

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136017/FO/2023
Date registered valid: 22 March 2023
Proposal: Change to kitchen extraction system to accommodate a new pizza oven.
Address: 55 Spring Gardens, Manchester, M2 2BY
Ward(s): Deansgate Ward

Applicant: Double Zero Pizza Ltd
Agent (if any): Up North Architects
Case officer: David Brettell
Tel: 0161 234 4556
Email: dave.brettell@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 22nd June 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 April 2023

Standard consultations:

Printed: 5 April 2023 Expired: 26 April 2023

Neighbour notifications

Printed: 5 April 2023 Expired: 26 April 2023

Site notice

Posted: 25 April 2023 Expired: 16 May 2023

Press advert

Published: 11 April 2023 Expired: 2 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order:

Description of area

The application site comprises of one unit at ground floor level at 55 Spring Gardens, on the corner of Fountain Street in Manchester City Centre.

The site is within Manchester town centre with Spring Gardens to the south and Fountain Street to the west. The immediate area is commercial and predominantly office spaces with some retail / commercial units at ground floor, i.e. coffee shops

Description of development

The proposed site is looking to become a pizzeria with a wood burning oven (with an associated ventilation system) and internal seating.

The kitchen ventilation will comprise of air supply and extraction and vent via an existing louvre on the Fountain Street elevation. The louvres are approximately 1.9m from the office windows above.

Consultations & Notification Responses

Site Notice / Press Notice / Neighbours – no comments received

Environmental Health – no objections. Recommended conditions

Issues

There are no policy issues in relation to this proposal as the scheme utilises existing louvres to the external elevation. No new louvres are proposed, and the application shows where the extraction and air input positions are located behind the existing louvres

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. Initial Environmental Health issues have been raised, clarified and the proposals 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 fully in accordance with the following drawings and documents:

Location Plan showing site edged red Ref:010 Rev01 received 19th January 2023

Site Plan Ref:010 Rev 4 received 19th January 2023

Proposed elevation Ref:011 received 19th January 2023

Revised assessment dated 12th June 2023 RevB

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Core Strategy policies DM1 and SP1.

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 Core Strategy policies DM1 and SP1.

In relation to Condition 3, Environmental Health has stated

“The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled ‘Control of Odour and Noise from Commercial Kitchen Exhaust Systems’ dated September 2018. Details should also be provided in relation to replacement air.

We will just need details of the filter to be installed prior to the ESP unit and these need to be included on the diagram. We will also require the maintenance and cleaning strategy for the

filters, fans, fume and odour abatement equipment, ductwork and louvres. Additionally, we will need comment to confirm the location of any openable windows in relation to the extract louvre with these including on a diagram for review.”

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, pursuant to Core Strategy policies DM1 and SP1.

In relation to Condition 4, Environmental Health has stated

“A night time assessment should also be undertaken as the restaurant has hours until 00:00 and the purpose of the condition is also to prevent a general increase in noise and prevent noise creep, the predicted rating is sufficiently low enough to accept the comments.

We will need a validation assessment and report providing once the equipment has been installed to address part b) of the condition.”

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Second Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Fourth Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 57 Spring Gardens, Manchester, M2 2BY
Second Floor, 57 Spring Gardens, Manchester, M2 2BY
64 - 72 Spring Gardens, Manchester, M2 2BQ
First Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Sixth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
70 Spring Gardens, Manchester, M2 2BQ
First Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
60 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 55 Spring Gardens, Manchester, M2 2BY
Eighth Floor, 55 Spring Gardens, Manchester, M2 2BY
Ground Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fourth Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Second Floor, 70 Spring Gardens, Manchester, M2 2BQ
First Floor, 70 Spring Gardens, Manchester, M2 2BQ
Sixth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Third Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Fourth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
50 Fountain Street, Manchester, M2 2AS
Third Floor, 55 Spring Gardens, Manchester, M2 2BY
Fifth Floor Suite 5A, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Third Floor Suite 3C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5D, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Eighth Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Second Floor, 60 Spring Gardens, Manchester, M2 2BQ
Third Floor, 60 Spring Gardens, Manchester, M2 2BQ
First Floor, 60 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 55 Spring Gardens, Manchester, M2 2BY
Seventh Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
Fourth Floor, 60 Spring Gardens, Manchester, M2 2BQ
Third Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fifth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fourth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Seventh Floor, 55 Spring Gardens, Manchester, M2 2BY
REGUS MANAGEMENT UK LTD, Ground Floor, Barnett House, 53 Fountain Street, Manchester, M2 2AN
First Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Sixth Floor, 55 Spring Gardens, Manchester, M2 2BY
Second Floor, Barnett House, 53 Fountain Street, Manchester, M2 2EE
Ground Floor, 60 Spring Gardens, Manchester, M2 2BQ
Fourth Floor, 50 Fountain Street, Manchester, M2 2AS
Second Floor, 55 Spring Gardens, Manchester, M2 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 - Upper King Street (Extension) Conservation Area 1985

Area Team Boundary - Name: CENTRAL