MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130478/FO/2021
Date registered valid:	19 May 2021
Proposal:	Installation of external CHP equipment, together with acoustic enclosure and exhaust flue, erection of new bin store with associated 1.9 metre high fencing
Address:	The Waterside Hotel And Leisure Club, Wilmslow Road, Manchester, M20 5WZ
Ward(s):	Didsbury East Ward
Applicant:	Waterside Hotel & Leisure Club, Wilmslow Road, Manchester, M20 5WZ
Agent (if any):	Apex Planning Consultants, 1 Hillbeck Grove, Milton Keynes, MK10 9JJ
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 3/8/21



Application details

Type of application: Full Application Consent

Development type: Minor Industry

Standard consultations:
Printed: 15 June 2021 Expired: 6 July 2021

Neighbour notifications
Printed: 15 June 2021 Expired: 6 July 2021

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The hotel site comprises a 'slither' of land between Morningside Drive and the River Mersey which forms its eastern boundary. The site is located within Flood Zone 2 and 3 and within the Green Belt.

The hotel building is located centrally within the site with hard surfaced car parking and formal soft landscaping around the edges of the site, including individual tree planting, hedgerows, and shrubs. The site is accessed via the site entrance which is located off Morningside Drive adjacent to its junction with the Manchester Road. The access road within the site is called Broad Oak Lane and provides access to the car parks and servicing areas.

The Waterside Hotel and Leisure Club is a red brick building which appears to have been constructed in the 1980s. The hotel is of a basic construction and design is appropriate within its setting. The Hotel has 45 rooms, a variety of leisure and fitness facilities, and employs 60 full time staff and 8 part time staff. Leisure facilities include a full size swimming pool, gym, fitness studio, sauna / steam room, and Jacuzzi. The Hotel also has a restaurant, and coffee shop.

The hotel site is bounded by the rear gardens of houses on Morningside Drive to the west and farmland beyond the River Mersey to the east. The hotel is located on the fringe of an area which is predominantly residential to the west, with a mixture of agricultural and playing field land to the east. Roads are also prominent with the M60 orbital motorway located approximately 300m to the south, whilst the A34 Kingsway main road is located approximately 200m to the west.

Listed building: no
Conservation area: no
Tree Preservation Order: no

Description of development

In July 2020 the applicant obtained planning permission for the following, under reference 127246/FO/2020:

> *Installation of a CHP turbine and gas compressor with exhaust flue and the erection of a 4 metre high sound absorbent enclosure; relocation of existing bin store and erection of 1.9 metre high fencing; replacement of the existing CHP and its enclosure with a thermal store and a new 3.3 metres high enclosure.*

The applicants now wish to amend the proposal, with the differences relating to the existing CHP's enclosure, which will not be removed and the proposed CHP's enclosure which will have a slightly larger footprint, along with the exhaust flue which will be slightly lower than before.

The new CHP turbines, which have already been installed under the previous consent, are located within the area currently occupied by existing bin store and mounted on sectional steel bases, reflecting mitigation advice within the Flood Risk Assessment. The bases will be 700mm high. The location of the proposal remains the same as that previously approved. An exhaust flue measuring 400mm in diameter will run horizontally from the top of the CHP unit and immediately bend towards the River Mersey so that it is horizontal, parallel to the ground. The new CHP installation is surrounded by a 4-metre high acoustic barrier built on top of the 700mm high concrete upstand.

Consultations & Notification Responses

Local Residents – A letter of objection has been received from a local resident, the comments are summarised below:

- Previously the CHP equipment was only allowed to operate up till 11pm, however this was not the case and it often ran all night and could be heard in the back bedroom of our house effecting the ability to have the window open in hot weather at night, and thus interrupting sleep. I would therefore like the operating times to be kept the same.
- Over the last few days I have noticed that the noise coming was the existing CHP enclosure has got considerably louder than it has ever been, even before the flu was fitted to make it quieter (a previous planning constraint) I am unsure whether this is due to the CHP operating without the flu attached or because of the two new gas compressors. If the second is the case than the noise is worse than ever before, and can be quite clearly heard in the back garden and in the back rooms of the house at all times day and night, so therefore the proposed noise reduction methods are not working.

Environmental Health – Suggests the imposition of an acoustic insulation condition.

MCC Flood Risk Management – As the site is affected by Flood Zone 3 and proximal to the main river, we recommend that the Planning Officer seeks a Condition imposed by the Environment Agency.

Environment Agency – Recommends that the development is implemented in accordance with the submitted flood risk assessment and that this be conditioned.

Policies

The National Planning Policy Framework – The National Planning Policy Framework (NPPF) 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 NPPF 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 this 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.

Section 13 of the NPPF, *Protecting Green Belt land*, states that the Government attaches great importance to Green Belts, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.

It states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF also states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

As with previous Green Belt policy, the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry.
b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Section 14 of the NPPF, *Meeting the challenge of climate change, flooding and coastal change,* states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

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.

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 the following issues for which more detailed guidance may be given within a supplementary planning document: -

- 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.
- Design for health.
- Flood risk and drainage.

Issues

Principle of the Proposal – Given the existing use within the Green Belt, the previous approval for a CHP unit and enclosure and the modest works now proposed, the principle of the proposal is considered acceptable. Notwithstanding this, the impact of the proposal on existing levels of residential and visual amenity must be assessed, as well as any impact on pedestrian and highway safety. Furthermore, the impact of the proposal upon the openness of the Green Belt must be assessed.

Impact on the Green Belt – NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in *very special circumstances* and that *very special circumstances* will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations. It does outline a number of exceptions:

a) buildings for agriculture and forestry.

b) provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In this instance “exception e)” is considered of relevance, given the previously developed nature of the site. Given the modest nature of the proposal, which is sited at the rear of the building and screened from the opposite bank of the River Mersey by trees, it is not considered that the proposed development would compromise the key purposes of Green Belt, namely retention of openness and the prevention of neighbouring towns merging into one another.

Design and Siting – The design and siting of the plant and associated fencing and screening, are considered acceptable and sit comfortably with the original design of the hotel.

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

Residential Amenity – Environmental Health are aware of the current issues associated with the CHP and elements of it have been turned off while awaiting the fitting of attenuation measures, these are currently stuck in transit. Once these are fitted it is not anticipated that the proposal will have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the dwellings on Morningside Drive. To ensure that these measures are incorporated into the scheme, it is felt prudent to attach an acoustic insulation condition to prevent any impact from occurring. The condition also requires the applicant to submit a verification report to demonstrate that the acoustic insulation measures are working.

Pedestrian and Highway Safety – The proposal will not have a detrimental impact upon the existing levels of pedestrian and Hwy safety enjoyed within the vicinity of the site.

Flooding/Drainage – The comments of the Flood Risk Team and Environment Agency are noted and the requested condition will be attached to any approval granted.

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 polices 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 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 and site plans, stamped as received on 19 May 2021
b) Drawing no. PWE-1768-0001 rev 1, stamped as received on 19 May 2021
c) Drawing no. PWE-1768-0002 rev 2, stamped as received on 19 May 2021

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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Wood (ref 42867-WOOD-ZZ-XX-RP-OW-0001_S0_P03.2 dated 08/06/2020) and the following mitigation measures detailed within the FRA:

1. The CHP unit is built on a steel frame with the top of the open metal frame forming the base of the CHP unit is set at least at 35.01 metres Above Ordnance Datum.
2. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
3. The preparation of an emergency evacuation plan, including the registration with Floodline on 0345 988 1188 to receive Flood Warnings for the River Mersey.

Reason - To reduce the impact of flooding on the proposed development and future occupants and to ensure safe access and egress from and to the site, pursuant to Policy DM1 in the Manchester Core Strategy.

4) The development hereby approved shall be implemented in accordance with the submitted Plant Noise Assessment (Red Twin Ltd, dated 12 May 2021 ref. L1150.1.V3). Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria has 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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
MCC Flood Risk Management
Environment Agency
57 Morningside Drive, Manchester, M20 5PW
59 Morningside Drive, Manchester, M20 5PW
53 Morningside Drive, Manchester, M20 5PW
47 Morningside Drive, Manchester, M20 5PW
41 Morningside Drive, Manchester, M20 5PW
71 Morningside Drive, Manchester, M20 5PW
69 Morningside Drive, Manchester, M20 5PW
67 Morningside Drive, Manchester, M20 5PW
65 Morningside Drive, Manchester, M20 5PW
63 Morningside Drive, Manchester, M20 5PW
61 Morningside Drive, Manchester, M20 5PW
55 Morningside Drive, Manchester, M20 5PW
51 Morningside Drive, Manchester, M20 5PW
49 Morningside Drive, Manchester, M20 5PW
45 Morningside Drive, Manchester, M20 5PW
43 Morningside Drive, Manchester, M20 5PW
39 Morningside Drive, Manchester, M20 5PQ

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 90M
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Green Belt Land - Green Belt Area (LDF)
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Area Team Boundary - Name: SOUTH