MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138624/FO/2023
Date registered valid:	11 December 2023
Proposal:	Installation of 3 Air Conditioning Units.
Address:	67 Tib Street, Manchester, M4 1LS
Ward(s):	Piccadilly Ward
Applicant:	Mr John Timperley Melissa Timperley Salons Ltd
Agent (if any):	Mr. Mike Davies MPD Built Environment Consultants Ltd
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approved
Date of recommendation:	**22/01/2024**

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 December 2023

Standard consultations:
Printed: 14 December 2023 Expired: 7 January 2024

Neighbour notifications
Printed: 14 December 2023 Expired: 7 January 2024

Site notice
Posted: 22 December 2023 Expired: 15 January 2024

Press advert
Published: 19 December 2023 Expired: 2 January 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order: Not applicable

This application concerns 67 Tib Street, a modern, attractive, detached, three storey property located on the corner of Tib Street and Foundry Lane. The building has flat roof and is constructed of grey brickwork.

The site is located within the Smithfield conservation area, in an area of the City Centre most commonly referred to as the Northern Quarter. The surroundings uses of buildings consists of flats, shops, businesses, bars, cafes, pubs, takeaways, offices, and restaurants.

Description of Development

The proposed works concern the installation of 3 Air Conditioning Units to the side elevation of the property.

Relevant planning applications:

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 - June 2014.

135855/FO/2022 - Installation of 3 Air Conditioning Units to the rear elevation of the property.
Refused - March 2023.

Consultations & Notification Responses

Environmental Health - Requested that a condition be added for a verification report to be submitted post installation but prior to the operation of the equipment, to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report.

Publicity - Neighbouring Properties were notified by letter, a site notice was displayed on site, and an advertisement was displayed in the Manchester Evening News. No comments were received as a result of this publicity.

Policy

The main polices that relate to the development are section **12 (Achieving well-designed places)**and **16 (Conserving and enhancing the historic environment)** of the revised **National Planning Policy Framework (2021)**, **DC14.1, DC14.5, DC18.1 and DC19.1** of the **Unitary Development Plan for the City of Manchester (1995), Sections 16 (2), 72(1)** and **66** of **(Listed Buildings and Conservation Areas) Act 1990.**

Manchester Core Strategy (2012)

The following Core Strategy 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.

Unitary Development Plan for the City of Manchester (1995) relevant saved policies **DC14** and **DC18**.

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 it

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Policy JP-S2 (Carbon and Energy) states that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures including:

- Promoting the retrofitting of existing buildings with measures to improve energy efficiency and generate renewable and low carbon energy, heating and cooling.

Issues

Principle

There has been no ventilation incorporated into the original design intent of this building.

The building currently operates as a hair salon, and so the heat issues have impacted the operation of the development.

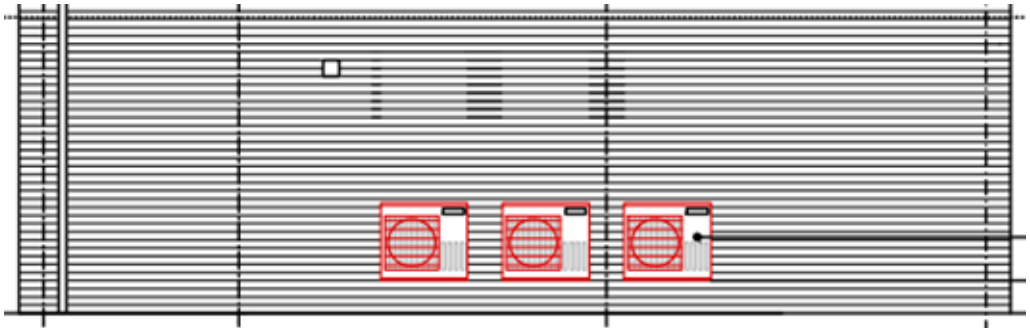
The main issues to consider when determining this application are the impact air conditioning units would have on the visual amenity of the building itself and the surrounding area, as well as any noise pollution concerns.

Visual Amenity

The placement of the air conditioning units is considered to be acceptable in terms of visual amenity.

Other locations were considered. An initial proposal to place the three air conditioning units on the rear of the building was refused in March 2023 (see Planning Permission **135855/FO/2022** for more details), due the fact that these units would be visible when approaching from Foundry Lane, as well as from neighbouring properties. It was considered that this would negatively impact the visual amenity of both the host building itself, as well as the surrounding street scene and conservation area.

Placing the units of the roof of the building was not a possibility due to load bearing issues. This information was demonstrated directly to the City Council in the pre-application stage before this application was submitted.



