

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132638/FO/2022

Date registered valid: 4 February 2022

Proposal: Change of Use from E1 (Commercial) to Sui Generis (Mixed Use - Data Centre and Offices) and the siting of a new substation within GRP hut, and the installation of electrical transformer, fuel cell, air condensing units and generator

Address: Simon House, Brownley Road, Manchester, M22 5RA

Ward(s): Woodhouse Park Ward

Applicant: Mr Matt Edgley, Teledata Simon House, Brownley Road, Manchester, M22 5RA

Agent (if any): Mr A Jelley, Alpine Planning Ltd, The Buttery, Tithe Farm, Holcot, NN6 9SH

Case officer: David Lawless
Tel: 0161 234 4543
Email: david.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25 April 2022



Application details

Type of application: Full Application Consent

Development type: Smallscale Major Office

Date of site visit: 9 March 2022

Standard consultations:

Printed: 4 February 2022 Expired: 25 February 2022

Neighbour notifications

Printed: 4 February 2022 Expired: 25 February 2022

Site notice

Posted: 7 March 2022 Expired: 28 March 2022

Press advert

Published: 8 February 2022 Expired: 1 March 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Simon House is a part single/part 2 storey building located to the north of the Wavell Road and Brownley Road junction. Currently vacant, the building was last used as a job centre.

To the north of the building lies Delta House, which is currently occupied by the applicant. To the south of the site, on the opposite side of Wavell Road there is a cleared site, while to the west of the site, also on the opposite side of Wavell Road, there is a bingo hall. To the east, on the opposite side of Brownley Road, there is a large area of open space and beyond that residential accommodation.

