

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139732/JO/2024

Date registered valid: 8 April 2024

Proposal: Variation of Conditions 2 (specified plans), 3 (materials) and 4 (noise) attached to planning permission 136058/FO/2023

Address: Clement Court, 91A Toxteth Street, Manchester, M11 1EQ

Ward(s): Clayton & Openshaw Ward

Applicant: Jigsaw Homes Group

Agent (if any): Miss Claire Parker Cassidy + Ashton Group Ltd.

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 June 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Standard consultations:

Printed: 9 May 2024 Expired: 31 May 2024

Neighbour notifications

Printed: 17 April 2024 Expired: 9 May 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site relates to Clement Court located within the north Manchester ward of Clayton and Openshaw. The site itself comprises of the main building set out in a broadly 'T shaped' configuration. The primary façade of the building fronts Toxteth Street. The central part of the building is three-storeys in height, with two-storey extensions on either side. To the rear of the property is a three-storey outrigger, which steps down to two storeys across the extent of the site, and then to one-storey at the northernmost portion of the site. The building is surrounded by soft landscaping and mature trees, with some hardstanding to the west providing vehicular parking spaces, alongside the siting of a small greenhouse and a mobility shed.

Low rise residential properties surround the site.

Description of development

The application seeks permission for the variation of Conditions 2 (specified plans), 3 (materials) and 4 (noise) attached to planning permission 136058/FO/2023.

The application of 136058/FO/2023 sought consent for the installation of air source heat pump with acoustic enclosure. The specification of the Air Source Heat Pump to be used would be a Mitsubishi Electric QAHV-N560YA-HBP Monoblock Air Source Heat Pump (ASHP) and the agent provided a product specification to support the application on 14th March 2023. Including

the enclosure, the proposal would have approximate dimensions of Height: 3.1 x Length: 1 x Width: 3.6 metres. Hinged double doors would allow access to the ASHP for maintenance purposes.

The proposal would be located to the western boundary of the site, between the existing mobility shed and greenhouse. The ASHP would be fixed onto a concrete base upon the existing hardstanding, with below ground pipework connecting the heat pump and the existing plant room within the care home.

The ASHP would be surrounded by an acoustic enclosure with a powder coated finish. Via email on 1 March 2023, the agent stated the enclosure would be in a dark green colour finish, RAL no.6005 and provided a link to a colour chart to demonstrate:

<https://www.ralcolorchart.com/ral-classic/ral-6005-moss-green>

Through the current variation application, the following would be altered:

- The location of the unit has been installed in a slightly different position than is stated on the original drawings. The location of the unit is now positioned against the western boundary of the site, sited alongside the mobility scooter store. The existing greenhouse has now been removed from the site.
- The unit has been built with one of the brackets omitted due to constraints on the site and this has been reflected within the plans.
- The application also wishes to amend condition 4 given the validation report for the acoustic condition has been completed.

Further Planning History

080076/OO/2006/N2- Land Bounded By Ashton Old Road Fairfield Road And Manchester City Boundary (Toxteth Street Neighbourhood)- OUTLINE APPLICATION for the redevelopment of the Toxteth Street Neighbourhood area, comprising the erection of a maximum of No.432 residential dwellings and means of access, with the maximum building heights of three storeys. Erection of extension to St Peters R.C High sports hall (156sq.m) and provision of three all weather pitches, multi sport area, associated landscaping and 30 parking spaces. New public open space and public realm works. Provision of new highway network with access points from Fairfield Road, Ashton Old Road, and Peel Street. Associated car parking. Approved 26 October 2006.

075235/OO/2005/N2- Land Bounded By Ashton Old Road Fairfield Road And Manchester City Boundary (Toxteth Street Neighbourhood)- OUTLINE APPLICATION for the redevelopment of the Toxteth Street Neighbourhood area, comprising the erection of a maximum of No. 650 residential dwellings and means of access. Erection of a maximum of 3240 Sq. metres (gross) of commercial floorspace, (class A1 shops, A2 financial and professional services, A5 food and drink, B1 business and D1 education and community uses), with maximum building heights of three and four storeys. Erection of extension to St Peters R.C High School sports hall and provision of three all weather pitches, multi sport area, associated landscaping and 30 parking spaces. New public open space and public realm works. Provision of new highway network with access points from Fairfield Road, Ashton Old Road, Gransmoor Avenue and Peel Street. Associated car parking. Approved 29 September 2005.

052136/FO/NORTH2/97- Clement Court- Erection of security fencing around site boundary. Approved 11 August 1997.

