

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136648/FO/2023
Date registered valid: 13 July 2023
Proposal: Temporary permission for the retention of three louvres for a period of three years until December 2026.
Address: 34 George Street, Manchester, M1 4HA
Ward(s): Deansgate Ward

Applicant: Hampton Air-Sys
Agent (if any): Mr James Forster Frankham Projects
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 21/12/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 19 July 2023 Expired: 9 August 2023

Neighbour notifications

Printed: 19 July 2023 Expired: 9 August 2023

Site notice

Posted: Expired:

Press advert

Published: 25 July 2023 Expired: 8 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to a side elevation of The Exchange Building, the main entrance of which is on New York Street. The ground floor of the building houses a BT telecoms exchange.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

This area of Manchester city centre is characterised by a mix of uses, including residential, office, leisure and retail. It is not within a conservation area, but the Grade II listed Telephone House is opposite the development site.

Description of development

The development relates to the retention of three louvres that have replaced three windows along the George Street elevation. The louvres relate to new ventilation and telecoms plant installed in the BT telecoms exchange on the ground floor of the Exchange Building.

Consultations & Notification Responses

Publicity – a notice was displayed on site informing passers by of the development. Letters were sent to surrounding occupiers notifying them of the development. An advertisement was placed in the local press advertising the works as those affecting the setting of a listed building.

Environmental Health – No objections, noise condition requested.

Issues

Principle

Policy DC17 of the Unitary Development Plan supports telecommunications development where existing facilities can be used rather than creating separate development. The telecommunications exchange in question has been in operation for a long time and the louvres installed are part of the upgrade of equipment to ensure network capacity needs are being met. Given that the works are necessary to allow the site to continue to operate, the principle of the works is accepted.

Visual amenity

The louvres proposed for retention are large, standard utility louvres that have replaced glazed panels on the George Street elevation. The window openings have not been selected according to any pattern, giving the elevational alterations an ad hoc feeling, which undermines the architectural qualities of the building. The replacement of glazing with opaque elements has somewhat deactivated the frontage, which is detrimental to the visual amenity of the street scene.

Impact on the listed building

Given the impacts on the visual amenity elucidated above, there is a small degree of less than substantial harm created to the setting of a designated heritage asset. Paragraph 201 of the NPPF states that such harm can only be justified when outweighed by the public benefits of the development. the presence of the louvres is necessary to ensure a continued high quality telecommunications network and the louvres cannot be removed without shutting off the equipment which the applicant has stated would have a significant impact on service provision. In this instance it is considered that the necessary public benefit is present to justify the harm created.

Temporary period

As outlined above, the development is considered to be harmful to visual amenity and the setting of a listed building and would not ordinarily be supported on these grounds. However, as the presence of the louvres is necessary for continued telecommunications service provision, the harm is accepted.

The applicant intends to decommission the site in the coming years, whilst the City Council wishes to secure the reinstatement of the windows removed by the applicant. Therefore, there is a condition attached to this approval which grants a permission for a temporary period of 3 years, as well as one to secure a scheme to reinstate the windows.

Noise

The applicant has submitted an acoustic assessment, the findings of which have been accepted by Environmental Health. There is a condition attached to this approval to ensure the recommendations of this report are adhered for the duration of the development.

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 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 permission hereby granted is for 3 years only, expiring on 21 December 2026, and the louvres comprising the development for which permission is hereby temporarily granted are required to be removed on that date.

Reason – The site is due to be decommissioned in the coming years and the City Council wishes to secure the reinstatement of glazing to the elevation. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, CC1, CC10, CC8 and DM1.

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

- Drawing - Proposed OP-004239-05 A CROSS SECTIONS 13/07/2023
- Supporting Information PLANNING STATEMENT received by the City Council, as Local Planning Authority, on 31/03/2023
- Supporting Information BL050 SERIES BROCHURE received by the City Council, as Local Planning Authority, on 19/04/2023
- Supporting Information LOUVRE SPECIFICATION VER.B received by the City Council, as Local Planning Authority, on 20/06/2023
- Noise assessment or information Report 4813-1-R1 - Rutherford House TE - Noise Assessment NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 19/12/2023
- Correspondence EMAIL FROM AGENT RE: SHUTDOWN received by the City Council, as Local Planning Authority, on 19/12/2023

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 for the City of Manchester.

3) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the approved scheme (Noise assessment or information Report 4813-1-R1 - Rutherford House TE - Noise Assessment NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 19/12/2023) so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

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

4) Three months prior to the expiration of the temporary period, a scheme to restore the windows on the George Street elevation shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the windows are reinstated to an appropriate standard in the interest of visual amenity and to restore the aesthetic quality of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

The Exchange, Mosley Street, Manchester, M1 4AJ
Unit B3, The Exchange, Mosley Street, Manchester, M1 4AJ
PROFESSIONAL MORTGAGE SERVICES UK LLP, Part Ground Floor Left, 5 New York Street, Manchester, M1 4JB
P T S CONSULTING (UK) LTD, Part Ground Floor, 5 New York Street, Manchester, M1 4JB
Fourth Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
Fifth Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
Fourteenth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Fifteenth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Eleventh Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Ninth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Tenth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Sixteenth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Second Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
The Exchange, Piccadilly Plaza, Manchester, M1 4AJ
Eighth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
First Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
ATKINS LIMITED, Suite 2A, The Exchange, 3 New York Street, Manchester, M1 4HN
Unit 5, City Tower, Piccadilly Plaza, Manchester, M1 4HN
Turning Point, First Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
5 New York Street, Manchester, M1 4JB
Twelfth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
THE PARLIAMENT AND HEALTH SERVICE OMBUDSMAN, Third Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
First Floor, 5 New York Street, Manchester, M1 4JB
Ground Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
The Exchange, 3 New York Street, Manchester, M2 3BA
BRUNTWOOD ESTATES ALPHA, Third Floor, 5 New York Street, Manchester, M1 4JB
Ground Floor, 5 New York Street, Manchester, M1 4JB
EXACTA PLC, Second Floor, 5 New York Street, Manchester, M1 4JB
Third Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Fourth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Second Floor, The Exchange, 3 New York Street, Manchester, M1 4HN
Sixth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Seventh Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
Fifth Floor, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ
36 George Street, Manchester, M1 4HA
Unit B4, The Exchange, Mosley Street, Manchester, M1 4AJ

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
Area Team Boundary - Name: CENTRAL