Listed building: no

Conservation area: no

Tree Preservation Order: no

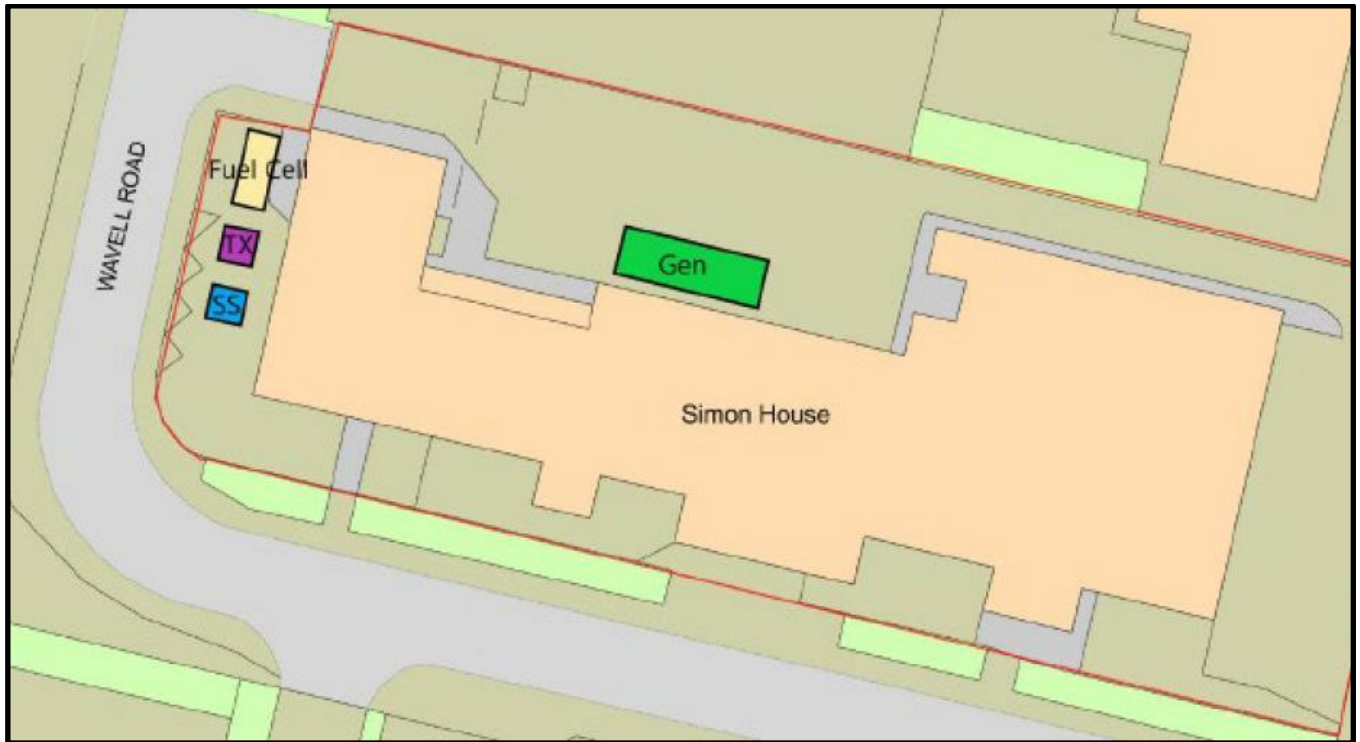
Description of development

The applicant is proposing to change the use of the property to a data centre and offices, in connection with their existing operation at Delta House – the ground floor would be converted into the data centre, while the first floor would remain in use as offices.

In addition, the application is proposing to install the following at the rear and side of the site.:

- new substation within GRP hut,
- electrical transformer,
- fuel cell,
- air condensing units (roof top mounted) and
- emergency generator

The new units to be installed within the curtilage of the site are shown below:



The AC units would be located on the roof behind the parapet roof in the areas annotated below:



Consultations & Notification Responses

Local Residents – One letter of objection has been received, the comments are summarised below:

- Teledata (based at Delta House) have been a constant nuisance neighbour since 2019. I have had to involve Environmental Health (Sue Jones) on numerous occasions about noise levels. I had a lengthy draw out process with them to finally install sound barriers for a transformer based at the bottom of my garden.

- I then had noise issues concerning the 48 air-conditioning units based at Delta House. Currently there is no issue with these units, but I know come summer, there will be. As there is every summer. They did attempt at a noise reduction which is not satisfactory. Eg limit usage between 10pm-7pm. But during those times they are on/off continuously. Sleeping with a window open is intolerable.
- I have issues about a tannoy announcement system installed outside of the building eg random announcements at varying times of the days, including weekends (this is ongoing with Planning Enforcement, Development Enforcement Team).
- There have been other incidences with Delta House eg, work noise out of stipulated hours (before 8am), office windows with direct views into my bedroom, and beeping reversing platforms moving equipment, sometimes all day. Weekends are the worst in summer when I wish to peacefully enjoy my garden.
- I feel that Teledata are monopolising this area. Not only do I have irritating periodic noise at the back of me, but I also now envisage noise to the right of me. Yet more air-con units, substations, generator and transformers. I feel as those I am being forced to live on runway 1 of the local airport in high season.

One letter of support has been received:

- The subject property is located next door to my nursery. We have a good working relationship with Teledata and this application provides us with the security that a reputable business is taking over Simon House and that our privacy and children are safeguarded

Ward Members – Cllr Nunney has stated he has no objection to the proposal subject to the imposition of the conditions suggested by Environmental Health.

Highway Services – Highway Services have made the following comments:

- The level of trips generated by the development is unlikely to be significantly dissimilar to that previously experienced and will not pose any significant impact on the adjacent highway network. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.
- The existing vehicular access point from Wavell Road will be utilised which is acceptable to Highways.
- Car parking will be available on-site to the rear and sides, however a number of spaces will be lost through the installation of the substation and equipment. Highways recommends continual monitoring and management of parking demands, this is in order to ensure there is no adverse impact generated from the loss of car park spaces on the highway network.
- In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/visitor cycles.
- In line with MCC recommendations, a Minimum of 1 EV charge point per 1000m² floor space/1ha site, with charging units (minimum 7kW), should be installed within the car park.

Environmental Health – Suggests the imposition of refuse storage and acoustic insulation conditions.

Electricity Northwest – The development is shown to be adjacent to or affect Electricity North West's operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West.

The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

Cadent Gas Ltd – No objections, suggests the imposition of an informative.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Flood risk and drainage.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a) the effect of new development proposals which are likely to be generators of noise; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle of the Proposal – The applicant already operates out of Delta House to the north, providing a day centre services to over 250 clients. The applicant is now wishing to expand into Simon House to provide further services and employment. Given this, the principle of the proposal is considered acceptable.

Notwithstanding this, the impact of the proposal upon existing levels of residential amenity must be assessed, especially as previous concerns about noise have been raised.

Design and Siting – The new build elements would consist of the following:

- a new substation within a 2.5 metre high GRP hut, located at the rear of the building, adjoining Wavell Road.
- a 2.5 metre high electrical transformer, located at the rear of the building, adjoining Wavell Road.
- a fuel cell, housing in the equivalent of a 6 metre long shipping container, located at the rear of the building, adjoining Wavell Road.
- air condensing units (roof top mounted) and located behind the existing parapet
- an emergency generator, housed in a 2.9 metres high by 12 metres long shipping container located between Simon House and Delta House.

Given their appearance and the fact they are located at least 90-93 metres away from the nearest residential accommodation on Brownley Road and Clifden Drive, in areas of the site that are not readily visible to local residents, the design and siting of the associated plant and machinery is considered acceptable.

Visual Amenity – Given the design and siting of the ancillary plant and machinery, it is not considered that the proposal would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Residential Amenity – The various plant and machinery are to be sited in such a manner so as to limit the impact upon residential amenity, particularly when it comes to noise generated by the air condensing units and emergency generator.

The emergency generator would be located between Simon House and Delta House and as the name suggests, would only be used if the mains powers is lost. The one stationed at the Delta House has never had to be used. Given its siting, approximately 90 metres away from the nearest dwellings, and its likely infrequent use, it is not considered that the proposed emergency generator would have an unduly detrimental impact upon the existing levels of residential amenity enjoyed within the vicinity of the site.

The air condensing units, basically large extraction fans, would lay flat on the roof with the fan facing upwards. The air conditioning units served by the fans would be located within Simon House itself. While the applicant is anticipating that between 20-25 fans would be required, initially they are proposing to install between 8-12 and only approximately 70% of these would be running at any one time and also as low at 10% load, ensuring that they would be hardly audible above existing noise levels. Due to their siting and the type of units proposed, it is not considered that this element of the proposal would have an unduly detrimental impact upon existing residential amenity levels.

Notwithstanding the above, upon the advice of Environmental Health, it is still considered prudent to attach an acoustic insulation condition which would require the applicant to select and/or acoustically treat the building and any external plant to achieve a noise rating level of 5dB below the typical background level at the nearest noise sensitive locations.

Pedestrian and Highway Safety – It is not considered that the comings and goings of vehicles associated with the proposed use would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed along Wavell Road and Brownley Road.

Air Quality – The applicant stated his intentions to provide vehicle charging points in the supporting documents and has requested that their provision and retention be made the subject of a condition. Accordingly, condition no. 6 would ensure their provision.

Cycle Storage – The provision of secure and sheltered cycle storage would be the subject of condition no. 7.

Energy Management – The applicant has already installed a smart energy battery storage system at their adjacent Delta House facility and this has reduced its carbon footprint by 700 tonnes per year since its installation in 2019.

The proposed fuel cells to be installed at the rear of Simon House would make use of cutting edge technology that can create electricity through an electrochemical process without combustion at high efficiency. The result is a reduction in carbon emissions, air pollutants, and water usage. When hydrogen or biogas are used as the fuel source, the Energy Server deliver on-site, 24/7, zero-carbon electricity. The use of this technology is welcomed.

In addition, the applicant is confident that the proposal would achieve a very high category 'A' EPC rating and will be in accordance with building regulations requirements and also in compliance with the latest part M building regulations.

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

The application was determined in a positive and proactive manner. No significant problems have arisen during the consideration of this 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:

- a) Location plans, stamped as received on 5 January 2022
- b) Site Plan, stamped as received on 5 January 2022
- c) Drawing no. AC2001247/03, stamped as received on 5 January 2022
- d) Drawing no. EQ9.32R, stamped as received on 17 January 2022
- e) Drawing no. B14298 E12027, stamped as received on 25 January 2022
- f) Elevational drawing, stamped as received on 25 January 2022
- g) Drawing no. ESL-900350-016, stamped as received on 3 February 2022
- h) Drawing no. ES352_A2_025_02_G, stamped as received on 3 February 2022
- i) Drawing no. WPS-T2-2000-AL-GA, stamped as received on 4 February 2022

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

3) The building with any 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.

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 Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26.

4) Prior to commencement of the use hereby approved, 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 (condition no. 3).

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 Policy DM1 in the Manchester Core Strategy and saved UDP Policy DC26

5) Prior to the commencement of the use hereby approved, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented and thereafter retained whilst the use is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

6) Prior to the commencement of the use hereby approved, details of electric vehicle charging points to be installed within the curtilage of the site, along with a timetable for their installation, shall be submitted to and approved by the City Council as local planning authority. The approved charging points shall be installed in accordance with the approved details and remain in-situ in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

7) Prior to the commencement of the use hereby approved, details of secure and sheltered cycle storage facilities, along with a timetable for their installation, shall be submitted to and approved by the City Council as local planning authority. The approved cycle storage facilities shall be installed in accordance with the approved details and remain in-situ in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy.

8) The development hereby approved shall be implemented in accordance with the energy management measures as set out within the Design, Access and Planning Statement (Alpine Planning Ltd), stamped as received by the City Council as local planning authority on 25 January 2022. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy for the City of Manchester and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

Informatives

1) Informative for Condition no. 4 - 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.

2) Informative for Condition no. 5 - a) New developments shall have refuse storage space for segregated waste collection and recycling b) Internal and external storage areas are required.

3) Informative for Condition no. 6 - A minimum of 1 electric vehicle charge point per 1000m² floor space/1ha site is required and the charging units should have a minimum specification of 7kW.

4) Cadent Gas Informative - Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Cadent Gas Ltd
Highway Services
Environmental Health
Corporate Property
Electricity Northwest
St Andrews Manse, Brownley Road, Manchester, M22 0DW
First Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Seventh Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Second Floor And Third Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Ground Floor, Delta House, Wavell Road, Manchester, M22 5QZ
Seventh Floor, Delta House, Wavell Road, Manchester, M22 5QZ

Sixth Floor, Delta House, Wavell Road, Manchester, M22 5QZ
Third Floor, Delta House, Wavell Road, Manchester, M22 5QZ
Second Floor, Delta House, Wavell Road, Manchester, M22 5QZ
First Floor, Delta House, Wavell Road, Manchester, M22 5QZ
Buzz Bingo, Rowlandsway, Manchester, M22 5RS
Unit 5, Alpha House, Rowlandsway, Manchester, M22 5RG
Delta House, Wavell Road, Manchester, M22 5QZ
Sixth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
343 Brownley Road, Manchester, M22 5FB
258 Brownley Road, Manchester, M22 5EB
Alpha House, Rowlandsway, Manchester, M22 5RG
Fourth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Ground Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
Fifth Floor, Alpha House, Rowlandsway, Manchester, M22 5RG
341 Brownley Road, Manchester, M22 5FB
275 Woodfield, Manchester, M22 5TB
16 Frimley Gardens, Manchester, M22 5TE
14 Frimley Gardens, Manchester, M22 5TE
12 Frimley Gardens, Manchester, M22 5TE
10 Frimley Gardens, Manchester, M22 5TE
256 Brownley Road, Manchester, M22 5EB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 15M
Area Team Boundary - Name: SOUTH