

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136697/FO/2023
Date registered valid: 22 June 2023
Proposal: Installation of roof-top plant equipment and associated ducting.
Address: 200-204 Deansgate, Manchester, M3 3NN
Ward(s): Deansgate Ward

Applicant: ASE RE A LLP C/o CEG
Agent (if any): Miss Victoria Welch WSP
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 14/12/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 30 June 2023 Expired: 21 July 2023

Neighbour notifications

Printed: 30 June 2023 Expired: 21 July 2023

Site notice

Posted: Expired:

Press advert

Published: 4 July 2023 Expired: 18 July 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to the corner of ground floor unit of Royal London House at 200-204 Deansgate, which is situated on the corner of Deansgate and Quay Street. Since 1997, the unit in question has housed an outlet of the outdoor equipment retailer Blacks. The building was originally constructed as an insurance office in 1904. It was designed in the Free Baroque style by Charles Heathcote, an architect who designed a number of important buildings in Manchester's city centre, including the Grade-II listed Onward Buildings which sit opposite Royal London House. The building's significance is largely derived from its ornate facade, including its large ground floor windows. The site also falls within the Deansgate Conservation Area.

Listed building: Grade II

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of area

The area relates to Deansgate, one of the main thoroughfares through Manchester city centre, which forms part of the A56. The area houses a number of different uses, including retail, commercial, dining, drinking and office spaces. Deansgate is home to a number of listed and non-listed heritage assets, including the Grade I listed John Rylands Research Institute and Library and the Grade II listed Great Northern Warehouse.

Description of development

The development relates to the installation of a flue/ ducting to the inner lightwell of Royal London House, together with penetrations at ground floor level to allow for the installation of connective ducting between the plant at the ground floor corner unit and the roof level flue.

Consultations & Notification Responses

Publicity - a notice was displayed on site advertising the works as those affecting a listed building and conservation area. An advert was posted in the local press advertising the works as those affecting a listed building and conservation area. 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, conditions relating to fumes/odours and plant noise recommended.

Issues

The main policies that relate to this application are policies DM1 (Development Management), SP1 (Spatial Principles), C10 (Leisure and the Evening Economy) of the Manchester Core Strategy and saved policy DC26 (Development and Noise) of the Unitary Development Plan for Manchester (1995).

Principle

The installation of the flue and the penetrations necessary to facilitate this are in support of a new Class E restaurant use in the ground floor corner unit of Royal London House at the junction of Deansgate and Quay Street. The works are necessary to facilitate the fresh air and kitchen fume extraction requirements of a restaurant.

Policy C10 of the Manchester Core Strategy (2012) supports development that enriches Manchester's leisure economy and helps ensure it continued economic vitality. The creation of a restaurant at this location would help contribute to the vitality of Manchester's City Centre, diversifying the food and drink offer which attracts great numbers of people to Deansgate.

Policies C10 and DM1 require consideration of the amenity impacts of new leisure uses. The flue will allow for high level extraction to the roof of Royal London House, thereby minimising the potential impact of fumes, odour and noise on surrounding occupiers.

Given the above, the principle of the development is supported.

Visual amenity

The flue would terminate at roof level, however, by virtue of its height and location, it would not be visible anywhere outside the rooftop itself. The roof of Royal London House is characterised by a central plant area is entirely contained within a much higher pitched roof on all sides. Consequently, the cowl of flue would not be visible above the roof line and so there would be no views from any public vantage point, whether at street level or from the windows of neighbouring buildings.

An options appraisal was submitted by the applicant, which included potential for the routing of the flue internally up a tower before terminating at a louvre to be installed on one of the towers elevations. The installation of the flue would also minimise the need for the installation of additional louvres and external plant on any of the building's elevations. Hence, the scheme under consideration would necessitate the least visible alteration to the building.

