

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132841/FO/2022

Date registered valid: 4 February 2022

Proposal: Installation of extraction plant to rear first floor roof of building

Address: 25 King Street, Manchester, M2 6AF

Ward(s): Deansgate Ward

Applicant: Yorkshire and Clydesdale Bank Pension Trustee Limited C/o CBRE
Global Investors, C/o Agent

Agent (if any): Mr Dan Whitney Sixteen Real Estate 10-12 Kennedy Street,
Manchester, M2 4BY

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 14 March 2022 Expired: 4 April 2022

Neighbour notifications

Printed: 21 February 2022 Expired: 14 March 2022

Site notice

Posted: 21 February 2022 Expired: 14 March 2022

Press advert

Published: 1 March 2022 Expired: 22 March 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order:

Description of Site/Area

The application site relates to the rear first floor roof of a four-storey commercial property. The property is located within the St Anns Conservation Area and the following Grade II listed buildings can be viewed in the context of the application site.

29 & 31 King Street (to the east)

13 - 17 King Street

19 King Street (both located to the west of the application site)

Description of Development

The submitted applications seeks planning permission for the Installation of extraction plant to rear first floor roof of building

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News affecting a Conservation Area and affecting a Listed Building. A site notice was displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity

Environmental Health - have recommended conditions to control fumes and noise and have requested amendments to the odour assessment

Issues

Policy

Core Strategy

The relevant Core Strategy policy is DM1 which seeks to protect the amenity of an area from the adverse impact of development.

Unitary Development Plan

The relevant saved UDP policy is DM 26 which seeks to protect the amenity of an area from the harmful effect of noise.

Issues

Principle

Consent is sought for a flue on the rear elevation of a commercial property. The principle of locating food and drink uses into this street has already been established. Such premises almost inevitably require flues therefore the principle of a flue is considered acceptable.

Design

There are other extraction flues on the the street. The flue has been located at the rear of the premises so that it does not have an adverse impact on the street scene on King Street.

Scale

it is not considered that the flu is overly large. The flu terminates well below roof level.

Noise

A condition will be attached to this permission to control noise from any externally mounted ancillary plant or fan/ducting equipment.

Residential amenity

The application site is based on a street and is located close to properties which could (either now or in the future) be in residential use. Whilst such properties cannot expect the same level of amenity as properties in wholly residential areas they should still expect a reasonable level of amenity. In terms of noise and fumes these can be addressed through a condition and, therefore, it is considered that on balance subject to the appropriate conditions the proposed development is considered acceptable.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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:

Drawings

Kitchen Ventilation System - Elevation A 1ST03 - MHA - XX - ZZ - DR - A - 03001 - S0 - P2
Kitchen Ventilation System - Elevation B 1ST03 - MHA - XX - ZZ - DR - A - 03002 - S0 - P2
Proposed Basement Floor Plan & Elevations Drwg No. 121101_2A
Existing and Proposed Roof Plans 1ST03 - MHA - XX - XX - DR - A - 02001 - S0 - P1
Location Plan 1ST03 - MHA - FS - XX - DR - A - 01001 - S2 - P1

All of the above drawings received by the City Council as local planning authority on 4th February 2022

Documents

Design, Access & Heritage Statement, 25 King Street, Manchester by Sixteen Dated February 2022, Air Boss T2002 Specifications and Flakt Woods Limited Technical Data Sheet received by the City Council as Local Planning Authority on 4th February 2022

The email from Dan Whitney of 1st June 2022

EXTRACTION CLEANING AND MAINTENANCE STRATEGY 25 KING ST, MANCHESTER received via the email from Dan Whitney of 1st June 2022

RISK ASSESSMENT AND METHOD STATEMENT by Dynamic Canopy Clean and Recommended Kitchen Extraction System Cleaning Schedule attached to the email from Dan Whitney dated 23rd May 2022

Odour Assessment King Street, Manchester by Redmore Environmental Reference: 5178r5 dated 20th April 2022 and Noise Impact Assessment Report 17071-NIA-01_RevA Prepared on 22 April 2022 by Clement Acoustic attached to the email from Dan Whitney dated 22nd April 2022

Other

The photographs attached to the email from Dan Whitney dated 22nd April 2022

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) Any externally mounted ancillary plant or fan/ducting equipment 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. in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Third And Fourth Floor, St Anns House, St Ann's Place, Manchester, M2 7LP
WATT UTILITIES LIMITED, Fifth Floor, St Anns House, St Ann's Place, Manchester, M2 7LP
Ground Floor Unit 1, St Anns House, St Ann's Place, Manchester, M2 7LP
Sub Basement, St Anns House, St Ann's Place, Manchester, M2 7LP
Ground Floor Unit 5, St Anns House, St Ann's Place, Manchester, M2 7LP
Neals Yard Remedies, 27 King Street, Manchester, M2 6AF
St Anns Church, St Ann Street, Manchester, M2 7LF
4 St Anns House, St Ann's Place, Manchester, M2 7LP
3 St Anns House, St Ann's Place, Manchester, M2 7LP
Unit 2, St Anns House, St Ann's Place, Manchester, M2 7LP
11 Police Street, Manchester, M2 7LQ

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 - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRL