

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139828/FO/2024
Date registered valid: 30 April 2024
Proposal: Installation of air source heat pump and additional plant to roof.
Address: 1 Piccadilly Gardens, Manchester, M1 1RG
Ward(s): Piccadilly Ward

Applicant: Legal & General (Pensions Management) Ltd
Agent (if any): Miss Amelia Robson Savills (UK) Limited
Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 19/06/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 8 May 2024 Expired: 30 May 2024

Neighbour notifications

Printed: 8 May 2024 Expired: 30 May 2024

Site notice

Posted: 22 May 2024 Expired: 13 June 2024

Press advert

Published: 14 May 2024 Expired: 28 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the roof space of One Piccadilly Gardens, a six storey commercial office building, with ground floor retail units. The building is completed in red brick, with prominent front pillars and a recessed glazed ground floor façade. The plant area atop the property's roof is obscured by a brick framework and plant screen.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre, with the site fronting out onto Piccadilly Gardens, a major public space whose openness contrasts with the high density nature of the rest of the City Centre. The application lies adjacent to the Stevenson Square Conservation Area and Grade II listed statues of Queen Victoria to the north-west and the Duke of Wellington to the north. The Grade II listed Portland Hotel lies opposite to the site to the east across Portland Street. A high number of properties in commercial Class E uses populate the surrounding area, with cafes, restaurants, shops and offices being present throughout.

Description of development

The application seeks consent for the installation of an air source heat pump and replacement plant to the property's roof space.

The proposed plant would be located in the position of existing plant and have a maximum height of 2.53m, maximum width of 2.2m and a maximum length of 6.77m.

Planning History

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

122056/FO/2018 – Installation of an Emergency Back Up Generator – Approved January 2019.

063523/FO/CITY2/01 – Erection of 8 storey building for the following mix of uses: 2 levels of basement car parking. A1 and/or A2 and/or A3 use and/or hotel, residential or serviced apartment reception and office use at ground floor; offices on the 1st, 2nd, 3rd and 4th floors; office or residential or serviced apartments or hotel use on the 5th floor; and offices an/or restaurant or residential or serviced apartments or hotel on the 6th floor; and plant room on the 7th floor – Approved December 2001.

Consultations & Notification Responses

Environmental Health – No objection subject to submission 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 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 DC18 – Conservation Areas
- 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 and replacement plant atop a property in commercial use. The development is required to improve energy efficiency. As the development would not fundamentally change the use of the site and would improve its energy efficiency, it is considered the development would be in accordance with the objectives of Core Strategy Policies SP1, EC3, CC1 and DM1. The development is therefore acceptable in principle subject to the matters discussed below.

Visual Amenity

The proposed plant would be situated atop the property's roof and would not protrude beyond its defined plant 'zone'. The plant screen for the development has a height of 4.03m, nearly double the height of the tallest piece of plant with a height of 2.53m. It is therefore considered that any visual impact of the development would be obscured by the property's plant screen. On this basis the proposal would have no impact on local visual amenity nor the setting of any neighbouring listed buildings or conservation areas. On this basis the proposal is 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, EC3, CC1, CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18, 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 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/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:

- o 00(07)100: Location Plan
- o 00(07)102: Proposed Roof Plan
- o 00(07)104 Revision A: Proposed NE and SW Elevations
- o 00(07)106 Revision A: Proposed NW Elevations
- o 00(07)108 Revision A: Proposed SE Elevations
- o 00(07)109: Proposed Roof Plant Details
- o CXAF air-cooled reversible scroll Product Specification (Received 19/04/2024)
- o CMAF 190 HE XLN EC R454B Product Specification (Received 19/04/2024)
- o LIFT 1204-P Product Specification (Received 19/04/2024)
- o Technical Submittal (Prepared by Ormandy Rycroft; Dated 13/03/2024; Received 19/04/2024)

Stamped as received by the City Council as Local Planning Authority on 30/04/2024 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 Hoare Lea; Dated 21/06/2023; Received 19/06/2024) and email correspondence (Prepared by Savills; Dated and Received 29/05/2024).

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

Advertising Right Opposite 1, Portland Street, Manchester, M1 1RG
Sixth Floor, 9 Portland Street, Manchester, M1 3BE
Fourth Floor, 9 Portland Street, Manchester, M1 3BE
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit E2, 1 Piccadilly Gardens, Manchester, M1 1RG
Tesco Express, Unit 2, 1 Portland Street, Manchester, M1 3BE
Costa Coffee, Unit 1, 1 Portland Street, Manchester, M1 3BE
Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor, 1 Portland Street, Manchester, M1 3BH
Third Floor, 9 Portland Street, Manchester, M1 3BE
Gourmet Society, Fifth Floor, 9 Portland Street, Manchester, M1 3BE
Fourth Floor Castlefields Investments, 1 Portland Street, Manchester, M1 5BH
KAPLAN, Sixth Floor, 1 Portland Street, Manchester, M1 3BE
Fifth Floor, 1 Portland Street, Manchester, M1 5BH
Fourth Floor, 1 Portland Street, Manchester, M1 5BH
Third Floor, 1 Portland Street, Manchester, M1 3BE
First Floor, 1 Portland Street, Manchester, M1 5BH
Second Floor, 1 Portland Street, Manchester, M1 5BH
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 9 Portland Street, Manchester, M1 3BE
New College Group, Ground And First Floor, 9 Portland Street, Manchester, M1 3BE
1 Portland Street, Manchester, M1 3BE
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
Hotel Ibis Styles Manchester Portland, 3 - 5 Portland Street, Manchester, M1 6DP
4 Portland Street, Manchester, M1 4GS
Ground Floor Unit E1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 4 Portland Street, Manchester, M1 4GS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL