove condition 18 (no convenience store) in order to combine with condition 16.
Approved June 2024.

Consultations & Notification Responses

Environmental Health - As there is only an intake louvre to be installed that is not concerned with the restaurant or kitchen extraction, no request has been made to add a condition relating to fume extraction. They have requested that a condition be added to control and verify the acoustic levels externally mounted ancillary plant, equipment and servicing or plant within or behind louvres

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

Policy

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

The Adopted Core Strategy for the City of Manchester

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

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

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

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

CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

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

- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The National Design Guide (January 2021) illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

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

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

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

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

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

Places for Everyone

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

Policies **JP-P1 (Sustainable Places)**, **JP-P2 (Heritage)**, and **JP-S2 (Carbon and Energy)** are considered relevant to this proposal.

JP-P1 (Sustainable Places) states an aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

JP-P2 (Heritage) states an aim to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

JP-S2 (Carbon and Energy) states that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including promoting the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling.

Issues

Principle of Development

The principle of creating a louvred panel over service door to northern elevation to provide a fresh air intake louvre is considered to be acceptable.

The main principles to consider in relation to this application are the impact of visual amenity and noise pollution.

Visual Amenity

Whilst there will be some impact on the visual amenity of the building and on the surrounding street scene and conservation areas by the installation of these fresh air intake louvres, it has been demonstrated that the benefit of providing these louvres would outweigh the visual amenity concerns regarding the installation of the louvres.

The size, location and appearance of the louvres has been considered in order to reduce the visual amenity impact caused by the installation of them. The louvres have vertical openings, rather than horizontal.

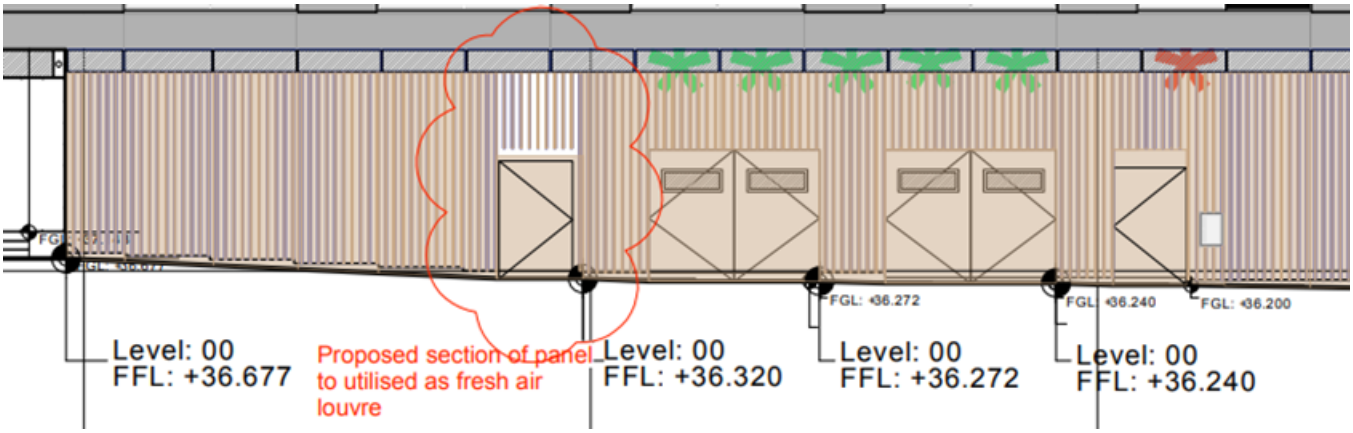
The location of the louvres approved under application 137276/FO/2023 were to be located above the vehicle entrance at the rear of Mulberry Street, which was considered to reduce the amount of visual amenity impact caused by these louvres, by including them on a less visible elevation of the building.

Since the approval of this application, it has been confirming with the landlord that an extract duct route cannot be provided to these units for the proposed restaurant in Unit 1 and 2.

After prolonged discussions, the applicant has now been offered Unit 3. As a result of this, it has been proposed to install a similar louvre above the rear service door to unit 3 on Mulberry Street. Installing above this service door, on the less visible elevation of Mulberry Street, is considered to provide the least impact upon the visual amenity of the host building and the surrounding street scene.



Existing Mulberry Street Elevation



Proposed Louvred Panel Location (Mulberry Street Elevation)

Residential Amenity

An appropriate condition has been included to ensure that the noise levels of the extraction 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.

There is some brief information submitted along with the application to suggest the noise level from the air intake louvre will be 48dB at 4m but an acoustic assessment will still be required to demonstrate how the level has been calculated and also to demonstrate that the above criteria will be met.

A verification report has also been conditioned to be included prior to the operation of the scheme.

The proposed louvre is not part of the kitchen extract system and is to provide fresh air only to reduce the build-up of CO2 within the restaurant, therefore an odour assessment is not required as there will be no odour. Our Environmental Health team have accepted this.

In short, the Local Planning Authority does not anticipate there to be any residential amenity concerns that will be brought about as a result of the development.

Conclusion

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

<u>Other Legislative Requirements</u>

Equality Act 2010

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

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

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

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

Recommendation: Approve

Article 35 Declaration

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

Condition(s) to be attached to decision for approval

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

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

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

Received by Manchester City Council as the Local Planning Authority on 05 April 2024:

- Location Plan
- Proposed GF Plan and North Elevation ZAAP/MANC/PP/200
- Proposed Part GF Plan and North Elevation ZAAP/MANC/PP/201

Received by Manchester City Council as the Local Planning Authority on 23 April 2024:
- Proposed Part Section thro' North Elevation ZAAP/Manc/PP/202

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, and saved policies DC14 and DC18.1.

3) a) Externally mounted ancillary plant, equipment and servicing or plant within or behind louvres 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 development 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.

b) Prior to the operation of the scheme 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 safeguard residential amenity by minimising the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1, H1 and DM1 of the Core Strategy for the City of Manchester and Unitary Development Plan saved policy DC26.

4) Prior to the commencement of the development hereby approved samples/materials, specifications, method of fixing and sections for the louvres shall be submitted for approval in writing by the City Council as local planning authority. The approved details shall be implemented as part of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Informatives

1) Any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams.
Email at highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Historic England (North West)

Wings Restaurant, 1 Lincoln Square, Manchester, M2 5LN
9 Brazennose Street, Manchester, M2 5AD
17 Mulberry Street, Manchester, M2 6LN
Second Floor, 125 Deansgate, Manchester, M3 2BY
Third Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Sixth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Eight Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Greggs, Brazennose Street, Manchester, M2 5EA
Seventh To Eleventh Floors, 125 Deansgate, Manchester, M3 2BY
Eleventh Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Ninth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
11 Brazennose Street, Manchester, M2 5AD
Second Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Basement, Centurion House, 129 Deansgate, Manchester, M3 3WR
123 Deansgate, Manchester, M3 2BY
First Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Ground Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
7 Brazennose Street, Manchester, M2 5AD
Seventh Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
5 Brazennose Street, Manchester, M2 5AD
Fourth Floor, 125 Deansgate, Manchester, M3 2BY
Third Floor, 125 Deansgate, Manchester, M3 2BY
125 Deansgate, Manchester, M3 2BY
Fourth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Tenth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Fifth Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Sixth Floor, 125 Deansgate, Manchester, M3 2BY
First Floor, 125 Deansgate, Manchester, M3 2BY

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 - Albert Square (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL