

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137416/FH/2023
Date registered valid: 14 August 2023
Proposal: Installation of heat pump.
Address: 15 Warde Street, Manchester, M15 5TG
Ward(s): Hulme Ward

Applicant: Mr Alban Bridonneau
Agent (if any):
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 11 December 2023

Application details

Type of application: Full Householder Application

Development type: Householder

Date of site visit: 5 September 2023

Standard consultations:

Printed: 21 September 2023 Expired: 28 September 2023

Neighbour notifications

Printed: 16 August 2023 Expired: 6 September 2023

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

Number 15 Warde Street is a two storey end terraced property with front and back amenity space. Car parking provision for the properties within the vicinity lies at the rear of the site via a gated access.

The proposal seeks consent for a heat pump.

Consultations & Notification Responses

Occupiers of the surrounding properties were consulted and no representations were received.

Environmental Health-requested a noise attenuation condition be added to the consent.

Issues

Policies

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy D26: Development and noise

The Manchester Core Strategy Development Plan Document (2012-2027)

The 'Core Strategy was adopted by the City Council on the 11th July 2012.

- Policy DM1: Development management
- Policy SP1: Spatial principles
- Policy EN4: Reducing CO2 emissions by enabling low and zero carbon development

The National Planning Policy Framework (NPPF, 2021)

- Chapter 2: Achieving sustainable development
- Chapter 8: Promoting healthy and safe communities
- Chapter 12: Achieving well-designed places

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April, 2007)

- Chapter 4: Environmental standards

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 to the Plan. The Examination of the 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 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.

For reasons to be outlined below, it is considered that the proposal conflicts with the principles of these policy documents.

Issues

Principle - the principle of retrofitting a residential dwellinghouse through the installation of a ground level air source heat pump, is generally acceptable where there is no overriding unduly harmful impact upon either the character and use of the property or upon the visual and residential amenity of neighbouring occupiers.

In this instance the principle of the proposal is considered acceptable as it is not believed that there are factors of sufficient weight in terms of residential amenity and potential noise disturbance that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with saved policy DC26 of the UDP, and policies DM1, and SP1, of the Core Strategy.

Sustainability and carbon emission reduction - the proposal would generate and lead to an increased reliance on green / renewable energy for use by the application property, thus

according with policy EN5 of the Core Strategy and chapter 2 of the NPPF, by reducing the building's carbon footprint and emissions.

Appearance and visual amenity

Sited at the back of the property, within the confines of the rear garden, the proposal would not be visible from a public highway or footpath and, as such, would not form a prominent visual feature within the street scene or public realm. The proposal should therefore have a minimal impact upon the visual amenity of the area and would cause less than substantial harm to the character and appearance of the host dwellinghouse, in accordance with policies SP1 and DM1 of the Core Strategy.

Residential amenity - given that the proposal represents a relatively minor addition to the property in terms of its scale and mass and would maintain considerable gaps to the property's shared boundaries, it is understood that the ASHP should not give rise to issues associated with overshadowing, loss of light, loss of outlook, and loss of privacy, nor should it introduce a visually overbearing feature within the locale.

In order to mitigate concerns relating to excessive noise, Environmental Health requested that a pre-commencement condition relating to external plant/equipment/servicing be attached to the decision notice.

A condition has been added which requires the applicant to provide the required evidence that the proposed development noise is limited to 42dB (as per the permitted development conditions) or 5dB (LAeq) below the typical background (LA90), whichever is higher before first operation.

The proposal must therefore be refused on noise grounds as sufficient safeguarding and protective measures are unable to be put in place, pursuant to policy DC26 of the UDP and policies SP1 and DM1 of the Core strategy.

Waste storage - the current waste storage arrangements would be unaffected by this proposal.

Parking - the current parking arrangements would be unaffected by this proposal.

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 in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this 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 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:

Location Plan and Site Plan, stamped as received on the 28 June 2023, Technical Data Sheet, stamped as received on the 10 July 2023. The photograph of the position of the equipment and the photomontage of the Heat Pump, stamped as received on the 10 July 2023.

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 a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure 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) 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 nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

26C Mallow Street, Manchester, M15 5GD

26F Mallow Street, Manchester, M15 5GD

26D Mallow Street, Manchester, M15 5GD

26E Mallow Street, Manchester, M15 5GD

26B Mallow Street, Manchester, M15 5GD

26A Mallow Street, Manchester, M15 5GD

17 Warde Street, Manchester, M15 5TG

13 Warde Street, Manchester, M15 5TG

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 Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: SOUTH AREA