

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135203/FO/2022
Date registered valid: 14 October 2022
Proposal: Installation of an external extract to replace unauthorised external extract in place.
Address: 2 St Peters Square, Manchester, M2 3AA
Ward(s): Deansgate Ward

Applicant: DWS Grundbesitz GmbH
Agent (if any): Mr Lee Meadows
Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 29th January 2024

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 09 November 2022

Standard consultations:

Printed: 6 November 2023 Expired: 27 November 2023

Neighbour notifications

Printed: 31 October 2022 Expired: 21 November 2022

Site notice

Posted: 09 November 2022 Expired: 30 November 2022

Press advert

Published: 8 November 2022 Expired: 29 November 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: George Street Conservation Area 1985

Tree Preservation Order: Not applicable

The application site relates to a ground floor commercial unit at 2 St Peters Square which is a high quality 12-storey office building principally which has two commercial units at ground floor level.

The proposal site is situated within the St Peter Square Conservation Area as designated and being within the heart of the City Centre the area is characterised by listed buildings which contain civic and office uses, with other buildings providing food and drink and retail uses at ground floor level.

Description of Development

The application seeks approval for the installation of an external extract to replace unauthorised external extract in place.

Consultations & Notification Responses

Environmental Health – Requested that information be provided concerning the testing schedule of the emergency generator. This has now been provided and signed off by the Environment Health team.

Highway Services – Have not responded to the request to comment.

Publicity - Neighbouring Properties were notified by letter, a site notice was displayed on site, and an advertisement was displayed in the Manchester Evening News. No comments were received as a result of this publicity.

Policies

The main policies that relate to the proposal section 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) of the revised National Planning Policy Framework (2021), Policies SP1 (Spatial Principles), EN3 (Heritage), EN19 (Waste), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management),) of the Adopted Core Strategy for the City of Manchester and saved policies, DC 26 (Development and Noise) and DC18.1 (Conservation Areas) of the Unitary Development Plan for the City of Manchester.

Manchester Core Strategy Policy DM1 (Development Management), and DC 26 (Development and Noise) from the Unitary Development Plan, Supplementary Planning Document; Guide to Development In Manchester, and the revised National Planning Policy Framework.

Issues

Principle

It is accepted that in the case, the principle of installing an external extract is considered necessary on the grounds of Health and Safety, particularly on the grounds of fire safety, due to the issues that took place when the emergency generator came into use for the first time and the lack of correct extraction caused a fire.

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity, noise pollution and air quality. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles).

Visual Amenity

An unauthorised flue was put in place following the incident with the fire caused by the generator going into affect. This flue was considered to be an incongruous, bulky feature that caused harm to both the visual amenity of the host building itself, as well as to the surrounding George Street Conservation Area.

The flue proposed to replace this is considered to not be so incongruous due to it's smaller, less obtrusive design and due to the fact that it does not protrude out from the overhang in a manner such as the unauthorised flue.

All external facing components on the flue will be painted silver to match the existing adjacent louvres. It is considered that this will help the flue appear to be less of an incongruous feature on the building.

Noise Pollution and Air Quality

Conditions have been added to ensure the noise pollution and air quality will be controlled to acceptable levels. As the flue will only come into use in the cases where the emergency

generator has been activated, it is unlikely that there will be any noise pollution or fume discharge for a largely significant proportion of the period that the flue is in situ.

The emergency generator testing schedule has been signed off and confirmed by Manchester City Council's Environmental Health team. We have added a condition to ensure that the emergency generator testing schedule remains compliant with what has been agreed.

Conclusion

For these reasons the proposal is considered to accord with the relevant Manchester Core Strategy - Policy DM1 (Development Management) and saved UDP Policy DC26 (Development and Noise).

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

In assessing the merits of a planning application officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Substantial discussions have been held with the applicant to find a solution for an appropriate external extract that provides the required extraction for the emergency generator on site, whilst also complying with visual amenity concerns. A suitable

design solution has been agreed upon, and the proposed details in the application are considered acceptable.

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 03 November 2023:

- Proposed South East Elevation 0476041-E1-SE B
- Design and Access Statement

Received by the City Council as local planning authority on 26 January 2024:

- Proposed North East Elevation 0476041-E3-NE 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 testing schedule of the emergency generator shall be carried out annually, every January. It shall be carried out between 10:00 to 16:00, Monday to Sunday.

The neighbouring properties will be notified before the testing is carried out.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

4) The colour of the proposed flue shall be painted silver in an appropriate RAL colour that will match the existing adjacent louvres.

Reason - In the interests of the character and appearance of the building and surrounding area, pursuant to policy DC1 of the saved Unitary Development Plan for the City of Manchester, and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environmental Health
Highway Services

72 George Street, Manchester, M1 4HF
Staycity, 3 Dickinson Street, Manchester, M1 4LF
Motel One, 1 Dickinson Street, Manchester, M1 4LF
Basement To Third Floor, 79 Mosley Street, Manchester, M2 3LQ
FRISKA, 3 St Peter's Square, Manchester, M2 3AA
83 Mosley Street, Manchester, M2 3LQ
12 Princess Street, Manchester, M1 7AN
Second Floor, 12 Princess Street, Manchester, M1 7AG
79 Mosley Street, Manchester, M2 3LQ
The Alan Hotel, 18 Princess Street, Manchester, M1 4LG
16 Princess Street, Manchester, M1 4NB
14 Princess Street, Manchester, M1 4NB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - George Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL