

### List No. 3

<b>City Centre Ward</b>	<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>
	081104/FO/2006/C1	20th Oct 2006	21st Dec 2006

**Proposal** Erection of 15 storey building (including ground) with 3 levels of basement car parking with a mix of uses at ground floor (Use Classes A1, A2, A3 and B1) comprising retail; financial and professional services; restaurant and or cafe; and office uses, with office use (Use Class B1) on upper floors

**Location** 52 To 58 Brown Street, Manchester, M2 2LD,

**Applicant** Chancery Place Ltd SARL C/o Alanis Ltd, 60 Fitzwilliam Square, Dublin, Dublin 2

**Agent** HKR Architects 7th Floor , The Pinnacle, 73 King Street, Manchester, M2 4NG

### **DESCRIPTION**

#### **The Site**

The application site is triangular in shape and cleared. It lies within the commercial core of the City Centre which contains high quality buildings both new and old and a concentration of major financial agencies and institutions. There are a number of older brick or stone buildings in the immediate area, many of which are listed of architectural or historic importance. The site lies within the Upper King Street Conservation Area and a number of redevelopment proposals for buildings constructed in the 1960's and 1970's are currently underway in close proximity to the application site.

#### **Recent Planning History**

Conservation Area Consent (reference: 066262/CC/CITY1/02) for the demolition of the existing building and the clearing of the site to allow for redevelopment to take place was approved by Committee 29 May 2003.

Committee approved planning permission on 29 May 2003 (reference: 066261/FO/CITY1/02). That permission approved a development across the whole of the site, substantially to back of pavement line, consisting of 2 No. floors of basement parking (34 No. spaces), a mix of uses (A1 shops, A3 food and drink, A2 financial and professional services, and B1 business) at ground floor; with twelve storeys of office accommodation above.

Committee (8 July 2004) was Minded to Approve the demolition of the existing former Scottish Provident House and the temporary use of the land as a car park (surface level) with associated landscaping for a period of 2.5 years after the demolition of existing building (Reference numbers: 071600/CC/2004/C1 and 071601/FO/2004/C1). This decision was on the basis that the applicant enter into a Section 106 agreement with the City Council.

Committee more recently approved (11 November 2004) planning permission for the erection of a 15 storey building (ground and 14) comprising a mix of uses, ground floor: retail (shop A1), and/or food and drink (A3) or financial and professional services (A2), or offices (B1); 1<sup>st</sup> to fifth floors offices (B1); 6<sup>th</sup> floor upwards business apartment / hotel accommodation (Sui Generis) (Reference number 072149/FO/2004/C1).

## List No. 3

### **The Proposed Development**

This proposal seeks consent for the erection of a 15 storey office building which would be built substantially to back of pavement with curved corners. Ground floor commercial units would be set within a colonnade with the office accommodation projecting over from first floor level. Two and a half basement levels will provide parking spaces for 26 cars. The building would be predominantly expressed in glass except for the Chancery Place elevation where solid areas of the lift core would be constructed in full height pre cast concrete panels. Other materials proposed include:

Ground Floor - . Expressed in aluminium framed full height glass to Brown Street and Booth Street elevations. Chancery Place and Chancery Lane elevations expressed in aluminium framed full height glass, aluminium louvers, pre cast concrete panels and white fair faced concrete columns.

Upper floors – stretched glazed skin, neutral in colour, comprising aluminium framed or frameless glazing units with fritted privacy bands and spandrel panels covering floor levels, and aluminium framed panels with horizontal fritting,.

The top of the building – a two storey crown comprising of clear glass vertical louvers / briese soleils with mild steel supports sheltering a roof top garden at 14<sup>th</sup> floor level.

### **CONSULTATIONS**

**English Heritage (EH)** – Considered that whilst the current scheme would lead to a modest increase in height over the previously consented schemes there would be no adverse impact on the Conservation area or setting of nearby listed buildings.

**Greater Manchester Police** – No objections.

**The Head of Environmental Health (Pollution Control Section)** – Recommended conditions be imposed to control: refuse (storage, disposal and recycling); fumes vapours and odours; noise emanating from the building and its ancillary equipment; hours of delivery; and hours of operation of the premises.

**The Head of Regulatory Services** – Recommended a condition be imposed to deal with the potential for ground contamination.

**The Head of Engineering Services (Traffic)** – No objections received.

**GMPTE** – Did not object to the proposal but requested that a travel plan be submitted.

**Environment and Operational Services** – no objections received.

### **The Manchester Conservation Areas and Historic Buildings Panel**

The Panel understood that a building of a similar height had previously been granted consent on this site.

### List No. 3

The Panel did not object to a redesign for a building of a similar height to the previous approval but raised the following issues:-

- The Panel questioned the plan form's relationship to the established street plan for this part of the City.
- It was considered that the building's ground floor expression was 'mean'. It was felt that more height and presence was needed.
- The Panel questioned how the building would 'hit the ground'. It was felt important that this aspect be fully designed at this stage, to detail the transference of the building's mass-to-ground and 'shop fronts'.
- The Panel questioned the 'dull' form proposed for the roofscape, recalling that the previous consent had more modelling at roof level. It was felt that any roof top plant should be designed in a t this stage.
- The Panel questioned the proposed elevational treatment and materials. It was understood that theses aspects were still in design stage.

The Panel went on to recommend negotiate the above and a approve.

**Publicity** – The application has been advertised in the press as a major development within a conservation area affecting the setting of listed buildings. Site notices advertising the development were erected on the site and neighbours in the surrounding area have been notified by letter. No representations have been received.

### ISSUES

**Unitary Development Plan** - The scheme is considered to be consistent with policies relating to regeneration which support economic and employment development (Policies R1.1, I1.5, I1.3), a better environment (Policy RC4), promoting tourism (Policy RC6), secure the area's economic future, improve its environment, and encourage high standards of design (Policies E1.5 (a), E3.2.). Furthermore, it is considered that the scheme would maintain the appearance, character and setting of the Upper King Street Conservation Area and the nearby listed buildings including Ship Canal House, King Street and 100 King Street (former Midland Bank) (Policies E3.8, RC4 (b), DC18.1 and DC19.1 (d)).

**The Scheme's contribution to regeneration** – The City Council has identified the Commercial Core as a regeneration priority and has identified a series of actions to deliver sustainable change in the area. This particular site has been identified as one of the worst examples of environmental blight and as a key development opportunity. In this respect it is important to pursue a high quality redevelopment of this site as a priority and a mixed use scheme such as that proposed would contribute positively to regeneration in this area.

**Impact on: the character of the Upper King Street Conservation Area and the setting of nearby Listed Buildings.** – Government advice is that Local Planning Authorities should have regard to the desirability of preserving or enhancing the character or appearance of the conservation area and of ensuring that new buildings fit in with an historic area, rather than stand alone

### **List No. 3**

within it. These concerns are also reflected in the City Councils own approved planning policies contained within the Unitary Development Plan.

The new building has many positive attributes that would enhance the area. The uses, the active use at ground floor level, the back of pavement line design and the activity associated with the uses would benefit the area significantly. Having said that the building would be taller than some although not all of its neighbours.

The 'island' nature of the development site, does present an opportunity for a building of greater height than some of its immediate neighbours. The applicant has submitted views of the proposed scheme within the area and its relationship with adjacent listed buildings. The views show that the proposed building would be visible from many viewpoints. However, because of the street pattern and close proximity of adjacent buildings to the development site close range views are fairly restricted and it is only on the middle to distant views where the upper parts of the building will be seen from. The views submitted in support of the application suggest that the development would be consistent with the character and appearance of this part of the City Centre and conservation area. Whilst certain views of adjacent buildings, including listed buildings, would be affected by the proposed development the relationship is acceptable and in urban design terms creates a positive group image of buildings. For these reasons it is felt that impact upon the setting of the listed buildings including their group value with each other is acceptable.

The scheme therefore meets the test of preserving or enhancing the character of the Upper King Street Conservation Area, exhibits a sense of visual interest which will provide positive views from positions on Fountain Street, Tib Lane and King Street (when viewed along Brown Street), and will assist in maintaining the identity of the Commercial Core in a Civic and Regional context.

**Impact on Amenity** –The proposal would allow the development of the 'island site' to back of pavement line and along with a high quality approach to carrying out improvements to the public realm immediately surrounding the site would only serve to enhance the area's amenity.

**Crime & Disorder** - The type of development proposed would bring more activity and vibrancy to this part of the City Centre thus allowing a greater degree of natural surveillance and a condition requiring the development to seek 'Secure by Design' accreditation from Greater Manchester Police is recommended.

#### **Response to Consultations.**

##### **The Head of Environmental Health and the Head of Regulatory Services.**

It is considered appropriate to impose conditions as recommended.

##### **The Comments of the Manchester Conservation Areas and Historic Building's Panel.**

it would be appropriate to impose a condition which requires samples of materials to be submitted to the Local Planning Authority for approval prior to the commencement of development. It is considered that the proposed building is a high quality design which efficiently exploits the maximum area of the site and would enhance the character of the Conservation Area.

### List No. 3

**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 Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect of respect for a persons home and a right of peaceful enjoyment of one's possessions which could include a person's home, other land or business assets. In taking account of all material planning considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s) / objectors / residents and other occupiers and owners of nearby land that might be affected may be interfered with but 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation:                    APPROVE**

The application is approved on the basis that the proposal is in accordance with the City Council's Unitary Development Plan, in particular policies:  
Policies R1.1, I1.5, I1.3, Policy RC4, Policy RC6, Policies E1.5 (a), E3.2, Policies E3.8, RC4 (b), DC18.1 and DC19.1 (d)).

### Conditions

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. No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with plans to be approved in writing by the Local Planning Authority. These facilities shall then be retained and permanently reserved for bicycle parking.