Further historic planning permission exists for the site.

Consultations & Notification Responses

Local Residents

Local residents were consulted, and no responses were received.

Environmental Health

Environmental Health were consulted and provided the following response:
Environmental Health have no objection to the variation.

Neighbourhood Team Leader (Arboriculture)

The Neighbourhood Team Leader (Arboriculture) was consulted and provided the following response:

I can confirm that we would have no objection to the proposals for this site.
Looking at the foundation depths of the proposed structure, they are very shallow and account for less than 20% of the tree's root protections area, therefore we would have no objection subject to the excavation being carried out using hand dig methods only.

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social, and c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8. Promoting healthy and communities

Chapter 12. Achieving well-designed and beautiful places

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. Updated March 2024 following the adoption of the Places for Everyone Joint Development Plan.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management)

Policy SP1 (Spatial Principles)
Policy EN1 (Design Principles and Strategic Character Areas)
Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development)
Policy EN5 (Strategic Areas for Low and Zero Carbon Decentralised Energy Infrastructure)
Policy EN6 (Target Framework for CO2 Reductions from Low or Zero Carbon Energy Supplies)
Policy EN7 (Energy Infrastructure Opportunities Low and Zero Carbon Decentralised Energy Schemes)
Policy EN8 (Adaptation to Climate Change)

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC26.1 states 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: a. the effect of new development proposals which are likely to be generators of noise; and b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or noncritical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Manchester Residential Quality Guidance 2016

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and raise the quality of life across Manchester. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to

significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management. The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The policies of relevance are:

JP- S1- Sustainable Development

JP- S2- Carbon and Energy

JP-S6- Clean Air

ISSUES

The current application seeks permission for the Variation of Conditions 2 (specified plans), 3 (materials) and 4 (noise) attached to planning permission 136058/FO/2023. Amendments to each of the conditions will be discussed in turn:

Condition 2 (specified plans): The location of the unit has been installed in a slightly different position than is stated on the original drawings.

The location of the unit is now positioned against the western boundary of the site, sited alongside the mobility scooter store, as opposed to be sited in between the existing mobility scooter store and greenhouse. The agent provided photos of the equipment in situ. The unit is sited closer to Reginald Street than was previously the case and as a result further from Clement Court. However, the amended condition may result in a more prominent feature for the residents when looking out of their windows than previously approved. However, the windows to be most impacted by the change in location appear to relate to small partial opening windows and so any adverse overbearing implications are considered to be minimal. Further, the unit would still be commensurate with the other small outbuildings in this area of the property's external amenity space and the green colouration would complement the soft landscaping close to the development site. Although the unit would be sited closer to the street of Reginald Street, there would still be a significant distance retained between the unit and habitable rooms and external amenity spaces for the properties.

Five trees are sited close to the application site and during the FO application, MCC Neighbourhood Trees were consulted on the application for any potential adverse impacts to the trees and their roots as a result of the proposal. The MCC Arboriculturist was consulted through the variation condition and had no objection to the proposals for this site, subject to the excavation being carried out using hand dig methods only. The informative to this effect placed on the approval for the FO application would also be placed within any approval granted of the decision notice of the variation application.

The unit has been built with one of the brackets omitted due to constraints on the site and this has been reflected within the plans. This would not give rise to any concerns in relation to amenity or design and appearance.

Condition 3 (materials):

The materials condition would be amended to reflect the changes to the location of the unit and to reflect the loss of one of the brackets on the enclosure. This amendment does not give rise to any concerns in relation to amenity or design and appearance.

Condition 4 (noise):

The application also wishes to amend condition 4 given the validation report for the acoustic condition has been completed.

Environmental Health reviewed the verification report submitted by the agent. The Environmental Health Officer also confirmed the part A reference to the previous noise assessment (approved within the FO application) is still relevant and the Officer confirmed the wording of the condition could be such to reference a different report in part A and B. The condition would be written as such.

Conclusion

The current variation application is acceptable. This application has come about given the location was not positioned in the same location as originally approved and this application seeks to formalise the change in the location through the planning process. The amended location is accepted as is the loss of one of the brackets on the unit and has also been accepted by internal consultees. The varied proposal is considered pursuant to Policy DC1 of the UDP and Core Strategy (2012) policies DM1 and SP1.

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 proposal was assessed with regards to policies outlined in the National Planning Policy Framework, Unitary Development Plan Saved Policies, Local Development Framework Core Strategy Development Plan and other material considerations. Officers have worked with the applicant/agent in a positive and proactive manner and appropriate conditions have been placed on the approval granted.