Proposed Elevation

Overall, the positioning of the air conditioning units in the currently proposed area, a parcel of land between 67 and 65 Tib Street, is considered to cause a minimal amount of harm to the visual amenity of the building itself and the surrounding street scene and conservation area. The units would be below the height of the wall on Tib Street, so they would not be visible from most directions on the street.



View from Tib Street

There is a gate that leads on to this area between the two buildings and from some angles, and the units would be visible from Tib Street. It has been agreed with the applicant that a visual screen would minimise this particular outstanding concern around any impact these air conditioning units might have on the visual amenity of the street scene and conservation area. It has been agreed with the applicant to include the final details of this visual screen as a condition.

Some external pipework will be required in order for these air conditioning units to operate. A condition has been added to agree the final details of this. In agreeing these details, all effort will be undertaken to make sure that any required external pipework matches the external façade in colour and blends in as much as possible to cause a minimum amount of harm to the visual amenity of the building.

Noise Pollution

A noise impact assessment has been provided as a part of the proposal. This assessment has been fully reviewed and approved by Manchester City Council's Environmental Health department. A verification report has been included as a condition to ensure that post the installation of the units, the proposed development will comply with the levels set out in the noise impact assessment.

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 polices 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 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 have been carried out in accordance with the following drawings and documents:

Received by the City Council as local planning authority on 22 November 2023:
- Planning Statement
- Noise Impact Assessment
- Heritage Statement
- Air Conditioning Heater Air Pump

Received by the City Council as local planning authority on 05 December 2023:
- Proposed Elevations PL03 Rev A

Received by the City Council as local planning authority on 11 December 2023:
- Existing and Proposed Plan and Block Plan PL04 Rev B

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC9, EN3, EN1, DM1, T1, T2 and CC10 of the Core Strategy and saved policies DC10, DC18.1 and DC19.1 of the Unitary Development Plan.

3) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the scheme outlined in the document Acoustics Screening Assessment by Enviroconsult memo dated 17 July 2023 in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the equipment is brought into use.

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 pursuant to policy DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

4) Notwithstanding the information detailed within Condition 2 of this application, full and final details of a visual screen that will surround the air conditioning units, shall be submitted to and formally approved in writing by the City Council as Local Planning Authority prior to the first use of the air conditioning units in the approved location.

For the avoidance of doubt, these full and final details shall include the final design of the screen, updated detailed scaled elevations and cross sections of the elevation, fixing details, material specifications and samples, and product specifications.

The works shall be carried out only as agreed in accordance with the approved details and shall be completed prior to first use of the air conditioning units in the approved location.

Reason - In the interests of visual amenity, and because the proposed works affect a building that is within a Conservation Area, so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

5) Notwithstanding the information detailed within Condition 2 of this application, full and final details of any external pipework that will be installed on the elevation, shall be submitted to and formally approved in writing by the City Council as Local Planning Authority prior to the first use of the air conditioning units in the approved location.

For the avoidance of doubt, these full and final details shall include the final design of the pipework, updated detailed scaled elevations and cross sections of the elevation, fixing details, an RAL colour of the pipework, and product specifications.

The works shall be carried out only as agreed in accordance with the approved details and shall be completed prior to first use of the air conditioning units in the approved location.

Reason - In the interests of visual amenity, and because the proposed works affect a building that is within a Conservation Area, so careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, CC9, EN1, EN 3 and DM1 of the Adopted Core Strategy for the City of Manchester, the Design and Principle of the Guide to Development in Manchester SPD and saved policies DC18.1 and DC19.1 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

75 Tib Street, Manchester, M4 1LS
108 Tib Street, Manchester, M4 1LR
WORK SOLUTIONS, 116 Tib Street, Manchester, M4 1LR
Flat 1, 110 - 112 Tib Street, Manchester, M4 1LR
Concierge Office, 21 Foundry Lane, Manchester, M4 5LB
110 - 112 Tib Street, Manchester, M4 1LR
63 Tib Street, Manchester, M4 1LS
24 Foundry Lane, Manchester, M4 5LB
18 Foundry Lane, Manchester, M4 5LB
Igloo, 73 Tib Street, Manchester, M4 1LS
Flat 2, 110 - 112 Tib Street, Manchester, M4 1LR
65 Tib Street, Manchester, M4 1LS
61 Tib Street, Manchester, M4 1LS
59 Tib Street, Manchester, M4 1LS
22 Foundry Lane, Manchester, M4 5LB
20 Foundry Lane, Manchester, M4 5LB

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
Conservation Area - Smithfield Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL