

Planning

Growth & Development

Delegated officer report for planning application

Application no. 124541/FO/2019

Date registered valid: 24 August 2021

Proposal: Replacement of existing dilapidated timber windows with aluminium windows to match existing, including fifth (Penthouse), excluding ground floor

Address: 113 Oxford Road, Manchester, M1 7DU

Ward(s): Hulme Ward

Applicant: Mr Calum Byrne Cube 502 Birchwood One Business Park, Dewhurst Road, Birchwood, WA3 7GB

Agent (if any): Mr Glen Doyle Cube PSL Birchwood One Business Park, Unit 5, Dewhurst Road, Birchwood, Warrington, WA3 7GB

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

Recommendation: Approve

Date of recommendation: 16th October 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 13 September 2021 Expired: 4 October 2021

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 13 September 2021 Expired: 4 October 2021

Press advert

Published: 21 September 2021 Expired: 12 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Site Description

The site is located on Oxford Road in at number 113.

The property is within a row containing a mix of Victorian buildings and latter 20th century buildings. The height of the buildings varies from 2 to 5 storeys. The ground floor uses of the buildings is predominantly hot food takeaways.

Opposite the site is the Manchester Metropolitan University Law School as well as All Saints Park.

The host building is 5 storeys in height constructed using red brick with metal cladding.

Description of Development

Planning permisison is sought for the Replacement of existing dilapidated timber windows with aluminium windows to match existing, including fifth (Penthouse), excluding ground floor

The current building has been built circa 2005 in traditional brick, with a detailed aluminium profile to the protruding corner where Oxford Road meets Sidney Street. The grey profiled timber windows have weathered and are unfit for purpose which require replacement imminently, like for like in respect of design, colour and profile.

The proposal is to replace the existing defective timber windows, with new aluminium windows is based upon the following points;

- General performance - there is currently circa 75% of the apartments reporting issues with the existing timber windows. Due to this and the age of the existing windows it is our express recommendation that the windows are replaced.
- Improved thermal efficiency - the new aluminium windows will ensure the building performs to a much higher standard with regards to energy efficiency. This will improve the lives of the residents and provide savings on their heating costs.
- Improved longevity - the new aluminium windows will provide the building with windows that will last considerably longer than their timber equivalents. The new windows will require a lot less maintenance than the existing windows or new timber windows.
- Appearance - the new aluminium windows will be designed and installed to match the existing profile and the colour of the frames will match the existing.

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as an Other Development of Public Interest. A site notice was also displayed.

No representations have been received as a result of this publicity.

Environmental Health - have considered the application and recommend that the following conditions are attached to any approval.

DEMOLITION/CONSTRUCTION HOURS

Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

O Monday - Friday: 7.30am - 6pm

O Saturday: 8.30am - 2pm

O Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

NSE4(b)

Residential sound insulation AND overheating

a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Oxford Road shall be submitted to and approved

in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
---------------------------------------	---

Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
--	------------

Gardens and terraces (daytime)	55 dB LAeq
--------------------------------	------------

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal 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 internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating.

Issues

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity and public safety. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 7 (Requiring Good Design). The Core Strategy for the City of Manchester, in particular policies DM1 (Development Management) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policies DC14 (Shopfronts and Related Signs).

The principle of the proposal is considered to be acceptable, as it is felt that it would have no detrimental impact upon visual amenity within the existing street scene.

The grey profiled timber windows have weathered and are unfit for purpose which require replacement imminently, like for like in respect of design, colour and profile. The new aluminium windows will be designed and installed to match the existing profile and the colour of the frames will match the existing. Furthermore, the proposed windows will be superior in terms of general performance and thermal efficiency.

Given the above, the proposal is considered to be consistent with National Planning Policy Framework, in particular Section 7 (Requiring Good Design). The Core Strategy for the City of Manchester, in particular policy DM1 (Development Management) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shopfronts and Related Signs).

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:

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

0) In assessing the merits of an application for planning permission officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this case there were no problems in relation to dealing with the application.

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:

LOCATION PLAN/SITE PLAN drawing number CPS 19 052 drawing received 14 Aug 2019
ELEVATIONS drawing number 201
WINDOW DETAIL SECTIONS drawing number 203
WINDOW DETAIL ELEVATIONS drawing number 204 all received 25 Nov 2020
WINDOW DETAILS SECTIONS drawing number CPS 19 052 201 drawing
ELEVATIONS AND SECTIONS drawing number SAG/MCU/200 all received 23 Jul 2021

Documents

Design & Access Statement received 14 Aug 2019
DESIGN JUSTIFICATION
PHOTO SCHEDULE
SAS-SPW600E-TILT-TURN-WINDOW-DATASHEET25 all received 25 Nov 2020
PHOTO SCHEDULE received 26 Nov 2020
TILT AND TURN WINDOW
EIGHTH DAY APARTMENT NOISE ASSESSMENT REPORT all received 10 May 2021
The Supporting Information received 23 Jul 2021
Photo received 24 Aug 2021

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

O Monday - Friday: 7.30am - 6pm

O Saturday: 8.30am - 2pm

O Sunday / Bank holidays: No work

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Oxford Road shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB LAmax,F by more than 15 times)
---------------------------------------	---

Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
--	------------

Gardens and terraces (daytime)	55 dB LAeq
--------------------------------	------------

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal 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 internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1