

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139252/FO/2024

Date registered valid: 27 February 2024

Proposal: Removal and replacement of existing rooftop chillers and louvred enclosure. Erection of new single storey rooftop plant room.

Address: The Crown Court, Crown Square, Manchester, M3 3FL

Ward(s): Deansgate Ward

Applicant: Clare Loftus Ministry of Justice

Agent (if any): Mr James Carrick Nicorna Architecture

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 5 March 2024

Standard consultations:

Printed: 5 March 2024 Expired: 26 March 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 5 March 2024 Expired: 26 March 2024

Press advert

Published: 12 March 2024 Expired: 26 March 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to the Manchester Crown Court at Crown Square, one of two such courts within the City of Manchester. It is a large, modernist building constructed from Portland Stone and designed by city architect Leonard Cecil Howitt. The building was completed in 1962 and houses 17 court rooms.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The application site is located within the Spinningfields area of Manchester City Centre which contains a mixed of uses including financial and professional services as well as leisure uses. It is bounded by Deansgate, the River Irwell, Quay Street and Bridge Street. The site is not within a Conservation Area.

Description of development

The development relates to the removal and replacement of 4no. rooftop chiller units with 3no. chiller units together with a new plant room and associated security fence. The works would require an extension to the existing plant compound.

Consultations & Notification Responses

Publicity - a notice was displayed on site informing passers-by of the development. An advert was placed in the local press, advertising the works for reasons of public interest. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health - no objections but a noise assessment condition was requested. An appropriate condition is attached to this approval.

Issues

The main policies that relate to this application are DM1 (Development Management) and SP1 (Spatial Principles) of the Manchester Core Strategy (2012) and saved policy DC26 (Development and noise) of the Unitary Development Plan for Manchester (1995).

Principle

The existing chiller units serving the Crown Court building are coming to the end of their life cycle and require replacement. The application therefore seeks their removal and replacement. The principle of using this area of the rooftop to accommodate plant, vital to the operation of the court, is established. However, whilst the number of total units would be reduced by one, it would be necessary to increase the size of the compound and introduce a new plant room. Hence the impact on visual amenity must be assessed and is undertaken below.

Visual amenity

Despite the increase in size of the compound, the introduction of the new plant room for ancillary electrics and the introduction of new security fencing, it is considered that the works would have minimal impact on visual amenity. The elevation the compound is nearest to incorporate a wall that obscures the visibility of the existing plant area. Furthermore, by virtue of the tight street pattern and scale and massing of the building, it would not be possible to view the plant area from any public vantage point at street level.

Externally mounted plant can, owing to its utilitarian appearance, can detract from the architectural quality of buildings. Whilst there may be some views from the upper floors of surrounding, taller buildings it is considered that, by virtue of the existing plant area in situ, view from these buildings would not be unduly affected.

Given the above, it is considered that there would not be any harm to visual amenity that would warrant a refusal, and the proposal is therefore considered acceptable pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) which require the City Council to have regard to the impact of new development on visual amenity.

Noise

Externally mounted plant can generate noise that would increase background noise levels to a degree that creates disamenity to local occupiers. A noise assessment was submitted by the applicant, which included recommendations for mitigating against unacceptable noise generated by the equipment. The findings of this were accepted by Environmental Health, who requested a post-completion verification report to ensure adherence to the agreed scheme. The site is in a non-residential area and therefore the risk of disamenity is also somewhat reduced. Given the above, it is considered that the proposal should not give rise to an unacceptable level of noise-related disamenity.

Other Legislative Requirements

Equality Act 2010

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

Human Rights Act 1998 considerations

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved 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

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. In this instance, some negotiations were necessary and the scheme is considered acceptable and appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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 have been carried out in accordance with the following drawings and documents:

- Drawing - Proposed 2305-NAR-ZZ-RF-DR-A-20002 CHILLER COMPOUND
- Drawing - Proposed 2305-NAR-ZZ-RF-DR-A-21004 CHILLER COMPOUND - ELEVATIONS
- Drawing - Proposed 2305-NAR-ZZ-RF-DR-A-21005 CHILLER COMPOUND - ELEVATIONS
- Drawing - Proposed 2305-NAR-ZZ-XX-DR-A-21004 SECTIONS AND DETAILS

All received by the City Council, as Local Planning Authority, on 27/02/2024

-Design & Access Statement DESIGN STATEMENT received by the City Council, as Local Planning Authority, on 14/02/2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the adopted Core Strategy for the City of Manchester and saved policy and DC26 of the City Council's Unitary Development Plan.

3) Prior to commencement, samples and specifications of the materials to be used on the external elevations of the building shall be submitted for approval in writing by the City Council as Local Planning Authority. This includes any fencing, panelling, louvres and flooring. The approved materials 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.

4) a) Prior to commencement of the use hereby approved a 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. 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. 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 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for Manchester (1995)

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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

Area Team Boundary - Name: CENTRAL