

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140427/FH/2024
Date registered valid: 3 July 2024
Proposal: Installation of Covered AC units on the West Elevation
Address: 409 Wilbraham Road, Manchester, M21 0UT
Ward(s): Chorlton Park Ward

Applicant: Mr Tayyab Akhlaq
Agent (if any): Mr Barry Tang Tang and Associates Ltd - Chartered Architects
Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 28 August 2024

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 8 August 2024

Standard consultations:

Printed: 12 July 2024 Expired: 2 August 2024

Neighbour notifications

Printed: 12 July 2024 Expired: 2 August 2024

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 and area

Application site relates to a large detached two storey dwellinghouse set within a large plot. The area is predominantly residential containing a number of larger properties of varying sizes.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking planning permission to install 3no. covered air conditioning units on the West Elevation of dwellinghouse.

Consultations & Notification Responses

Local Residents/Public Opinion – No objection provided that concerns regarding noise and appearance of the AC units are addressed.

Environmental Health – No objection requested and recommended a condition regarding acoustic insulation

Issues

Planning History

There has been two previous planning application at this address in the last 5 years:

Application Reference: 131200/FO/2021

Proposal: Erection of dwellinghouse following demolition of the existing dwellinghouse, together with the erection of a single storey outbuilding in rear garden

Status/Decision: Approved 21.10.2021

Application Reference: 135175/FO/2022

Proposal: Erection of a 2-storey detached replacement dwelling with living accommodation in loft with associated landscaping and car parking following the demolition of original detached dwelling

Status/Decision: Approved 06.12.2022

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

Policy SP1 - Spatial Principles

DM1 – Development Management 1

The relevant UDP policies for this application are:

DC 1.1 – 1.6 – Residential Extensions

DC26 Development and Noise

The Guide to Development in Manchester SPD

Places for Everyone Joint Development Plan – 2022 to 2039

On the 21st March 2024, nine of the ten Greater Manchester Councils voted to adopt the Places for Everyone Joint Development Plan – 2022 to 2039 (PfEJDP); Manchester City Council is one of the Council's that has voted to adopt the plan. The PfEJDP has superseded parts of some of the policies contained within the Council's Core Strategy.

The relevant PfEJDP policy is as follows:

Policy JP-Strat1: Core Growth Area

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

The Principle – Permitted development rights allow for the installation of an air source heat pump on a dwellinghouse under Part 14 Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However a condition of part G states that the air source heat pump is used solely for heating purposes.

The only other provision in the General Permitted Development Order (GPDO) 2015, as amended, that might cover installation of a unit is class A, part 1, schedule 2. However, this specifies that the external finishes of the work must be similar in appearance to those used on the existing dwelling, and this is unlikely to be the case with an air conditioning unit.

Therefore, the installation of 3no. air conditioning units requires planning permission.

Consideration should be given to impacts on visual amenity and residential amenity including any associated noise.

Visual Amenity – During the course of the application concerns were raised with the applicant regarding the position and height of the 3no air conditioning units, so far as the existing placement of the AC units means that they are highly visible from Wilbraham Road and therefore the public domain. Whilst the applicant had proposed screening it was considered that this would not mitigate the impact of both the appearance and position. The applicant addressed these concerns by providing a revised drawing that showed the AC units being positioned lower down on the western elevation so that they would be no higher than 1.6 metres above the ground, this would mean that they would be less visible from the public highway and likely to be screened by the existing boundary fence.

This position would therefore address the visual concern, the potential impact in terms of noise still needs to be addressed.

Residential Amenity and Noise– Environmental Health have no objected but recommended a condition regarding the mitigation of noise. It is therefore recommended that this condition at the end of the report be imposed with a limited timescale to ensure compliance.

The proposal is therefore with this condition considered to be acceptable with regards to its impact on residential amenity and in accordance with SP1 and DM1 of the Core Strategy and saved UDP policies DC1 and DC26

Car Parking and Refuse Storage – Car Parking and refuse storage would be unaffected by the proposal.

Conclusion - The 3no. air conditioning units are considered to be in accordance with SP1 and DM1 of the Core Strategy and saved policy DC1 of the UDP.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a

protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

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:

9813/321 Revision B – Existing & Proposed Elevations

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) a) The air conditioning units shall achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

b) Prior to the first operation of the air conditioning units, a verification report, which will include post-completion testing, shall be submitted to the City Council as local planning authority to validate that they achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

c) In the event of non-conformity with a rating level of 5dB (LAeq) below the typical background (LA90), then any measures/changes required to achieve conformity shall then be carried out within a further one-month period.

d) Any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the City Council as local planning authority, before operation of the units can commence.

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 policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

413 Wilbraham Road, Manchester, M21 0UT
Whalley Range Afc, Kings Road, Manchester, M21 0XX
320 Wilbraham Road, Manchester, M21 0UX
318 Wilbraham Road, Manchester, M21 0UU
312 Wilbraham Road, Manchester, M21 0UU
415 Wilbraham Road, Manchester, M21 0UT
322 Wilbraham Road, Manchester, M21 0UX
316 Wilbraham Road, Manchester, M21 0UU
314 Wilbraham Road, Manchester, M21 0UU
411 Wilbraham Road, Manchester, M21 0UT
403 Wilbraham Road, Manchester, M21 0UT
407 Wilbraham Road, Manchester, M21 0UT
405 Wilbraham Road, Manchester, M21 0UT

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA