

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137542/LO/2023

Date registered valid: 20 December 2023

Proposal: Listed Building Consent for the installation of air conditioning units and partitions to the fourth floor and condensing unit to the basement (internal).

Address: Brunel House, 54 Princess Street, Manchester, M1 6HS

Ward(s): Piccadilly Ward

Applicant: Mr Darren Drew-Smith Creative Lynx Ltd t/a Havas Lynx Group

Agent (if any): Mr Antony Lowe Donald Insall Associates

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: **25th January 2024**

Application Details

Type of application: Listed Building Consent

Development type: Listed building alteration

Date of site visit: 3 January 2024

Standard consultations:

Printed: 3 January 2024 Expired: 24 January 2024

Neighbour notifications

Printed: 3 January 2024 Expired: 24 January 2024

Site notice

Posted: 3 January 2024 Expired: 24 January 2024

Press advert

Published: 9 January 2024 Expired: 23 January 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

The building subject of this application is Brunel House, located at 54 Princess Street and is Grade II Listed.

The site is within the Whitworth Street Conservation Area and Grade II and II* Listed buildings entirely surround the site.

The building lies on the periphery of an area of the City Centre known as the Gay Village, which contains a variety of uses including bars, restaurants, commercial, residential and hotel uses. The main concentration of bars and restaurants within this wider area is on Canal Street, Bloom Street and Richmond Street.

The uses immediately adjacent to the site include residential properties opposite the site at 63 Bloom Street and close to the site at 48 and 50 Princess Street. There are also other residential properties in the wider area. Other surrounding uses include restaurants, offices, drinking establishments, educational establishments, shops and a hotel.

The basement floor of the building is used as a car park and the upper floors are in use as offices. The ground floor was previously used as a restaurant.

Description of Development

The proposal seeks Listed Building Consent for the installation of air conditioning units and partitions to the fourth floor and condensing unit to the basement (internal).

Consultations & Notification Responses

Heritage and Urban Design - Are accepting of the proposals.

Cadent Gas - Requested that an informative be added concerning any work affecting the gas assets in the area.

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 Adopted Core Strategy for the City of Manchester

Policy SP1 (Spatial Principles) advises that development in all parts of the City should protect and enhance the built environment.

Policy EN1 (Design Principles and Strategic Character Areas) 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.

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

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

Policy DM1 (Development Management) advises that all development should be appropriately sited, scaled, formed, massed and detailed with appropriate layout and materials and should have regard to the character of the surrounding area and effects on built heritage.

The Unitary Development Plan for the City of Manchester

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Policies **JP-S1 (Sustainable Development)**, **JP-P1 (Sustainable Places)**, and **JP-P2 (Heritage)** are considered relevant to this application.

National Policy

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas. Development decisions should, therefore, accord with the requirements of the **NPPF** and to **section 16 (Conserving and Enhancing the Historic Environment)**.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Paragraph 195 advises that heritage assets should be conserved in a manner appropriate to their significance.

Paragraph 200 advises that Local planning authorities should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that LPAs should ensure that any conflict between the heritage asset's conservation and any aspect of the proposal is avoided or minimised.

Paragraph 203 advises that in determining applications, LPA's should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 advises that 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.

Paragraph 206 advises that any harm to or loss of a designated heritage asset should require clear and convincing justification. Substantial harm or loss should be exceptional and substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings should be wholly exceptional.

Paragraph 207 states that 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 securing its optimum viable use.

Paragraph 208 advises that proposals of less than substantial harm to the significance of a designated heritage asset should be assessed against the wider public benefits of the proposal.

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Under these criteria the effect of the proposal on the affected heritage assets has been considered.

Issues

Principle

In determining whether the proposed works are acceptable, the main issue to consider is the impact these proposed works will have on the heritage asset itself.

Impact on Heritage Asset

In accordance with the guidance provided in paragraph 208 of section 16 (Conserving and Enhancing the Historic Environment) of the NPPF, any less than substantial harm to the significance of a designated heritage asset caused by the proposed works should be weighed against the public benefits that would be delivered by the proposal.

In assessing the public benefits, consideration has been given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

The works comprise the installation of air conditioning units to the fourth floor, with a condensing unit in the basement. It is proposed to install 12 wall-mounted and 2 ceiling mounted units on the fourth floor. The units will largely use existing cable trays and a riser to take pipework into the basement to a free-standing unit by the outer west wall with one additional cable tray in the basement adjoining boxed in roof beams.

To the fourth floor, two existing small space dividers will be raised in height to accommodate units, and then at its upper part will be extended either side to facilitate additional cable trays.

There will be a minimal about of less than substantial harm to the heritage asset. All the works are minimal and reversible.

The proposal has carefully considered the elements of the interior that contribute to the significance of the building, principally the columns, roof structure and legibility of space, limiting impact on fabric. Most units will be sited on modern partition walls, with the increase in height needed to the small dividers to the centre of the room maintaining legibility of the space, avoiding full partitioning, and preserving built fabric by surrounding but not affixing to a small portion of the adjoining beams. The ceiling mounted units are sited on top of the modern meeting pods, with no impact on historic fabric.

