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Planning Department
Manchester City Council
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24th May 2022

LF – 21-309
VIA PLANNING PORTAL

To whom it may concern,

APPLICATION FOR PLANNING PERMISSION
40 SPRING GARDENS, MANCHESTER, M2 1EN

We write on behalf of our client, Aviva Investors (the “Applicant”), to submit an application for planning permission for the staged removal of existing plant, erection of new plant and louvred enclosures at the roof level of 40 Spring Gardens.

We provide below a description of the existing site and the proposed external changes, as well as an assessment of the proposals against the statutory tests and planning policy. We conclude by noting that the application should be approved by virtue of its compliance with the revised NPPF and local Policy set out in the Manchester Unitary Development Plan ‘saved’ policies (1995) and Manchester Core Strategy (2012).

a. Application Submission Package

A plan package has been provided for the Council’s review, consisting of:

- Cover Letter (this document);
- Site Location Plan (drawing no. 90 (201));
- Existing roof plant drawing (no drawing no.);
- Roof floor HVAC layout (drawing no. 20009-L(55)-06 Rev 00);
- Acoustic Louvre BASL150HP Data Sheet;
- Example of the proposed louvre enclosure at Scott House;
- Daikin Condensers Specification Sheet;
- Noise Impact Assessment;
- Photos of the existing building (x 4).

b. The Site & Surroundings

The application site comprises a 9-storey (including basement level) building located on the northwestern side of Spring Gardens in Central Manchester. The principal eastern elevation of the building fronts on to Spring Gardens, however the building also has frontages on to Brown Street to the west, and the pedestrianised street of Marriots Court to the north. Adjoining the site immediately to the south is the Manchester Reform Club; a venetian gothic-style building which is Grade II* listed.

Although the building on the application site is not itself listed, it is within the Upper King Street Conservation Area and is surrounded by a number of designated heritage assets.

The current building on the application site was constructed in 2007 and is of a modern design when compared to the surrounding historic development. The building currently comprises predominantly Class E office floorspace at upper levels but does have some Class E retail uses at ground floor level.

c. The Proposal

This planning application seeks permission for works to the rooftop of 40 Spring Gardens, associated with the refurbishment and investment into the site. A new 'VRF' system will be installed on the roof along with louvres, however not all of the plant will need to be installed on 'day 1', as the new plant will only be installed as and when the landlord requires.

The existing roof level plan shows an existing louvered enclosure housing two existing chiller units. In time, these existing chiller units will be removed. The proposal for new plant is expected to be staged as follows:

- The enclosure to the south will be erected from 'day 1' -initially, 10 condensers will be installed, increasing to 12 in this area when required.
- The enclosure to the north will be erected slightly later – this area will house a maximum of 12 condensers.
- The louvred enclosure to the west will remain as existing, however the two chillers will be removed and new VRF units will be installed at a later date, totalling 8 once completed.

In total, 32 condenser units are proposed to be introduced and mounted on the roof as follows:

- Daikin REYQ12 condenser – 16 units
- Daikin REYQ14 condenser – 8 units
- Daikin REYQ18 condenser – 8 units

A specification sheet has been provided as part of the application package, which provides further details on the 32 units proposed.

d. Policy context

When determining any planning application, the relevant authorities are under a statutory obligation as imposed by Section 54A of the Town and Country Planning Act, repeated in section 38(6) of the Planning and Compulsory Purchase Act 2004, to make their determination in accordance with the Development Plan, unless material considerations indicate otherwise. The principle Development Plan documents against which planning applications for development in Manchester are considered currently comprise the following:

- Manchester Unitary Development Plan 'saved' policies (1995) ('UDP'); and
- Manchester Core Strategy (2012).

A number of the policies from the UDP have been saved until such time as they are superseded by the Local Development Framework, which is currently being prepared by Manchester City Council. Manchester Council is currently preparing their Local Development Plan document. Consultation on the Issues consultation stage finished on 1 May 2020.

Other material considerations will include the National Planning Policy Framework issued by central government, emerging local policies and guidance.

The National Planning Policy Framework

In line with paragraph 11 of the NPPF, 'plans and decision should apply a presumption in sustainable development'. Moreover, in line with paragraph 38 of the NPPF 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible'.

Manchester UDP 'saved' policies (1995)

Policy DC26.1

This sets out 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: - the effect of new development proposals which are likely to be generators of noise; and - the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC18.1 'Conservation Areas'

This policy sets out that the Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- i) the relationship of new structures to neighbouring buildings and spaces;
- ii) the effect of major changes to the appearance of existing buildings;
- iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv) the effect of signs and advertisements;
- v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance or character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Manchester Core Strategy (2012)

Policy EN 7 ‘Energy Infrastructure Opportunities’

This policy sets out that there will be a general presumption in favour of low and zero carbon decentralised energy schemes, subject to the following considerations:

- That any new generating plant capable of producing heat and cooling as well as electricity should be located in a way that facilitates future connection to a local distributed energy system.
- That any energy centre, including generating plant, standby/boiler plant and substations, shall be located and designed to a high quality so as to integrate with and contribute to the townscape.

Policy EC2 ‘Existing Employment Space’

This policy sets out that the Council will seek to retain and enhance existing employment space and sites.

Policy DM 1 ‘Development Management’

This policy sets out that all development should have regard to the following specific issues:

- 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, etc. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Policy CC9 ‘Design and Heritage’

This policy sets out that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

Policy EN1 ‘Design Principles and Strategic Character Areas’

This policy sets out that all development in Manchester will be expected to follow the seven principles of urban design and have regard to the strategic character area in which the development is located.

Policy EN3 ‘Heritage’

This policy sets out that the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

e. Planning Application Considerations

Noise Impact

Cundalls were instructed by the Applicant to prepare a Noise Impact Assessment, to assess the prevailing background noise levels, to inform plant noise levels. In order to assess prevailing background noise levels, an unattended continuous noise survey was undertaken on the roof of the building. The noise monitoring was carried out between Friday 18 February to Saturday 19 February 2022.

Manchester City Council stipulate the following criteria with respect to noise emissions from new building services plant installations:

“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 5 dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.”

Without mitigation, Cundall's estimated that current plant selections and layouts are expected to exceed the noise limiting criteria at nearby noise sensitive receptors by 12 dB.

In order to meet the noise limits at these nearby noise sensitive receptors, mitigation measures are therefore required, in the form of acoustic enclosures / louvres on the condenser units. Provided the louvres are installed, the new mechanical services installations is predicted to be equal to the plant noise limits and therefore compliant with them.

Visual Impact

As referred to above, the site is within the Upper King Street Conservation Area and both adjoins and is surrounded by a number of designated heritage assets. The proposed plant and enclosures will sit below the existing building line and will therefore not be visual from ground level. Photos of the existing building from street level have been provided to support this assessment. The proposals are therefore considered to fully adhere to Manchester Core Strategy Policy CC 9 (Design and Heritage) as they do not detract from the character of the host building.

f. Conclusion

The proposed plant installation has been carefully considered in the context of the Development Plan and the NPPF. The proposals will improve the energy efficiency of the building, whilst ensuring that they do not detract from the special interest of the Upper King Street Conservation Area and the nearby listed buildings. We therefore request that planning permission is granted without delay.

Should you have any questions regarding this application, please don't hesitate to get in touch via phone (07825517718) or email (lfurber@iceniprojects.com). We look forward to hearing from you in due course.

Yours sincerely,



Lucy Furber
SENIOR PLANNER