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 17 March 2026.

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:

-Noise Impact Assessment, stamped as received by the City Council as Local Planning Authority on 24 January 2023.

-Tree Survey or Information- Arboricultural Impact Assessment, stamped as received by the City Council as Local Planning Authority on 24 January 2023.

-Correspondence- Agent Email Re. Colour, stamped as received by the City Council as Local Planning Authority on 1 March 2023.

-Supporting Information- Mitsubishi Electric QAHV Monobloc Air Source Heat Pump, stamped as received by the City Council as Local Planning Authority on 14 March 2023.

-Application Form, stamped as received by the City Council as Local Planning Authority on 8 April 2024.

-Red Acoustics Noise Impact Assessment, ref.R2141-REP02-JW, stamped as received by the City Council as Local Planning Authority on 8 April 2024.

-Photos- Site Photos, stamped as received by the City Council as Local Planning Authority on 14 May and 23 May 2024.

-Drawing- Proposed- Site Plan with Tree Overlay, numbered 1002 P2, stamped as received by the City Council as Local Planning Authority on 30 May 2024.

-Drawing- Existing & Proposed- Plans and Elevations, numbered 1001 P3, stamped as received by the City Council as Local Planning Authority on 30 May 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to saved policies DC26 of the Manchester City Councils Unitary Development Plan and policy DM1 & SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

3) The development shall be constructed only using the approved materials:

-Correspondence- Agent Email Re. Colour, stamped as received by the City Council as Local Planning Authority on 1 March 2023.

-Supporting Information- Mitsubishi Electric QAHV Monobloc Air Source Heat Pump, stamped as received by the City Council as Local Planning Authority on 14 March 2023.

-Drawing- Existing & Proposed- Plans and Elevations, numbered 1001 P3, stamped as received by the City Council as Local Planning Authority on 30 May 2024.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policy DM1 of Manchester's Core Strategy.

4 a) The development hereby approved shall be carried out in accordance with the submitted Red Acoustics Noise Impact Assessment, ref R2141-REP01A-JW stamped as received by the City Council as Local Planning Authority on 9 January 2023, in relation to securing a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) The development hereby approved shall be carried out in accordance with the submitted - Red Acoustics Noise Impact Assessment, ref.R2141-REP02-JW, stamped as received by the City Council as Local Planning Authority on 8 April 2024, in relation to validating the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report.

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.

Informatives

1) Any excavation work within the root protection zone must be carried out using hand dig methods only.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Neighbourhood Team Leader (Arboriculture)

Flat 23, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 17, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
89 Toxteth Street, Manchester, M11 1EQ
10 Reginald Street, Manchester, M11 1PS
Flat 5, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
90 Toxteth Street, Manchester, M11 1EZ
14 Reginald Street, Manchester, M11 1PS
Flat 21, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 12, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 9, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 11, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 7, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 20, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
119 Toxteth Street, Manchester, M11 1EZ
1417 Ashton Old Road, Manchester, M11 1HJ
Flat 25, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 19, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
St Clements Rectory, Ashton Old Road, Manchester, M11 1HF
1 Florence Street, Manchester, M11 1PG
2 Florence Street, Manchester, M11 1PG
Flat 1, 1 Gransmoor Road, Manchester, M11 1ER
Flat 2, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 16, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 6, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 18, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 8, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 4, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
4 Gransmoor Road, Manchester, M11 1ER
Flat 22, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 2, 1 Gransmoor Road, Manchester, M11 1ER
91 Toxteth Street, Manchester, M11 1EQ
8 Reginald Street, Manchester, M11 1PS
12 Reginald Street, Manchester, M11 1PS
9 Gransmoor Road, Manchester, M11 1ER
6 Gransmoor Road, Manchester, M11 1ER
121 Toxteth Street, Manchester, M11 1EZ
92 Toxteth Street, Manchester, M11 1EZ
Flat 1, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 3, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 26, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
11 Gransmoor Road, Manchester, M11 1ER
Flat 15, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 14, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
123 Toxteth Street, Manchester, M11 1EZ
Flat 3, 1 Gransmoor Road, Manchester, M11 1ER
Advertising Right On Gable, 1417 Ashton Old Road, Manchester, M11 1HJ
Flat 10, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
Flat 24, Clement Court, 91A Toxteth Street, Manchester, M11 1EQ
87 Toxteth Street, Manchester, M11 1EQ

2 Gransmoor Road, Manchester, M11 1ER

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH AREA