PLANNING STATEMENT

Installation of 3 Air Conditioning Units to the Side Elevation of 67 Tib Street, Manchester M4 1LS.

MPD Built Environment Consultants Ltd

Introduction

This planning statement has been prepared in support of the planning application for the installation of three air conditioning units on the side elevation of 67 Tib Street in Manchester City Centre.

Site and Surroundings

The building is a modern detached three storey property situated on the corner of Tib Street and Foundry Lane. The building contains windows in both street frontage elevations, but has no windows in either the rear elevation or the side elevation facing the adjoining residential properties fronting onto Tib Street.

The building is constructed of grey brickwork and has a flat roof. To the south and west of the building is the Smithfield Estate which consists of three storey residential housing characterised by red brick walls and grey concrete tile roofs.

On the opposite side of Tib Street facing the front elevation is a mixture of older and rebuilt commercial frontages with a mix of brick and render finishes. Across Foundry Lane is a large commercial development with a rear courtyard. The host property takes its architectural cues from this development and was probably constructed around the same time.

The site is located within the Smithfield conservation area which lies on the north-eastern edge of the city centre of Manchester. It is one of a group of three in this vicinity designated by the City Council in February 1987; the others are Shudehill and Stevenson Square, which lie to the north-west and south-east respectively.

The area is bounded by Swan Street, Oldham Street (a common boundary with the Stevenson Square Conservation Area), Market Street, High Street and Shudehill (a common boundary with the Shudehill Conservation area).

The Proposals

The proposals involve the installation of three air conditioning units on the blank side (South Western) elevation of the building. The three AC units will be positioned at head height for ease of access for maintenance purposes. They will be protected by secure cages to prevent unauthorised tampering or interference with the equipment. They will not be visible from any public vantage point outside of the site as there are 2 metre brick walls to the street frontage (Tib Street) and the rear of the adjoining vacant site.

Site History

CDN/18/0560 | Discharge of condition 13b (Contamination) attached to application ref 105221/FO/2014/C2 – Approved 21/08/2018

CDN/18/0155 | Discharge of condition 7 (Breeam), 11 (Secured By Design) and 13 (Contaminated Land) attached to planning permission 105221/FO/2014/C2 – Approved 02/05/2018

105221/FO/2014/C2 | Erection of a new three-storey building to be used for Class A1 (Shop), Class A2 (Financial and Professional Services) or B1(Business Use) use following demolition of a single-storey WC block – Approved 05/06/2014

135855/FO/2022 – Installation of 3 Air Conditioning Units – Refused 31/03/2023.

Planning Policy

National Planning Policy Framework (2023)

The proposal is not considered to be contrary to the objectives of either national or local planning policy and in the following section we will set out the rationale for this reaching this view.

In the first instance it is necessary to consider the national planning policy context which is the National Planning Policy Framework (NPPF) published in September 2023. The NPPF is clear that Planning Permission should be granted for development where it accords with planning policy. To this end in **paragraph 7** of the NPPF the point is made that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

At **Paragraph 8** the Framework identifies three dimensions to sustainable development: economic, social and environmental, which provide a holistic approach to development that will help to deliver balanced communities. The Framework, states that to deliver these dimensions, the following roles need to be performed by the planning system:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 reinforces the point that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. This is particularly relevant in relation to this proposal.

The National Planning Policy Framework in **paragraph 11** makes it clear that a presumption in favour of sustainable development is at the heart of national planning policy and where a proposal accords with planning policy then it should be permitted without delay.

Further attention is drawn to **Paragraph 38** of the NPPF which encourages local planning authorities to approach decision-taking in a positive and creative way by looking for solutions rather than problems. Decision-takers at every level should seek to approve applications by using the full range of planning tools available to them and working proactively with applicants. In this particular case it is submitted that given the nature of the proposal the Local Planning Authority could mitigate any future harm they deem may be created by the proposal by using appropriate conditions and this is further supported in **Paragraph 53** of the NPPF, which identifies local circumstances as a relevant factor to take into account when making decisions. However, it also suggests that the removal of nationally prescribed permitted development rights through the use of an article 4 Direction should be restricted to the smallest possible area and should certainly not cover the whole city as is currently the case in Manchester. Further **Paragraphs 55 and 56** makes it clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 81 makes it clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This proposal represents a major international company investing in the locality creating job opportunities for local people and as such should be supported.

Paragraph 86 further highlights that Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Local

planning authorities should promote the long-term vitality and viability of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses that reflects their distinctive characters and functions.

Paragraph 187 states that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

Paragraph 188 identifies that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively - looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Securing the optimum viable use of the property and achieving public benefits as key material considerations for application proposals.

Local Planning Policy

Core Strategy Adopted 11th July 2012

Policy EC 1 Employment and Economic Growth in Manchester

Development proposals should have regard to:

Climate change resilience demonstrating how CO2 emissions will be minimised with an aim of zero carbon emissions, through energy efficiency, renewable energy and contributing to low and zero carbon decentralised energy infrastructure;

Ensuring design makes the best possible use of a site or building in terms of efficient use of space, enhancing the sense of place of the wider area and minimising detrimental impacts on adjacent uses, considers the needs of users/employees of a site/building for access via walking, cycling and public transport and reduction of opportunities for crime by applying current best practice in security design;

Policy EC 2 Existing Employment Space

The Council will seek to retain and enhance existing employment space and sites. Alternative uses will only be supported on sites allocated accordingly, or if it can be demonstrated that:

The existing use is un-viable in terms of business operations, building age and format;

The existing use is incompatible with adjacent uses;

The existing use is unsuitable for employment having had regard to the Manchester Salford - Trafford SFRA; or

On balance, proposals are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use.

Policy CC 1 Primary Economic Development Focus: City Centre and Fringe

Within the City Centre and the fringe, a variety of high-quality accommodation types, sizes and foot-plates will be encouraged to boost investment by local, national and international businesses. The City Centre and fringe will be considered a suitable location for the consideration of high-density buildings and commercially led mixed use schemes. The focus for employment growth will be in B1a high density offices and the Council will give particular

encouragement and support for such development in the Birley Fields/Manchester Science Park area.

Proposals will be expected to show how they contribute to decentralised low and zero carbon energy infrastructure in the Regional Centre as set out in the Energy policies.

Developments which lead to the more intensive use of employment land (in terms of floorspace provided) will be supported.

Policy CC 9 Design and Heritage

Design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Policy EN 1 Design Principles and Strategic Character Areas

All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes. Design and Access Statements submitted with proposals for new development must clearly detail how the proposed development addresses the design principles, reinforces and enhances the local character of that part of the city and supports the achievement of the Core Strategy Strategic Objectives.

1. City Centre Character Area: The City Centre contains a rich legacy which reflects its urban evolution to the current day and includes listed buildings, conservation areas, archaeological remains and an historic street pattern. Its core area presents a particularly dense environment that accommodates a wide and closely integrated range of uses including commercial, civic and residential activities. Relative to the amount of development there is limited open space and this includes a range of civic and less formal green spaces and waterways. Outside the core and associated with the Inner Relief Route there are less active and less densely developed areas with significant elements of cleared land. The City Centre is the focus of the City's transport routes.

- Developers will be expected to consider the City's heritage and continue the rich pattern of activity in the core area.
- While there will be opportunities to create landmark buildings, developments should also contribute positively to the experience of all at street level.
- Wherever possible the opportunity should be realised to enhance existing and provide new areas of meaningful open space, and the maintenance and improvement of the City's permeability should be considered in all proposals.

Policy EN 3 Heritage

Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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 scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Policy EN 4 Reducing CO2 Emissions by Enabling Low and Zero Carbon Development

The Council will seek to reduce fuel poverty and decouple growth in the economy, growth in CO2 emissions, and rising fossil fuel prices, through the following actions:

All development must follow the principle of the Energy Hierarchy, being designed:

to reduce the need for energy through design features that provide passive heating, natural lighting and cooling

to reduce the need for energy through energy efficient features such as improved insulation and glazing

to meet residual energy requirements through the use of low or zero carbon energy generating technologies

Wherever possible new development and retrofit projects, including energy generation plant, must be located and designed in a manner that allows

advantage to be taken of opportunities for low and zero carbon energy supplies.

Where possible new development and retrofit projects will be used as a mechanism to help improve energy efficiency and provide low and zero carbon energy supplies to existing buildings.

Where appropriate new development and retrofit projects will be required to connect to and/or make contributions to low or zero carbon energy schemes and/or to incorporate provision to enable future connection to any existing / potential decentralised energy schemes.

The use of building materials with low embodied carbon in new development and refurbishment schemes.

Policy EN 8 Adaptation to Climate Change

All new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change developers should have regard to the following, although this is not an exhaustive list:

- Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rain water permeability
- Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls, increased tree cover and waterways
- The need to control overheating of buildings through passive design
- The opportunity to provide linked and diverse green space to enhance natural habitats which will assist species adaptation

Developers will be permitted to use green infrastructure elements such as green roofs, green walls, street trees and waterways to contribute to compliance with CO2 mitigation under Policy EN6, subject to sufficient evidence to quantify their contribution to compliance.

Policy DM 1 Development Management All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document: - Appropriate siting, layout, scale, form, massing, materials and detail. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.

Development should have regard to the character of the surrounding area. Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise. Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. Community safety and crime prevention. Design for health. Adequacy of internal accommodation and external amenity space. Refuse storage and collection. Vehicular access and car parking. Effects relating to biodiversity, landscape, archaeological or built heritage. Green Infrastructure including open space, both public and private. The use of alternatives to peat-based products in landscaping/gardens within development schemes. Flood risk and drainage. Existing or proposed hazardous installations. Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance Adopted April 2007

Options Appraisal for Location of AC Units

The host building contains two active frontages which face onto Tib Street and Foundry Lane respectively. As these elevations are situated at the back of the footway installing the AC units to either of these elevations was ruled out early on due to the visual intrusion the installations would cause, the obstruction to the highway and the likely damage that would be caused to the units from passers-by.

