MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139915/FO/2024
Date registered valid:	10 May 2024
Proposal:	Installation of 4no. roof mounted external DX cooling units.
Address:	Kilburn Building , Manchester University, Oxford Road, Manchester, M13 9PL
Ward(s):	Hulme Ward
Applicant:	Mr Stuart Lockwood University of Manchester
Agent (if any):	Mr Jeremy Birtwell Wilson Mason
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Approve

Date of recommendation: 27/06/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 15 May 2024 Expired: 6 June 2024

Neighbour notifications
Printed: 15 May 2024 Expired: 6 June 2024

Site notice
Posted: 30 May 2024 Expired: 20 June 2024

Press advert
Published: 21 May 2024 Expired: 4 June 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the Kilburn Building located along the eastern side of Oxford Road, with the site being bound by Dalton Street to the north and Wilton Street to the south. The application property features a unique vertical emphasis on its façade, with a continuous brick column and narrow vertical window design being repeated on all its elevations. The site features a rooftop extension, with existing plant being situated along the western side of the building's flat roof. Guardrails and an external rooftop stair also feature.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area comprises that of the Oxford Road Corridor and the University of Manchester Campus. Oxford Road is an arterial A road that provides access to Manchester City Centre. Built development is comprised of properties of varying design, age and scale. To the west of the application site across Oxford Road lies the Grade II listed Waterloo Place, a row of Victorian Terrace properties in Class E office use. To the south-west of the application site lies the Grade II listed Rutherford Building and Manchester Museum Extensions. Other neighbouring development is typically more contemporary, with the distinctive drum shaped University Place lying to the south of the application site. Uses within the area are comprised of a mix of commercial Class E uses, including office and retail uses, as well as educational Class F uses.

Description of development

The application seeks consent for the installation of 4no roof mounted cooling units.

The proposed units would be placed adjacent to the property's roof top extension, toward the property's south-western corner. The proposed units would have a height of 1338mm, would sit atop a 400mm support, have a width of 1050mm and a depth of 370mm.

The cooling units would be set back 14.2m from the property's front elevation along Oxford Road and 9.6m from its side elevation along Hilton Street.

The equipment is required to provide upgraded cooling capability to the south-western wing of the Kilburn Building.

Planning History

A high number of applications are on record for the application site, the most relevant of which is shown below:

113254/FO/2016 - External alterations including the removal and replacement of existing external curtain walling (excluding those recently replaced), the inclusion of a new roof light to the 1st floor courtyard and the removal and reinstatement of an existing external wall to the 4th floor roof to accommodate the movement of new and existing plant – Approved September 2016.

089656/FO/2009/C1 - New plant at roof level to replace existing – Approved July 2009.

086910/FO/2008/C2 - Refurbishment of Kilburn Building, proposed external work includes the removal of existing metal temporary staircase, installation of external escape door, installation of a projecting frameless glass bay window and installation of new windows into existing openings at walkway level – Approved July 2008.

Consultations & Notification Responses

Environmental Health – No objection subject to the submission of an acoustic verification report.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:
- Policy SP1 – Spatial Principles
- Policy EC2 – Existing Employment Space
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC9 – Design and Heritage
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990

Issues

Principle of the Development

The application would see the installation of new plant atop a property in commercial and educational use. The development is required to improve cooling capability on site. As the development would not fundamentally change the use of the site and would assist in its operation, it is considered the development would be in accordance with the objectives of Core Strategy Policies SP1, EC2, EC3, CC1 and DM1. The development is therefore acceptable in principle subject to the matters discussed below.

Visual Amenity

The proposed plant would sit atop the property's roof, toward its south-western corner, being set back 14.2m from the property's front elevation along Oxford Road and 9.6m from its side elevation along Hilton Street. The existing plant on site has a height greater than 2m, with said plant only being visible when viewing the property from deep within the University Green opposite the application site to the east across Oxford Road. The proposed plant would be significantly smaller than that of the existing plant on site, with its height being 1738mm, 1540mm when taking into account the parapet on site. Views of the proposed plant would be heavily constricted, with the only accessible views of the plant being possible from the aforementioned vantage point at the University Green due to the proposed set back distance. On this basis the proposal would have no impact on local visual amenity nor the setting of any neighbouring listed buildings or conservation areas. The proposal is therefore acceptable in this regard and therefore accords with Core Strategy Policies CC9 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, Places for Everyone Plan Policy JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Residential Amenity

The proposal has been accompanied by an Acoustic Assessment and supplementary note. Environmental Health do not object to the proposal subject to a condition that would require the development to proceed in accordance with the submitted details and for a verification report to be submitted to and approved by the Local Planning Authority. Subject to such a condition the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and Saved Unitary Development Plan Policy DC26.

Conclusion

In light of the above and subject to appropriate planning condition, the proposal has been found to be acceptable and is therefore in accordance with Core Strategy Policies SP1, EC2, EC3, CC1, CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC19 and DC26, the Planning (Listed Building and Conservation Areas) Act 1990, and the National Planning Policy Framework. The application is therefore recommended for approval.

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 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/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

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:

- 7117 L(00)03: Location Plan
- 7117 L(2-)01: Existing and Proposed Elevations
- 7117 L(2-)02: Existing and Proposed Sections
- M5199-DSSR-KB-RL-DR-M-55001 Revision P02: Cooling Layout Roof Layout (Received 30/04/2024)

Stamped as received by the City Council as Local Planning Authority on 10/05/2024 unless specified otherwise.

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) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the submitted Noise Assessment (Prepared by Lighthouse Acoustics; Dated 09/04/2024; Received 30/04/2024).

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority 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 have 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 in accordance with Core Strategy Policy DM1 and Saved Unitary Development Plan Policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Milk And Honey Cafe, St Peters House, Oxford Road, Manchester, M13 9GH
University Of Manchester, Oxford Road, Manchester, M13 9PL
St Peters House, Oxford Road, Manchester, M13 9GH
Manchester Museum, Oxford Road, Manchester, M13 9PL
182 - 184 Oxford Road, Manchester, M13 9GP
188 Oxford Road, Manchester, M13 9GP
180 Oxford Road, Manchester, M13 9QQ
178 Oxford Road, Manchester, M13 9QQ
176 Oxford Road, Manchester, M13 9QQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre 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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL