

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131579/FO/2021

Date registered valid: 6 September 2021

Proposal: Retrospective application for installation of air conditioning condenser units to rear elevation.

Address: 26-28 Hilton House , Hilton Street, Manchester, M1 2EH

Ward(s): Piccadilly Ward

Applicant: Ms Amy Dickson HHNQ Ltd C/o Agent

Agent (if any): Mr Ralph Taylor Paul Butler Associates 31 Blackfriars Road, Salford, M3 7AQ

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 21 September 2021 Expired: 12 October 2021

Neighbour notifications

Printed: 21 September 2021 Expired: 12 October 2021

Site notice

Posted: Expired:

Press advert

Published: 28 September 2021 Expired: 19 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The application site is located at Hilton House, 26-28 Hilton Street, Manchester, M1 2EH (see figure 1 below). It is a six storey building above a basement. The building is located on the west side of Hilton Street and is bound by Port Street to the north and Tariff Street to the south. Immediately to the west of the site is The Vaults, a former industrial building which has been converted (and extended) to apartments.

Hilton House comprises offices on the upper floors which are accessed via a communal entrance situated on the Tariff Street/Hilton Street corner of the building. The main part of the ground floor comprises a café, the building has a basement which is to be used as a gym and which can be accessed from within the building and via the external ramp on Tariff Street. The application relates to a small area located above the ramp where three external air conditioning units have been installed to serve the gym use. The ramp area accommodates a number of ventilation vents and is very much a service / back of house area of the building, shielded from surrounding streets and publicly accessible areas.

Description of Development

The application seeks retrospective planning permission for the installation of air conditioning condenser units to rear elevation. The units have been installed at the rear of the building and are situated above the ramp leading from Tariff Street down to the basement. Three units have been installed and are positioned on a small previously existing concrete ledge.

Relevant Planning History:

122541/FO/2019 - Change of use of the basement to a gym (use class D2) and creation of new access, retention of the existing ground floor restaurant (Class A3 Use) (approved under application ref no 094485) with amendments to approved hours of operation and alterations to ventilation and fume extraction system. Regularisation of the use of the pavement adjacent to the building on Port Street for as external seating area to comprise tables and chairs associated with and ancillary to the restaurant use and external alterations comprising the removal of the existing 'shack' structure erection of pergola structure and associated external alterations to the building including new ground floor entrances (relocation of those approved under application ref no 120931), addition of roof level plant, and minor amendments to basement window and door design (approved under application ref no 120931). Approved 13.09.2019.

Consultations & Notification Responses

Local residents and businesses were consulted, and no representations were received as a result of this.

Highways - no objection

Design for Security GMP - no comments

Environmental Health - reviewed the initial noise report and requested further information. Upon review of the updated noise report was demonstrated that the noise from the external plant (3x condensers and MVHR system intake and extract louvre) is sufficient to discharge the condition.

As this is a retrospective application and noise measurements have already being taken in the report with and without the plant operating and it was found to have no increase in the noise levels, then the verification element to this condition can also be discharged.

Policy

NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The latest version was updated 20 July 2021. The document states that the purpose of the planning system is to contribute to the achievement of sustainable development.

The Core Strategy Development Plan Document (July 2012)

The Core Strategy, adopted in July 2012, is the key Development Plan Document against which proposals should be judged. Core Strategy policies of particular relevance to the proposed scheme include:

Policy SP 1 'Spatial Principles' which states that the Regional Centre will be the focus for economic and leisure activity; and, that development should enhance/protect the built/natural environment.

Policy CC 9 'Design and Heritage' states that development in the City Centre should preserve or enhance heritage assets, including conservation areas.

Policy EN 3 'Heritage' sets out that new developments must be designed so as to support the Council in preserving/enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance including conservation areas.

Policy DM 1 'Development Management' sets out various issues that development should have regard to, including: appropriate siting, layout, scale, form, massing, materials and detail; impact on the surrounding areas; and effects on amenity including noise and vibration.

Saved Policies of the Unitary Development Plan for Manchester (July 1995)

The Unitary Development Plan (UDP) was superseded by the Core Strategy. However, a number of UDP policies have been 'saved'. Extant policies contained within the UDP which are relevant to the proposed scheme include:

Policy DC18.1 'Conservation Areas' seeks to protect, preserve and enhance the character of the city's conservation areas.

Policy DC26 'Development and Noise' aims to minimise the adverse impact of noise on noise-sensitive developments.

Issues

Visual Amenity

The position of the units at rear of the building at the end of the ramp leading to the basement means that they are not visible from the surrounding streetscene, in part due to the gated enclosure of the ramp at Tariff Street. The location also means that there is no impact on key views which contribute to the character or appearance of the Stevenson Square Conservation Area. The units are visible from within the ramp area itself as well some windows of 'The Vaults' and Hilton House itself, although these will generally be oblique view and the units are not obvious.

The proposal installations are therefore not considered to be acceptable in terms of visual amenity and would not cause harm to the Conservation Area in accordance with Core Strategy Policies DM1 and EN3.