The installation of the AC units on the roof was also considered but whilst this would deal with the issues mentioned above, actually servicing the units would be impractical and expensive as it would require a cherry picker and possible road closure to undertake the work safely. In addition, the construction of the roof would not support the housing of this type of plant and as such the roof has had to be discounted as a viable alternative option.

Therefore, the only remaining options open were the two blank elevations to the side and rear. The rear elevation was originally considered to be the optimal location for the AC units as this is located the furthest away from residential properties and the building would have acted as an acoustic barrier to the nearest residential property at 65 Tib Street. The side elevation of the property faces the side elevation of No.65 and can only be accessed via a gate adjacent this property therefore it was not considered a practical solution at the time due to potential access issues which could arise. However, as a result of discussions with the City Council's Planning and Property Services teams, it has been agreed that this is their preferred option as it is considered the least visually obtrusive location. The City Council own this adjacent site and have no current plans to redevelop it, so are content to grant an oversailing lease to allow the three AC units to be positioned on the side elevation above their land.

This elevation whilst being blank is also the least public facing of the building, with the lower part of the building being hidden by existing boundary walls at both ends of the site meaning the impact on the Smithfield Conservation Area is minimised by the preferred location of the AC units.



Fig 1: Rear Elevation of 67 Tib Street with wall to adjacent site.



Fig 2. View of Side and Rear Elevation from Foundry Street



Fig 3: View from Tib Street of Tib Street/Foundry Street Corner



Fig 4: Side and Front Elevation from Tib Street



Fig 5: Front Elevation to Tib Street with wall to adjacent site.



Fig 6: Side Elevation adjacent 65 Tib Street where the 3 AC units will be installed.

Analysis

The proposals involve the installation of three Air Conditioning units to the side (south west) elevation of the building. The AC units will be enclosed in protective cages to protect them from vandalism and will primarily be used during the warmer months of the year to create a more hospitable atmosphere in the building for customers and employees.

The AC units will be located at a low level for easy access for maintenance and repair. There are existing brick walls fronting Tib Street and one at the rear which act as a screen to the side of the building along and therefore the AC units will not be visible from the public highway. The siting of the AC units is considered to be the least visually intrusive location whilst most practical in terms of servicing. The units will be coloured grey to blend in and be as complimentary as possible to their host buildings it is not considered that they will not jar with its existing architectural aesthetic.

The noise emitted from the AC units is 52db maximum, however the noise impact assessment includes details of how mitigation measures can reduce this further. However, with the nearest residential properties to the AC units being side onto the host building it is not considered that there will be any detrimental impact on the amenities of nearby residents as a result of noise emissions from the units. The units will also only operate during opening hours and given the city centre location background noise levels are higher than would be expected in an exclusively residential neighbourhood.

Whilst, it is acknowledged that the site is located within the Smithfield conservation area, the siting of the AC units on the side elevation of a modern property surrounded by other recent developments is considered to have a neutral impact on the historic environment. It is not considered that the proposal will have any impact on the significance of nearby heritage assets as it is substantially shielded from view by existing modern development in the locality. The proposals will therefore not result in any harm to the historic environment and can be classed as neutral in terms of impact on the Smithfield Conservation Area.

Conclusions

Following the refusal of the previous proposals, discussions have continued between the applicant and Council officers. As a result of this dialogue, it has been accepted that locating the AC units on the roof of the building is not practicable due to its construction and as a result the revised location which is the subject of this application has been pursued as an alternative which best serves the interests of all parties.

The proposals are considered to be compliant with both national and local planning policy. They have been positioned to be sympathetic to the existing host buildings and are aesthetically in keeping with the structure. Their installation does not compromise any other material planning considerations such as residential amenity or highway safety and as such it is considered that the proposed AC units should be approved without delay in accordance with the NPPF.

Appendix 1 - Details of Installation

Equipment

Ground Floor 1 off MSZ-AP50VGK / MUZ-AP50VG, Wall mounted split type air conditioning system having a nominal cooling and heating capacity of 5kW.

First Floor 1 off MSZ-AP50VGK / MUZ-AP50VG, Wall mounted split type air conditioning system having a nominal cooling and heating capacity of 5kW.

Second Floor 1 off MSZ-AP50VGK / MUZ-AP50VG, Wall mounted split type air conditioning system having a nominal cooling and heating capacity of 5kW.

Positioning

The indoor units would be wall mounted at high level. The outdoor condensing units would be located at high level on the external wall at the rear of the premises as specified.

Refrigerant Pipework

Interconnecting refrigeration Pipework would be installed in accordance with the manufacturers recommended methods. Nitrogen purge would be used whilst brazing. All suction and discharge lines would be insulated. All lines would be tested and evacuated.

Condensate Pipework

All necessary condensate Pipework would be installed using a gravity or pump fed pipework system, which would discharge to the nearest convenient point externally.

Electrical

Mains electrical supplies.