Reason

To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode.

3. The development hereby approved shall not commence unless and until full details which address all outstanding highway design issues, as raised by the City Council's Head of Engineering Services (Traffic), have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt public funds will not be available for highway works required to be carried in discharge of this condition.

### List No. 3

#### Reason

In the interests of public and highway safety and to ensure that the development can be accessed and serviced satisfactorily.

4. Samples of the materials to be used in the external construction of this development shall be submitted to and approved by the City Council as Local Planning Authority before the development is commenced.

#### Reason

In the interests of visual amenity and to ensure a satisfactory development.

5. Details of the materials, including natural stone or other high quality materials, to be used in the reinstatement works for the footpaths and for the areas between the pavement and the line of the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Any works approved shall be implemented in full within six months, or as otherwise agreed in writing by the Local Planning Authority, of any part of the development first being occupied.

#### Reason

In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes.

6 Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority. The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment, and specified maximum internal noise levels. Any scheme approved in discharge of this condition shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as Local Planning Authority.

#### Reason

To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

7. The consent hereby approved shall only allow use of external areas associated with the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as Local planning Authority, and shall not allow for use of amplified sound or any music in any of these areas.

#### Reason.

### List No. 3

To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

8 Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved by the City Council as Local Planning Authority before the use commences; any works approved shall be implemented before the use commences.

Reason

In the interests of amenity.

9. Before the development hereby approved commences a scheme for the storage, disposal and recycling of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason –

In the interests of amenity and public health.

10. This planning permission does not grant, or imply a grant of, any other approvals which may be required for the proposed works including those which may be required from the Highway Authority.

Reason.

For the avoidance of doubt.

11. Before the use commences, the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved by the City Council as Local Planning Authority in order to secure a reduction in the level of noise emanating from the site/property.

Reason.

To safeguard the amenities of the occupiers of nearby properties.

12. No development approved by the consent hereby granted shall be commenced on site until a study has been undertaken and agreed by the City Council as local planning authority to investigate and produce an assessment of the risk of the potential for on-site contamination. If the study identifies potential contamination a detailed site investigation should be carried out to establish the degree and nature of the contamination and its potential to pollute the environment or cause harm to human health. If remediation measures are necessary they will be implemented in accordance with the assessment and the satisfaction of the local planning authority.

Reason.

To ensure a safe form of development which poses no unacceptable risk of pollution.

### List No. 3

13. All vehicles entering and leaving the site during the construction period are to pass through a wheel wash. Details of the wheel wash shall be submitted to and approved in writing by the City Council as local planning authority prior to the development commencing.

Reason –

To ensure that the proposed development does not cause unacceptable amounts of dust in the vicinity and to ensure that local roads are kept clear of mud.

14. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to achieve the 'Secure by Design' accreditation awarded by the Greater Manchester Police.

Reason –

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, and to reflect the guidance contained in Circular 5/94 'Planning Out Crime'.

15. The development hereby approved shall incorporate measures to minimise the environmental impact and energy use of the building and shall seek to achieve Building Research Establishment Environmental Assessment Methodology (BREEAM) rating of 'Excellent', and written confirmation of this rating is to be submitted to and approved in writing by the City Council as local planning authority before the development is occupied, unless otherwise agreed in writing by the local planning authority.

Reason

In the interests of minimising the impact on the environment of the building, pursuant to adopted Manchester Unitary Development Plan policy E1.6, Regional Spatial Strategy policy ER13 and Planning Policy Statement 1 (PPS1).

16. The development hereby approved shall be carried out in accordance with the following drawings, as may be amended or augmented by information submitted and approved in compliance with the above conditions: 'To be reported at Committee'

Reason

For the avoidance of doubt.

**THE FOLLOWING RESIDENTS AND OTHER THIRD PARTIES IN THE AREA WERE CONSULTED ON THE APPLICATION:**

English Heritage

### **List No. 3**

Greater Manchester Police

The Head of Environmental Health (Pollution Control Section)

The Head of Engineering Services (Traffic)

GMPTE

The Head of Regulatory Services

Spring Gardens: No. 41; No.'s 43- 45; No. 50; No. 55 (All Occupiers); No. 52;

No.'s 56-58 (All Occupiers); No. 60; No. 62.

Booth Street: No. 1; No. 2; No. 7; No.'s 8 – 10; No.'s 12 – 16; No's 18 – 20 (All Occupiers); No. 27; No. 29..

King Street: No.'s 61 – 98.

Brown Street: No.'s 43 to 63.

Cooper Street: Cooper House.

Marsden Street: No. 12 (Pall Mall Court).

Kennedy Street: No's 1 to 11.

Fountain Street: No.'s 50 to 68.

### **Representations were received from the following third parties:**

**Relevant Contact Officer:**

: Tony Mitchell

**Telephone No.**

: (0161) 234 4776

**Email**

: a.mitchell@manchester.gov.uk