Residential Amenity and Noise

The application is supported by a 'Plant Noise Egress Assessment Report' prepared by Sandy Brown. This considers potential noise associated with the air conditioning on residential amenity. The report establishes that the nearest noise sensitive use is residential accommodation located within 'The Vaults'.

Environmental Health have reviewed the noisier report and initially raised a number of queries which were addressed by the agent in an updated noise report submitted. As the application is retrospective, the noise measurements have already been taken in the report with and without the plant operating and it was found to have no increase in the noise levels and therefore no significant increase noise impacts to the nearest noise sensitive receptors. The proposal is therefore considered to be acceptable with regards to its impact on residential amenity in accordance with saved UDP policy DC1.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. In this instance the Local Planning Authority worked with the agent by requesting further information relating to the proposal and appropriate conditions are attached to the approval.

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

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

-Location Plan drawing ref. 010 received by the City Council as Local Planning Authority on 06 September 2021.

-Existing and Proposed drawings ref. 200 received by the City Council as Local Planning Authority on 06 September 2021.

-Covering Letter received by the City Council as Local Planning Authority on 06 September 2021.

-Plant noise egress assessment report ref. 21161-R04-C prepared by Sandy Brown Ltd dated 01 November 2021 received by the City Council as Local Planning Authority on 01 November 2021.

-FUJITSU Air Conditioner Cassette type specifications ref. DR_AU030EF_02 2020.11.17 received by the City Council as Local Planning Authority on 01 November 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.

2) The development hereby approved shall be carried out in accordance with the Plant noise egress assessment report ref. 21161-R04-C prepared by Sandy Brown Ltd dated 01 November 2021 received by the City Council as Local Planning Authority on 01 November 2021.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around, pursuant to policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

8 Tariff Street, Manchester, M1 2FF
Second Floor, 10 Tariff Street, Manchester, M1 2FF
First Floor, 10 Tariff Street, Manchester, M1 2FF
Second Floor, 12 Tariff Street, Manchester, M1 2FF
52 Port Street, Manchester, M1 2EQ
Third Floor, 14 Tariff Street, Manchester, M1 2FF
Third Floor, 12 Tariff Street, Manchester, M1 2FF
Third Floor, 10 Tariff Street, Manchester, M1 2FF
50 Port Street, Manchester, M1 2EQ
Basement, 50 Port Street, Manchester, M1 2EQ
Ground Floor, 10 Tariff Street, Manchester, M1 2FF
CLAIMS ADVICE BUREAU (UK) LTD, First Floor, Hilton House, 26 - 28 Hilton Street,
Manchester, M1 2EH
Hilton House, 26 - 28 Hilton Street, Manchester, M1 2EH
45 Hilton Street, Manchester, M1 2EF
47 Hilton Street, Manchester, M1 2EF
Basement, 50 Newton Street, Manchester, M1 2EA
10 Tariff Street, Manchester, M1 2FF
Flat 22, 1 Tariff Street, Manchester, M1 2FF
Flat 19, 1 Tariff Street, Manchester, M1 2FF
Flat 15, 1 Tariff Street, Manchester, M1 2FF
Flat 13, 1 Tariff Street, Manchester, M1 2FF
Flat 10, 1 Tariff Street, Manchester, M1 2FF
Flat 7, 1 Tariff Street, Manchester, M1 2FF
Flat 4, 1 Tariff Street, Manchester, M1 2FF
Flat 1, 1 Tariff Street, Manchester, M1 2FF
First Floor, 12 Tariff Street, Manchester, M1 2FF
14 Tariff Street, Manchester, M1 2FF
12 Tariff Street, Manchester, M1 2FF
Flat 24, 1 Tariff Street, Manchester, M1 2FF
Flat 23, 1 Tariff Street, Manchester, M1 2FF
Flat 21, 1 Tariff Street, Manchester, M1 2FF
Flat 20, 1 Tariff Street, Manchester, M1 2FF
Flat 18, 1 Tariff Street, Manchester, M1 2FF
Flat 17, 1 Tariff Street, Manchester, M1 2FF
Flat 16, 1 Tariff Street, Manchester, M1 2FF
Flat 14, 1 Tariff Street, Manchester, M1 2FF
Flat 12, 1 Tariff Street, Manchester, M1 2FF
Flat 11, 1 Tariff Street, Manchester, M1 2FF
Flat 9, 1 Tariff Street, Manchester, M1 2FF
Flat 8, 1 Tariff Street, Manchester, M1 2FF
Flat 6, 1 Tariff Street, Manchester, M1 2FF
Flat 5, 1 Tariff Street, Manchester, M1 2FF
Flat 3, 1 Tariff Street, Manchester, M1 2FF
Flat 2, 1 Tariff Street, Manchester, M1 2FF
50 Newton Street, Manchester, M1 2EA
The Whiskey Jar, Basement And Ground Floor, 14 Tariff Street, Manchester, M1 2FF
First Floor, 14 Tariff Street, Manchester, M1 2FF

Basement And Ground Floor, 12 Tariff Street, Manchester, M1 2FF
Second Floor, 14 Tariff Street, Manchester, M1 2FF
51 Hilton Street, Manchester, M1 2EF
49 Hilton Street, Manchester, M1 2EF

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
Conservation Area - Stevenson Square Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CITY2