

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136948/FO/2023	
Date registered valid:	30 May 2023	
Proposal:	Retention of two new chillers at roof level	
Address:	AO Arena , 21 Hunts Bank Approach, Manchester, M3 1AR	
Ward(s):	Deansgate	Ward
Applicant:	Mr Stephen Tyldsley ASM Global	
Agent (if any):	Mr Dominic Manfredi AHR Architects Ltd	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	23/11/2023	

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 6 June 2023 Expired: 27 June 2023

Neighbour notifications

Printed: 6 June 2023 Expired: 27 June 2023

Site notice

Posted: Expired:

Press advert

Published: 13 June 2023 Expired: 27 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to a section of the AO Arena, an indoor entertainment arena. The arena is one of Manchester's and the north-west's major entertainment attractions hosting mainly sporting and music events. It is the second largest venue of its type in Europe, with a capacity of 21,000. The arena is in the setting of a number of Grade-II listed buildings, including Victoria station and the Stephenson and Middle Bridges. However, the development site itself is on the north side of the arena facing on to the ring road and hence should not impact the setting of these heritage assets.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The site is located between Manchester Victoria railway station and the bottom end of Cheetham Hill. The character of this area comprises several different uses including office, residential, hotel, educational, dining, drinking and entertainment. The area is not covered by a conservation area but is nearby to the Victoria North regeneration area.

Description of development

The development relates to the retention of 2no. chiller units to the roof of the AO Arena.

Consultations & Notification Responses

Publicity - a notice was displayed on site, informing passers-by of the development. Letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

Environmental Health - no objections, acoustic assessment required so condition requested.

Issues

The main issues for consideration relate to the impact of the proposal on visual amenity and noise and disturbance. The main policies that relate to the proposal are Policies SP1 (Spatial Principals) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy DC26.1 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

Principle

The 2no. new chiller units that are proposed for retention have replaced existing chillers on the roof. The existing chillers have reached the end of their lifespan and therefore new chillers are required to service the arena. The new units would result in an overall reduction in the amount of plant on the roof. As the plant is necessary to achieve acceptable air quality with the arena, the principle of development is considered acceptable.

Visual amenity

The chiller units are mounted on the roof of the AO Arena, in an area that already houses a significant quantity of plant. New plant was approved on the level below at the same point on the elevation under app. ref. 136189/FO/2023. This included approval for a new louvre screen to shield this new plant from views from the street.

These louvres would also screen the proposed chiller units from views from the street, ensuring there are no views from public vantage points. Any views of the plant from the upper floors of surrounding buildings would be in the context of the other plant that is already in situ. Furthermore, as it will allow for the removal of 4no. redundant chiller units, the development would help tidy the appearance of the plant area to a small degree.

Hence it is considered that there would be no unacceptable impacts on visual amenity created by the retention of the chiller units that would warrant a refusal. The proposal is therefore considered acceptable pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Noise

The installation of new plant has the potential to create an increase in background noise levels through additional created by the operation of the new plant. Therefore, a condition was requested by Environmental Health requiring an acoustic assessment together with post-completion validation testing to confirm adherence to the findings of the assessment or confirm any further mitigation measures to ensure adherence to these findings.

The side of the building under consideration fronts on to the ring road and hence background noise levels are particularly high due to the high levels of vehicular traffic throughout the day and much of the night. However, the character of the area is changing, with large-scale residential developments being constructed across the ring road. Therefore, it is essential that noise creep is kept to a minimum going forward.

The applicant has provided an acoustic assessment, the findings of which have been accepted by Environmental Health. Hence, it is considered that the chiller units would not give rise to an unacceptable increase in background noise levels. Post-validation testing will confirm the scheme is installed as approved. The development is therefore considered acceptable pursuant to policy DM1 and SP1 of the Manchester Core Strategy, which require consideration of amenity impacts including noise, and saved policy DC26 of the Unitary Development Plan for Manchester, which

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:

Article 35 Declaration

Officers have worked with the applicant 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 be carried out in accordance with the following drawings and documents:

-Drawing - Proposed MA1A-AHR-10-RF-DR-A-20007 ROOF PLAN

-Drawing - Proposed MA1A-RPS-10-RF-DR-M-5613 LEVEL 5 ROOF CHW SERVICES LAYOUT

received by the City Council, as Local Planning Authority, on 11/05/2023

-Drawing - Proposed DR-A-07006 ROOF SECTION received by the City Council, as Local Planning Authority, on 30/05/2023

-Drawing - Proposed MA1A-AHR-XX-XX-DR-A-07008-2 ROOF SECTION received by the City Council, as Local Planning Authority, on 18/07/2023

-Noise assessment or information AA0449.2REVA NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 11/10/2023

-Correspondence EMAIL RE: ACOUSTICS received by the City Council, as Local Planning Authority, on 02/11/2023

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 the approved noise assessment (Noise assessment or information AA0449.2REVA NOISE IMPACT ASSESSMENT received by the City Council, as Local Planning Authority, on 11/10/2023; Correspondence EMAIL RE: ACOUSTICS received by the City Council, as Local Planning Authority, on 02/11/2023) so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. 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 first 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 policies DM1 and SP1 of the Manchester Core Strategy (2012) and Saved policy DC26 of the Unitary Development Plan (1995).

Appendix 1 – List of consultees & neighbours notified

Environmental Health

The Stoller Hall, 8 Hunts Bank Approach, Manchester, M3 1DA
Hot Dog Stand, Victoria Station Approach, Manchester, M3 1NZ
Java Bar And Espresso, Victoria Station Approach, Manchester, M3 1NZ
Arena Court, Mirabel Street, Manchester, M3 1PJ
5 Cheetham Hill Road, Manchester, M4 4FY
2 - 6 Victoria Station Approach, Manchester, M3 1NY
Mesh 03-04 Column 7, Long Millgate, Manchester, M3 1SB
Club Between 7 And 9, Victoria Station Approach, Manchester, M3 1NZ
SNIPPERS 2 LTD, 1 Victoria Station Approach, Manchester, M3 1NZ
Gourmet Coffee Bar And Kitchen, Victoria Station Approach, Manchester, M3 1NZ
Victoria Railway Station, Long Millgate, Manchester, M3 1WY
W H Smith Ltd, Victoria Station Approach, Manchester, M3 1NZ
TeamSport Go Karting, AO Arena, 100 Trinity Way, Manchester, M1 3BF
23 Hunts Bank Approach, Manchester, M3 1AX
Unison, Arena Point, 1 Hunts Bank Approach, Manchester, M3 1UN
McDonalds Restaurants, Hunts Bank Approach, Manchester, M3 1AR
Advertising Right JC Decaux Site 8557 Adjacent 17, Great Ducie Street, Manchester, M3 1PS
Advertising Right At The Junction Of Cheetham Hill Road Crest Street, Cheetham Hill Road, Manchester, M3 1AR
Joseph Lanzante The Mens Room Barbers, Victoria Station Approach, Manchester, M3 1WY
Unit 2, Arena Court, Mirabel Street, Manchester, M3 1PJ
Unit 1, Arena Court, Mirabel Street, Manchester, M3 1PJ
Unit 3, Arena Court, Mirabel Street, Manchester, M3 1PG
Hotel Indigo Manchester Victoria Station, 6 Todd Street, Manchester, M3 1WU

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL