

Planning

Growth & Development

Delegated officer report for planning application

Application no. 126597/FO/2020

Date registered valid: 7 April 2020

Proposal: Installation of 17no. new condenser units and 2no. louvres, and 2no. new access doors

Address: Virgin Media , Timpson Road, Manchester, M23 9WX

Ward(s): Brooklands Ward

Applicant: Virgin Media Ltd Bartley Wood Business Park, Bartley Way, Hook, Hampshire, RG27 9UP

Agent (if any): Mr Mark Bowman Napper Architects 3 Waterloo Square , Newcastle Upon Tyne, NE1 4DR

Case officer: Melanie Tann
Tel: 0161 234 4538
Email: m.tann@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 June 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: No site visit undertaken due to Covid 19 pandemic.

Standard consultations:

Printed: 9 April 2020 Expired: 30 April 2020

Neighbour notifications

Printed: 9 April 2020 Expired: 30 April 2020

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

The application site relates to a large, detached industrial building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is within the Roundthorn Industrial estate

Description of development

Installation of 17no. new condenser units and 2no. louvres, and 2no. new access doors

Consultations & Notification Responses

Highways – no objections

Environmental Health - Have reviewed the Noise Impact Assessment by Apex Acoustics and the proposed equipment will meet our criteria without mitigation (both daytime and nighttime) and this condition can be discharged.

Network Rail - With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary. This is to ensure that the works on site, and

as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please forward the attached documents, forms and asset protection contact details to the applicant for actioning

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Network Rail will require the following:-

1. Certificate stating that the equipment to be installed conforms to the requirements of the various Network Rail, EU Directives and any statutory Instruments relating to Electromagnetic Compatibility EMC. Network Rail will review the specification with respect to railway operational equipment.
2. Risk/Method statement for mast installation works including crane operations where applicable to be accepted by Network Rail prior to commencement of works.
3. Complete attached questionnaire prior to commencement of consultation with Network Rail Asset Protection to ensure we have relevant details for the scheme.
4. Details structural capacity and stability for both the mast and the base, calculations to be supported by Design Check certification. Calculations must take into account both existing and proposed equipment loadings plus wind loading.

Policies

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, the NPPF states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three overarching objectives to achieving sustainable development: an economic objective, a social objective and an environmental objective (paragraph 8).

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- o creating well designed places,
- o making a positive contribution to health, safety and well-being,
- o considering the needs of all members of the community, and
- o protecting and enhancing the built and natural environment.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development including road safety and traffic generation. Consideration will also be given to the appropriateness of the site layout, scale form, massing and materials.

Unitary Development Plan

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

Issues

Principle – The property is located within an established industrial park containing other similar uses, the principle of the proposed condenser units, louvres and access doors to an existing use is considered to be acceptable and broadly compliant with the principal overarching policy contained within policies DM1 and SP1 of the Core Strategy.

Residential Amenity – There are no residential properties situated nearby, as the property is located within the Roundthorn Industrial Estate, which is designated for industrial uses which are not acceptable within residential areas. Therefore, residential amenity is not a significant issue in this instance.

Furthermore, environmental health have expressed their satisfaction with the proposal and recommend a noise condition to ensure compliance.

Visual Amenity – It is not considered that the proposals would be overly dominant as they are limited to small areas, including the roof.

It is considered that the proposal would not form an incongruous feature within the street scene and would be in keeping with the industrial character of the area, therefore complying with policies SP1 and DM1 of the Core Strategy.

Other Issues – The applicant has been advised of Network Rail's comments/concerns and has agreed to liaise with them directly regarding the issues raised.

Conclusion - The proposals are not considered to give rise to unacceptable impacts in terms of residential amenity or visual amenity of the area and therefore accord with the principles of Core Strategy policies SP1, and DM1, saved policy DC26 of the UDP and the NPPF.

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 based on seeking solutions to problems 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:

Proposed roof plan AL(0)22 rev1, stamped as received 26th March 2020;

Proposed first-floor plan AL(0)22 rev 2, stamped as received 2nd April 2020;

Proposed ground-floor plan AL(0)20 rev 3, stamped as received 6th April 2020;

Proposed elevations AL(0)21 rev 4, stamped as received 6th April 2020.

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) The development hereby approved shall be carried out in accordance with the Noise Impact Assessment submitted by Apex Acoustics, dated 6th April 2020, hereby approved by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation,
pursuant to policies SP1 and DM1 of the Core Strategy.

.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

LiDL, 2 Timpson Road, Manchester, M23 9LL
British Energy Plc, Timpson Road, Manchester, M23 9LL
Timpson At Tesco, Tesco Stores Ltd, Altrincham Road, Manchester, M23 9TJ
Car Spaces, Trafford House, Southmoor Road, Manchester, M23 9XD
Trafford House, Southmoor Road, Manchester, M23 9XD
20 Pocklington Drive, Manchester, M23 1ED
49 Pitfield Gardens, Manchester, M23 1EA
47 Pitfield Gardens, Manchester, M23 1EA
Tesco Stores Ltd, Altrincham Road, Manchester, M23 9TJ
24B Pocklington Drive, Manchester, M23 1ED
26 Pocklington Drive, Manchester, M23 1ED
34 Shrivenham Walk, Manchester, M23 1EE
28 Shrivenham Walk, Manchester, M23 1EE
Royal Oak Post Office, 22 Pocklington Drive, Manchester, M23 1ED
40 Shrivenham Walk, Manchester, M23 1EE
38 Shrivenham Walk, Manchester, M23 1EE
36 Shrivenham Walk, Manchester, M23 1EE
32 Shrivenham Walk, Manchester, M23 1EE
30 Shrivenham Walk, Manchester, M23 1EE
26 Shrivenham Walk, Manchester, M23 1EE
24 Pocklington Drive, Manchester, M23 1ED
121 Royal Oak Road, Manchester, M23 1DZ
53 Pitfield Gardens, Manchester, M23 1EA
51 Pitfield Gardens, Manchester, M23 1EA
45 Pitfield Gardens, Manchester, M23 1EA
43 Pitfield Gardens, Manchester, M23 1EA
39 Pitfield Gardens, Manchester, M23 1EA
37 Pitfield Gardens, Manchester, M23 1EA
35 Pitfield Gardens, Manchester, M23 1EA
33 Pitfield Gardens, Manchester, M23 1EA

Appendix 2 – Planning constraints

Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3
Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3
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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH

