

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138979/JO/2024

Date registered valid: 10 January 2024

Proposal: Variation of conditions 2 (Specified Plans) and 3 (External Plant Noise) attached to Planning Permission 135572/FO/2022.

Address: Manchester School Of Management, Booth Street East, Manchester, M13 9SS

Ward(s): Hulme Ward

Applicant: Mr Matt Ellmore The University of Manchester

Agent (if any): Mrs Jodi Carr Halliday Meecham Architects

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: **Approve**

Date of recommendation: 5th February 2024

Application Details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 12 January 2024

Standard consultations:

Printed: 11 January 2024 Expired: 1 February 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 12 January 2024 Expired: 2 February 2024

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application relates to the Booth Street East Building, Booth Street East, Manchester, M13 9SS. This building is a part of the University of Manchester. It is surrounded in the immediate vicinity mainly by buildings from the University of Manchester, from Manchester Metropolitan University, from the Royal Northern College of Music, as well as the Manchester Aquatics Centre.

The building is surrounded by high quality public realm. The surrounding buildings are a mix of modern and older University Buildings. The building is not a listed buildings and no neighbouring building are listed, although there are a number of listed buildings close by, including the Grosvenor Building, 135 Grosvenor Street, and The Footage, Grosvenor Street.

Description of Development

The proposal seeks the variation of conditions 2 (Specified Plans) and 3 (External Plant Noise) attached to Planning Permission 135572/FO/2022.

Related Applications

135572/FO/2022 - Replacement of plant equipment on the roof.

Approved - January 2023.

Consultations & Notification Responses

Environmental Health - Requested that a noise verification element be included.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The main issues to consider are visual amenity, accessibility, noise, and impact on public safety. The proposal should be considered against the following policies:

The **National Planning Policy Framework (2021)**:, in particular sections **Section 7 (Requiring Good Design)** and **12 (Achieving Well Designed Spaces)**.

Chapter 12 Achieving well-designed places.

Paragraph 124 states that in 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.' It further states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It acknowledges that a separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Significantly, chapter 12 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

The Manchester Core Strategy Development Plan Document 2012-2027 was adopted by the City Council on 11th July 2012. The following policies are considered relevant to this application:

Policy DM1 (Development Management) states that all development should have regard to

- appropriate siting, layout, scale, form, massing, materials and detail,
- the effects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- vehicular access and car parking
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy EN1 (Design Principles and Strategic Character Areas) states that development should contribute positively to the experience of all at street level.

Policy EN3 (Heritage) states that new developments must be designed so as to support the

Council in preserving or, where possible, enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance, including, listed buildings and conservation areas.

Policy CC9 (Design and Heritage) states that particular attention to be given to the City Centre context and character and contribute to a coherent and integrated physical environment.

And saved policy **DC26.1 (Development and Noise) of the Unitary Development Plan for the City of Manchester**.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is 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 relevant policies to this application are **Policy JP-S1 (Sustainable Development)**, **Policy JP-P1 (Sustainable Places)**, and **Policy JP-C4 (Streets for All)**.

Issues

Principle

There is no objection to the principle of varying the conditions for specified plans and external plant noise attached to the original permission, as long as the reason is justified.

Due to detailed technical design development, the plant equipment layout to the roof of the building has been slightly amended from the original plans submitted to suit the proposed finalised equipment sizes, the space available and the required service connections and layout. This has resulted in updated drawings and documents to reflect the developed proposals. This reason is considered to be acceptable and the revised proposal must be considered against any impacts on visual amenity or noise pollution, as the original application was.

Visual Amenity

The extent/size of heat pumps have been reduced. This is considered to be an improvement in terms of visual amenity compared to the originally approved scheme.

The proposed heat pump to the South West have been relocated to the South East side of the Roof plan and the proposed condensers have been relocated from the South East to South West side of the roof plan. This is considered to have no more of an impact on the visual amenity of the building or the surrounding street scene than the original proposal. Similarly, a new door opening has been included into the plant room at roof level to allow for installation of plant equipment within the plant room. As this will not be visible from street level, this is considered to have no detrimental impact upon visual amenity.

Noise Pollution

An updated noise assessment have been submitted to reflect the revised scheme. The noise assessment shows similar levels of impact as the original application and is considered to be acceptable. A relevant condition has been added to ensure that a thorough noise assessment and verification report is carried out.

Conclusion

Given the above, it is considered that the proposal is in accordance with the above policies and should be approved.

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 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 27 January 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.

Received by the City Council, as Local Planning Authority, on the 10 January 2024:

Proposed Roof Plan 8405-NGB-01-R1-DR-A-0507 P01
Proposed Elevations 8405-NGB-01-ZZ-DR-A-0701 P01
Existing & Proposed Sections 8405-NGB-01-ZZ-DR-A-0002 P01
Noise Impact Assessment

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

- 3) (a) The development hereby approved shall be carried out in accordance with CGS Acoustic's 'Plant Noise Impact', dated 23rd November 2023, ref: CSGA-C2072-T1Rev04, received by the City Council, as Local Planning Authority, on the 10 January 2024

b) Prior to the first operation of the development a verification report shall be submitted for approval 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 approved in part (a) of this planning condition. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

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 (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL