

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132556/FO/2021

Date registered valid: 20 December 2021

Proposal: Installation of two back-up generators and associated works

Address: Brooks Building & Energy Centre, Birley Fields, Manchester
Metropolitan University , Manchester

Ward(s): Hulme Ward

Applicant: Manchester Metropolitan University C/o Agent,

Agent (if any): Miss Jennifer Chatfield, Deloitte LLP, WeWork - The Hanover Building,
Corporation Street, Manchester, M4 4AH

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 January 2021

Standard consultations: Printed: 5 January 2022 Expired: 26 January 2022

Neighbour notifications: No neighbour notifications have been printed and sent.

Site notice: Posted: 13 January 2022 Expired: 3 February 2022

Press advert: No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

MMU's Birley Campus is located immediately south of Manchester city centre, south west of the junction between the A57(M) inner ring road and A5103 Princess Road. The Birley Campus site accommodates several student residence buildings, the Brooks teaching building, a multi-storey car park and the Energy Centre. The site is bounded to the north and west by residential areas, to the south by a business park with the Greenheys Lane dual carriageway beyond, and to the east by the A5103 with mixed residential and open land beyond. The site comprises flat and pitched roof buildings up to six storeys in height separated by open grassed areas and connected with paved walkways. The buildings are clad in a combination of brick panels and solid laminate cladding with aluminium doors and windows. The site boundary is partially demarcated with security fencing.

Description of development

Installation of two back up "resilience" generators, one to the rear of the Brooks Building (fronting Princess Road) and the other between the Energy Centre and car park. Each generator will be sat upon a proposed concrete slab measuring 6658mm x 2738mm, this equates to approximately 110% of the base of the shipping container. The generator units will be concealed in modified steel shipping containers to provide a simple aesthetic. The container will be finished with a light grey weather resistant epoxy paint and although the units have been designed to be secure and tamper proof, both will be placed in locations inaccessible to the public as an extra layer of defence.

Consultations & Notification Responses

Local residents via site notice – No comments received.

Environmental Health – Suggested conditions, including demolition/construction hours, hours of testing TBC and noise, which have been attached.

Neighbourhood Team Leader (Arboriculture) – No comments received but their suggested conditions for the previous approval (129771/FO/2021) have been re-attached.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Saved policy 26 - Development and Noise

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF, 2021):

- Creating well-designed places

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Issues

Principle – The introduction of these facilities will complement the existing Energy Centre and a previous approval for the generators (129771/FO/2021) has established the principle of the proposal. Notwithstanding this, the revised proposal's impact on visual and residential amenity, as well as on any existing ecological features, must be assessed.

Residential Amenity – The generators would be sited no closer to residential accommodation than the previous approval (129771/FO/2021), which is a distance of over 55m for the generator sited at the Energy Centre and over 75m for the generator sited at the Brooks Building. Notwithstanding this, it is still important to ensure that the equipment is adequately insulated to prevent noise breakout. Environmental Health have confirmed that the proposed insulation scheme is acceptable. Therefore, a condition requiring the submission of a verification report to show that the insulation scheme is effective is suggested. A condition requiring the submission of a timetable for the testing of the generator has also been included at their request.

Visual Amenity – Given its location between the multi-storey car park and energy centre one of the generators unit will not be readily visible from the public highway, as such it is not considered that its siting in this location would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site. The other unit would be sited to the rear of the Brooks Building. This unit would not be readily visible to the public given the presence of existing landscaping, including climbing plants over a metal cage, to match the bin store it would

sit adjacent to. As a result it is also not considered that its siting would have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site.

Pedestrian and Highway Safety – The proposal will not have an impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Trees – The translocation of trees T5 to T7 was accepted as part of the previous approval (129771/FO/2021) and appropriate conditions have been attached to ensure these tree works are carried out properly.

Bio-enhancements – A condition requiring the installation of the bio-enhancements referred to in the applicant's submission has been re-attached, as in approval 129771/FO/2021.

Conclusion – The only changes to the previous approval (129771/FO/2021) are differences in the position of each generator, within a few metres of the previous locations, due to existing manhole covers requiring access. The new positions are still away from the public footpath and adequately screened from view, hence the revised scheme for the generators 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 with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

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 stamped as received on the 20th December 2021:

- 000-2468 - Container dimensions
- 02002 - Site Plan - Existing and Proposed - Rev P05
- 02102 - Energy Centre - Proposed GA Plans - Rev P03
- 02104 - Brooks Proposed GA Plan - Rev P05
- 02202 - Brooks Building - Elevations and Sections - Rev P04
- 02202 - Energy Centre - Existing and Proposed Elevations - Rev P05
- Design and Access Statement
- Construction management plan
- Acoustic report
- Arboricultural impact statement
- Bat roost assessment

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) Testing and maintenance of the equipment shall be in accordance with a schedule of hours and days to be agreed in writing before the use first commences.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 In the Manchester Core Strategy and saved UDP Policy DC26.

4) Prior to occupation of the development 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 (document reference: ACOUSTIC PLANNING REPORT REVISION 02, stamped as received on 20th December 2021). 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.

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) No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and this has been agreed in writing by the City Council as local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policies EN9 and EN15 of the Manchester Core Strategy.

6) Within 2 months of the completion of the works hereby approved, a scheme of the Biodiversity Enhancement Measures, as set out in the Preliminary Bat Roost Assessment Report by Tyler Grange (reference: TG Report No.13700_R01_AS_HM, stamped as received on 20th December 2021), including a timetable for their installation and maintenance, shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy.

7) Within one month of the translocation of trees, as shown in the Arboricultural Impact Assessment, stamped as received on 20th December 2021, details of their location shall be submitted to the City Council as local planning authority. If within a period of 5 years from the date of the planting of any translocated tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy.

8) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained in the Arboricultural Impact Assessment, stamped as received on 20th December 2021 and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use:

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy.

Informatives

1) 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.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to. Email: plantprotection@cadentgas.com Tel: 0800 688 588.

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

Monday -Friday: 7.30am -6pm

Saturday: 8.30am -2pm

Sunday / Bank holidays: No work

Reason -To safeguard the amenities of the occupiers of nearby residential and commercial properties during the construction/demolition phase.

The applicant should refer to https://secure.manchester.gov.uk/info/100006/environmental_problems/2956/noise/9and IAQM/EPUK Construction Guidance at: <http://iaqm.co.uk/guidance/>.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)

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

Area Team Boundary - Name: SOUTH