

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136133/FO/2023	
Date registered valid:	16 February 2023	
Proposal:	Installation of roof top plant	
Address:	2 Spinningfields Square, Manchester, M3 3AP	
Ward(s):	Deansgate	Ward
Applicant:	Caprice Holdings Ltd	
Agent (if any):	Miss Rebecca Dennis Pegasus Group	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approved	
Date of recommendation:	11/04/2023	

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 24 February 2023 Expired: 17 March 2023

Neighbour notifications

Printed: 24 February 2023 Expired: 17 March 2023

Site notice

Posted: Expired:

Press advert

Published: 28 February 2023 Expired: 21 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of area

The application site is located within the Spinningfields area of Manchester City Centre which contains a mixed of uses including financial and professional services as well as leisure uses. It is bounded by Deansgate, the River Irwell, Quay Street and Bridge Street. The site is located within Deansgate Conservation Area and is adjacent to John Rylands Library, which is a Grade I listed building

The existing building is of a high quality and is considered a landmark building that has scissor geometry, angled upper storeys that realign the east-west axis towards Hardman Square at the heart of Spinningfields. The trapezoidal form of the building's plan is echoed in the vibrant glazing which animates the elevations and creates a unique experience inside the building.

Description of development

The development relates to the removal of existing rooftop condenser units and the installation of new condenser units and extract ductwork associated with the new restaurant at ground level. The new condensers will be contained within the existing plant enclosure.

Consultations & Notification Responses

Publicity - a site notice was displayed on site to inform passers-by of the development. Letters were sent to surrounding occupiers informing them of the development. An advertisement was placed in the local press for a development affecting a conservation area and listed building.

Environmental Health - conditions requested.

Historic England - No advice given. This should not be interpreted as comment on the merits of the application.

Issues

The main issues for consideration relate to the impact of the proposal on visual amenity and noise and disturbance. The main policies that relate to the proposal are Policies SP1 (Spatial Principals) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy DC26.1 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

The proposal is located at roof level and includes the installation of new condensers and extract ductwork. The new plant will be contained within the boundary of the existing plant screen.

Consequently, there should be minimal visual change caused by the development. A site visit confirmed that the plant enclosure is not visible from the street, therefore the development will have no impact on the street scene, nor the setting of the Grade I-listed John Rylands Library.

The surrounding buildings are of a similar height to 2 Spinningfields Square, so views from the upper floors of these buildings are unlikely to be materially affected.

The new extractor attached to the ductwork will be contained within an acoustic enclosure so as to limit noise pollution. A condition attached to this approval will require the applicant to demonstrate that the acoustic impact of all new plant will be within acceptable levels prior to first use.

As the new plant includes kitchen extract, a condition is attached to ensure appropriate treatment is in place to mitigate any unpleasant fumes or odours that could harm the amenity of surrounding occupiers and pedestrians.

Given the above, it is considered that the proposal is acceptable, and on that basis is in accordance with policies SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26.1 of the Manchester Unitary Development Plan for the City of Manchester and Guide to Development in Manchester.

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. In this case, appropriate conditions have been attached to control noise and odour pollution from the approved plant.

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 21368/021 C ROOF PLAN prepared by FWP Ltd, received by the City Council, as local planning authority, on 16/02/2023

-Noise assessment or information BACKGROUND SOUND LEVEL SURVEY Report Reference: 211004-R002 prepared by ACA Acoustics. received by the City Council, as local planning authority, on 02/02/2023

-Noise assessment or information BACKGROUND SOUND LEVEL SURVEY Report Reference: 211004-R007A prepared by ACA Acoustics. received by the City Council, as local planning authority, on 03/04/2023

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) Prior to the first use of the development hereby approved, a strategy for the extraction and discharge of fumes, vapours and odours shall be submitted to and approved in writing by the City Council as local planning authority.

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) The details approved within part (a) of this planning condition shall be implemented and be in place prior to development being brought into first use.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

4) a) Prior to first use of the development hereby approved, a scheme for the acoustic treatment of externally mounted plant, equipment and servicing shall be submitted for approval by the City Council, as local planning authority. The scheme shall be designed to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. The approved scheme shall be implemented in full before first use commences.

b) Prior to the operation of the scheme, a verification report to confirm the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report shall be submitted in writing to the City Council, as local planning authority. 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 policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26.1 of the Unitary Development Plan (1995)

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Historic England (North West)

Unit 3A, Spinningfields Square, Manchester, M3 2BA
Unit 4A, Spinningfields Square, Manchester, M3 3AP
Australasia, 2 Spinningfields Square, Manchester, M3 3AP
Unit G22, 2 Spinningfields Square, Manchester, M3 3AP
Unit 2A, Spinningfields Square, Manchester, M3 3AP
Left, 133 Deansgate, Manchester, M3 3RW
Betfred, 133 Deansgate, Manchester, M3 3RW
John Rylands Library, 148 - 158 Deansgate, Manchester, M3 3EH
1 Spinningfields Square, Manchester, M3 3AP
164 Deansgate, Manchester, M60 6DS

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