The main body of the flue would be installed within an internal light well, into which there are no views from the rest of the building owing to frosted glass and/or opaque vinyls applied to the overlooking windows. The other works would be internal, such as the penetrations at ceiling level in the entranceway and so would have no impact on visual amenity

Given the above, the development is considered to have a neutral impact on visual amenity

Impact on the conservation area

The proposed flue would be installed in an internal lightwell and would terminate at roof level where the building plant area is situated. This area is nestled between pitched rooves on all four sides, effectively screening the entire area from any external views. The cowl of the flue would sit below the line of these rooves, ensuring it is not visible from any public vantage point. Thus, it is considered the works would have a neutral impact on the character and appearance of the conservation area and therefore the proposal is acceptable pursuant to policy DC18 of the Manchester Core Strategy (2012) which requires consideration of the impacts of new development on conservation areas.

Fumes

The proposed flue would be used to discharge fumes and odours from the restaurant. Notwithstanding that any discharge would be at roof level, as requested by Environmental Health a condition requiring the full and final extracting scheme be approved in writing by the City Council and that post-validation testing shall be undertaken to ensure compliance with this scheme. This is designed to mitigate any amenity impact caused by the development, pursuant to policy DM1 of the Manchester Core Strategy (2012).

Noise

The installation of new plant can lead to an increase to ambient noise levels in a manner harmful to amenity unless appropriate mitigation measures are in place. To ensure any new plant installed at Royal London House does not lead to any unacceptable amenity impacts, as recommended by Environmental Health, a condition is attached to this approval to ensure the scheme has appropriate acoustic attenuation, to be validated by post-installation testing. This is designed to mitigate any amenity impact caused by the development, pursuant to policy DM1 of the Manchester Core Strategy (2012) and DC26 of the Unitary Development Plan (1995).

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 pro-active manner to seek 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:

- Drawing - Proposed J304-GLD-00-DR-EM-5700-001 KITCHEN EXTRACT ROUTE
- Drawing - Proposed J304-GLD-00-DR-EM-5700-004 NEW KITCHEN EXTRACT ROOF LAYOUT
- Drawing - Visuals 23161-DCE-XX-XX-D-S-SK900 STRUCTURAL ALTERATIONS FOR NEW DUCTING
- Drawing - Visuals EXTRACT/01 EXTRACT ROUTE DRAWING
- Drawing - Visuals EXTRACT/02 EXTRACT ROUTE DRAWING
- Heritage Statement HERITAGE ADDENDUM NOTE

All received by the City Council, as Local Planning Authority, on 22/08/2023.

-Noise assessment or information NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 11/04/2023

-Heritage Statement PLANT PLANNING AND HERITAGE STATEMENT received by the City Council, as Local Planning Authority, on 22/06/2023

- Supporting Information CU4 JEHR-0175-B2-L-1 CONDENSING UNIT SPECIFICATION SHEET
- Supporting Information CU5 JEHR-0140-B2-M-1 CONDENSING UNIT SPECIFICATION SHEET

Both received by the City Council, as Local Planning Authority, on 07/12/2023

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.

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 the amenities of occupiers of nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy

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

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Suite 202 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Sixth Floor Room 631, Sunlight House, Quay Street, Manchester, M3 3LE
Dirty Martini, 1 Peter Street, Manchester, M2 5QR
205 Deansgate, Manchester, M3 3NW
Unit 1, Overseas House, Quay Street, Manchester, M3 3HN
Eleventh Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
South Central, 11 Peter Street, Manchester, M2 5QR
Part Thirteenth And Mezzanine Floor, Sunlight House, Quay Street, Manchester, M3 3LE
111 Sunlight House, Quay Street, Manchester, M3 3LE
Sub Basement, 201 Deansgate, Manchester, M3 3NW
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
209 Deansgate, Manchester, M3 3NW
223 Deansgate, Manchester, M3 4BQ
Second Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Flat, Sunlight House, Quay Street, Manchester, M3 3JZ
Advertising Right BT Inlink Outside Overseas House, Quay Street, Manchester, M3 3HN
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
Pt Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Thirteenth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Bannatyne Health Club And Spa, Sub Basement And Basement And Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
109 Sunlight House, Quay Street, Manchester, M3 3LE
First Floor And Second Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Suite 106, Sunlight House, Quay Street, Manchester, M3 3JZ
3 Peter Street, Manchester, M2 5QR
Ground Floor, 201 Deansgate, Manchester, M3 3NW
First Floor, South Central, 11 Peter Street, Manchester, M2 5QR
Fourth Floor, Overseas House, Quay Street, Manchester, M3 3HN
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Fourth Floor And Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 201 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Old Grapes Inn, Quay Street, Manchester, M3 3JU
194 Deansgate, Manchester, M3 3ND
Suite 603 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Overseas House, Quay Street, Manchester, M3 3HN
Third Floor, Overseas House, Quay Street, Manchester, M3 3HN
Second Floor, Overseas House, Quay Street, Manchester, M3 3HN
Basement, Royal London House, 196 Deansgate, Manchester, M3 3WF
The Blues Kitchen, 13 Quay Street, Manchester, M3 3HN
Suite 102B Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Seventh Floor, Sunlight House, Quay Street, Manchester, M3 3LF
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Suite 608 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
198 Deansgate, Manchester, M3 3NE
Unit 2, Overseas House, Quay Street, Manchester, M3 3HN
Ground Floor, South Central, 11 Peter Street, Manchester, M2 5QR
Fourth Floor, South Central, 11 Peter Street, Manchester, M2 5QR

Second Floor, South Central, 11 Peter Street, Manchester, M2 5QR
 Sixth Floor, Overseas House, Quay Street, Manchester, M3 3HN
 Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
 London House, 193 Deansgate, Manchester, M3 3NE
 207 Dental Care, First Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
 Rooms 625 627 And 629, Sunlight House, Quay Street, Manchester, M3 3LE
 Eighth Floor, Sunlight House, Quay Street, Manchester, M3 3LU
 1 Little Quay Street, Manchester, M3 3JU
 Room 614, Sunlight House, Quay Street, Manchester, M3 3JZ
 Moxy Hotel, 8 Atkinson Street, Manchester, M3 3HH
 Fifth Floor, 201 Deansgate, Manchester, M3 3SL
 2 Bootle Street, Manchester, M2 5GU
 207 Dental Care, First Floor 207 Dental Care, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
 201 Deansgate, Manchester, M3 3DN
 First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
 Suites 110 And 112 And 114, Sunlight House, Quay Street, Manchester, M3 3JZ
 1302 Sunlight House, Quay Street, Manchester, M3 3LE
 Suite 114, Sunlight House, Quay Street, Manchester, M3 3JZ
 Basement, 201 Deansgate, Manchester, M3 3NW
 Basement And Ground Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
 Sunlight House, Quay Street, Manchester, M3 3JZ
 Suite 102A Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
 First Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
 Third Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
 Royal London House, 196 Deansgate, Manchester, M3 3WF
 11 - 13 Bootle Street, Manchester, M2 5GU
 Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
 Sainsbury's, 242 Deansgate, Manchester, M3 4BQ
 Suite 101 Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
 Room 1301, Sunlight House, Quay Street, Manchester, M3 3LE
 Second Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
 Thirteenth Floor Maintenance Room, Sunlight House, Quay Street, Manchester, M3 3LE
 AIG EUROPE LIMITED, Fourth Floor, 201 Deansgate, Manchester, M3 3NW
 Third Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
 Third Floor, South Central, 11 Peter Street, Manchester, M2 5QR
 First Floor, Overseas House, Quay Street, Manchester, M3 3HN
 188 - 192 Deansgate, Manchester, M3 3ND
 Thirteenth Floor Room 1B, Sunlight House, Quay Street, Manchester, M3 3LE
 624 - 628 Sunlight House, Quay Street, Manchester, M3 3LE
 First Floor To Third Floor, 201 Deansgate, Manchester, M3 3NW

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 - Deansgate Conservation Area 1985
 Area Team Boundary - Name: CENTRAL