The ceiling mounted units are sited on top of the modern meeting pods, with no impact on historic fabric. Only one is located on an earlier wall (see Image 1 on drawing MANPS54-2100-3P0-SectionAA-BB) but the surface has been boarded / plastered previously and the historic brickwork is imperceptible, with physical intervention needed only for affixing. Use of existing cable trays, and modern or new surfaces, rather than affixing to the historic beams, and riser, further limits impact on historic fabric, and the addition of a unit to the basement, where one exists already, perpetuates its use as an ancillary service space to the remainder of the building.

the works are considered to cause a low amount of less than substantial harm to the special interest and character the Grade II listed building. Any less than substantial harm is considered to be outweighed by the public benefits brought by providing air conditioning units to the business occupying the building. The continuing occupation of this building is considered to provide vitality to the building and so there is a public benefit of providing the proposed air conditioning units in order to keep the building occupied, as the overheating issues in the officer have caused the closure of the occupation of this space previously.

25.

In view of the above, this application is considered acceptable. The proposals would sustain the significance of the listed buildings in accordance with paragraph 197 of the National Planning Policy Framework. Furthermore, they would preserve the special architectural and historic interest of the listed buildings in accordance with the statutory duty set out in Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 19 of the Unitary Development Plan (1995) and EN3 of the Core Strategy 2012.

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.

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Received by the Local Planning Authority on 13 July 2023:

- Location Plan

Received by the Local Planning Authority on 20 December 2023:

- Proposed Basement Plan MANPS54-2000-3P REV 0
- Proposed 4F Plan MANPS54-2001-3P REV 0
- Proposed Reflected Ceiling Plan MANPS54-2002-3P REV 0
- Proposed Section AA-BB MANPS54-2100-3P REV 0
- Proposed Section CC-DD MANPS54-2101-3P REV 0
- Installation Method Statement
- Unit Details
- Heritage Statement

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.

Informatives

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Heritage & Urban Design

Part Ground Floor, Brunel House, 54 Princess Street, Manchester, M1 6HS
Suite 3A, Brunel House, 54 Princess Street, Manchester, M1 6HS
First Floor, Brunel House, 54 Princess Street, Manchester, M1 6HS
Fourth Floor, Brunel House, 54 Princess Street, Manchester, M1 6HS
Suite 3B, Brunel House, 54 Princess Street, Manchester, M1 6HS
Second Floor, Brunel House, 54 Princess Street, Manchester, M1 6HS
Basement, Brunel House, 54 Princess Street, Manchester, M1 6HS
Third Floor, Rhodesia House, 52 Oxford Street, Manchester, M1 6JX
Flat 403, 63 Bloom Street, Manchester, M1 3LR
Basement, 56 Princess Street, Manchester, M1 6JX
Ground Floor Right, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Second Floor Rear Left, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Second Floor Front Right, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Fourth Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 402, 63 Bloom Street, Manchester, M1 3LR
Third Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 1DD
Second Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Second Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Flat At, New Union Hotel, Princess Street, Manchester, M1 6JB
Fourth Floor, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
New Union Hotel, Princess Street, Manchester, M1 6JB
Ground Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Ground Floor To Third Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Fifth Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 206, 63 Bloom Street, Manchester, M1 3LR
Flat 203, 63 Bloom Street, Manchester, M1 3LR
Flat 109, 63 Bloom Street, Manchester, M1 3LR
Flat 105, 63 Bloom Street, Manchester, M1 3LR
Flat 103, 63 Bloom Street, Manchester, M1 3LR
Flat 406, 63 Bloom Street, Manchester, M1 3LR
Flat 401, 63 Bloom Street, Manchester, M1 3LR
Flat 101, 63 Bloom Street, Manchester, M1 3LR
Flat 307, 63 Bloom Street, Manchester, M1 3LR
Flat 305, 63 Bloom Street, Manchester, M1 3LR
Basement, Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Rhodesia House, 52 Princess Street, Manchester, M1 6JX
109 Princess Street, Manchester, M1 6JB
Fourth Floor, 56 Princess Street, Manchester, M1 6JX
Third Floor, 56 Princess Street, Manchester, M1 6HS
Second Floor, 56 Princess Street, Manchester, M1 6HS
First Floor, 56 Princess Street, Manchester, M1 6JX
Ground Floor, 56 Princess Street, Manchester, M1 6JX
Whitworth Locke Hotel, 74 Princess Street, Manchester, M1 6JD
Third Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
48 Whitworth Street, Manchester, M1 6JD
Princess House, 105 - 107 Princess Street, Manchester, M1 6DD
Flat 304, 63 Bloom Street, Manchester, M1 3LR
Flat 303, 63 Bloom Street, Manchester, M1 3LR
Flat 302, 63 Bloom Street, Manchester, M1 3LR
Flat 301, 63 Bloom Street, Manchester, M1 3LR

Flat 207, 63 Bloom Street, Manchester, M1 3LR
Flat 205, 63 Bloom Street, Manchester, M1 3LR
Flat 204, 63 Bloom Street, Manchester, M1 3LR
Flat 201, 63 Bloom Street, Manchester, M1 3LR
Flat 110, 63 Bloom Street, Manchester, M1 3LR
Flat 108, 63 Bloom Street, Manchester, M1 3LR
Flat 107, 63 Bloom Street, Manchester, M1 3LR
Flat 104, 63 Bloom Street, Manchester, M1 3LR
Flat 102, 63 Bloom Street, Manchester, M1 3LR
Flat 106, 63 Bloom Street, Manchester, M1 3LR
Flat 405, 63 Bloom Street, Manchester, M1 3LR
Flat 404, 63 Bloom Street, Manchester, M1 3LR
Flat 306, 63 Bloom Street, Manchester, M1 3LR
Flat 202, 63 Bloom Street, Manchester, M1 3LR

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 - Whitworth Street Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL