

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137276/FO/2023

Date registered valid: 5 July 2023

Proposal: Removal of backing panel to the vertical louvres above the carpark entrance gates to provide fresh air intake louvres.

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: 15 February 2024

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 July 2023

Standard consultations:

Printed: 18 July 2023 Expired: 8 August 2023

Neighbour notifications

Printed: 18 July 2023 Expired: 8 August 2023

Site notice

Posted: 19 July 2023 Expired: 9 August 2023

Press advert

Published: 25 July 2023 Expired: 8 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area/Site

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 Spinningfield 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 The building is outmoded owing to the level of work required to maintain it and replace outdated mechanical and electrical services.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 application seeks planning permission for the removal of backing panel to the vertical louvres above the carpark entrance gates to provide fresh air intake louvres.

The proposal has been submitted in conjuncture with Non-Material Amendment application 137650/NMC/2023, which seeks a non-material amendment to Planning Permission 111805/FO/2016/C1 to combine units 1 & 2 on the ground floor are to be fitted out as a restaurant Use Class E(b).

With combining the two commercial units to one restaurant use, a solution had to be found in order to find a route for the kitchen extract together with a solution for bringing fresh air into the cook line to prevent the build up of CO2 associated with the style of cooking being proposed. Hence the proposed fresh air intake louvres.

Consultations & Notification Responses

Highway Services - Requested that informative be added regarding any Highway licensing, hoarding/scaffolding, and associated temporary traffic management arrangements.

Environmental Health - Requested that conditions be added relating to fumes and external plant.

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:

- **Saved policy DC26 of the UDP;**
- **Policies DM1, SP1, CC9, EN4 and EN3 of the Core Strategy;**
- **The Guide to Development in Manchester (SPD);**
- **National Planning Policy Framework (NPPF)**

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.

Policy JP-P1 (Sustainable Places), Policy JP-S1 (Sustainable Development), Policy JP-S2 (Carbon and Energy), Policy JP-P5 (Education, Skills and Knowledge), and Policy JP-P6 (Health).

Issues

Principle

The principle of replacing existing fan light over glazed door to western elevation to provide fresh air intake louvres 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 been changed from having vertical openings, rather than horizontal. The location of the louvres was also changed to be located above the vehicle entrance at the rear of Mulberry Street, in order to reduce the amount of visual amenity impact caused by these louvres, by including them on a less visible elevation of the building.

Noise Pollution

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.

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

Conclusion

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

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 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 13 June 2023:

- Proposed Ground Floor and West Elevations ZAAP/MANC/PP/ 01
- Location Plan

Received by Manchester City Council as the Local Planning Authority on 05 July 2023:

- Louvre Detail 03

- Acoustic Note

Received by Manchester City Council as the Local Planning Authority on 07 November 2023:

- Proposed Part Ground Floor and North Elevation 100
- Proposed Part Ground Floor and North Elevation 101

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) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of residential amenity pursuant to policies SP1, EN16 and DM1 of the Core Strategy for the City of Manchester.

4) a) 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. 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. 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 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.

5) 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

Highway Services
Environmental Health

Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR
Wings Restaurant, 1 Lincoln Square, Manchester, M2 5LN
9 Brazennose Street, Manchester, M2 5AD
34 John Dalton Street, Manchester, M2 6LE
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
Second Floor, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR
Greggs, Brazennose Street, Manchester, M2 5EA
Ground Floor Unit 1, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
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, 34 John Dalton Street, Manchester, M2 6LE
Second Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Basement, Centurion House, 129 Deansgate, Manchester, M3 3WR
Ground Floor Unit 2, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
First Floor, 34 John Dalton Street, Manchester, M2 6LE
28 - 30 John Dalton Street, Manchester, M2 6HQ
First Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
40 Brazennose Street, Manchester, M2 5EB
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
Basement And Ground Floor, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR
Ground Floor First Floor Second Floor, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR
Fifth Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
44 - 46 Brazennose Street, Manchester, M2 5EB
Seventh Floor, Centurion House, 129 Deansgate, Manchester, M3 3WR
Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Seventh Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Second Floor, Heron House, Albert Square, Manchester, M2 5EA
5 Brazennose Street, Manchester, M2 5AD
Fourth Floor, 125 Deansgate, Manchester, M3 2BY
14 John Dalton Street, Manchester, M2 6JP
Second Floor Front, 14 John Dalton Street, Manchester, M2 6JP
Fourth Floor, Ridgefield House, 14 John Dalton Street, Manchester, M2 6JR
Third Floor, 34 John Dalton Street, Manchester, M2 6LE
Sixth Floor, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
Third Floor, 125 Deansgate, Manchester, M3 2BY
125 Deansgate, Manchester, M3 2BY
6 John Dalton Street, Manchester, M2 6JP
Qbic Manchester, 115 Deansgate, Manchester, M3 2BQ
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
Second Floor Rear, 14 John Dalton Street, Manchester, M2 6JP
Third Floor, Ridgfield House, 14 John Dalton Street, Manchester, M2 6JR
Bills Restaurant, 8 - 12 John Dalton Street, Manchester, M2 6JP
Third And Fourth Floors, Trinity Court, 16 John Dalton Street, Manchester, M2 6HY
48 Brazennose Street, Manchester, M2 5EB
42 Brazennose Street, Manchester, M2 5EB
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