

1st June 2023

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Our Ref:
Your Ref:
File Ref:

Dear Sir / Madam,

Re: Proposed Installation of 13no. air conditioning condensers at ground floor level and 2m high paladin fence compound at Reynolds House, Archway Manchester M15 5RL

Lambert Smith Hampton act on behalf of Ascendas Reit (Manchester) Ltd. Our clients own Reynolds House an existing data centre situated off Archway in Hulme.

Reynolds house was constructed over 20 years ago having been originally granted outline planning consent as part of a much wider development proposal in July 1998 (Reference 054807/VO/CENTL1/98) after which approval of reserved matters followed in May 2000. Following its construction, the site has been the subject of several planning applications pursuant to its operation as a data centre. The site's planning history is set out below in tabular form

Application Reference	Description	Date of Decision	Outcome
088418/FO/2008/S1	Erection of single storey plant enclosure attached to existing building and re-arrangement of car parking	26/01/2009	Approve
092606/FO/2010/S1	Retention of existing architectural railing and paladin fencing approved for a temporary period and erection of 2.1m high paladin fencing to remainder of frontages	08/07/2010	Approve
093638/FO/2010/S1	Extension to existing condenser compound to install two further air conditioning units and the erection of 2.4 metre high	23/08/2010	Approve

	palladin fencing to match existing		
095238/FO/2011/S1	Retention of existing fencing and the installation of new 2.1m high paladin boundary fencing fronting Phoenix Way and Ormsgill Street	04/03/2011	Approve
099693/FO/2012/S1	Erection of an external riser, erection of an external horizontal duct, Increase in height of section of perimeter wall through the process of erecting a fence on top of the existing perimeter wall.	13/08/2012	Approve
106246/AO/2014	Part retrospective application for installation of 2no. high level individual letter signs to the academic building and 1no. individual letter sign to energy centre together with various illuminated and non-illuminated information and directional sign	04/12/2014	Approve
107133/FO/2014/S1	Installation of 8 no. condenser units and associated development enclosed within a 1.8-metre-high fenced compound	10/12/2014	Approve
112003/FO/2016/S1	Installation of 13no. air conditioning condensers installed externally at ground level within a 2-metre high palladin fence compound, and 10no. air conditioning condensers installed externally on an existing plant deck at first floor level of the Reynolds House Energy Centre and erection of a	21/06/2016	Approve

	galvanised steel spiral stair to replace existing cat ladder to provide maintenance access first floor plant deck.		
121383/FO/2018	Installation of 2m high paladin fencing to the perimeter of the site	22/11/2018	Approve

We note that the City Council in its capacity as Local Planning Authority has consistently supported the efficient, sustainable, and viable use of Reynolds House through the grant of a series of permission which were needed to ensure its continuing successful and efficient operation. We have highlighted within the table a particular consent reference 112003/FO/2016/S1 as a helpful “starting point” for the consideration of the current application. In 2016 the council granted consent for the following proposal: -

Installation of 13no. air conditioning condensers installed externally at ground level within a 2-metre high palladin fence compound, and 10no. air conditioning condensers installed externally on an existing plant deck at first floor level of the Reynolds House Energy Centre and erection of a galvanised steel spiral stair to replace existing cat ladder to provide maintenance access first floor plant deck.

The development in question was never undertaken and hence the planning consent became time expired.

The current proposal envisages the installation of 13 air conditioning condensers at ground floor level within a 2-metre high palladin fence compound in the identical location to the 2016 consent. The key differences between the 2016 planning consent and the current proposal are that no condensers are proposed at first floor level and no steel spiral stair is envisaged.

The other significant difference is that the proposed condensers employ more efficient and sustainable technology that the specification envisaged in 2016. Further the proposal the subject of the current application would allow for existing older generation condensers to be removed altogether for the roof of the existing building.

The reason we highlight the 2016 consent is that the pervious grant of consent is a material consideration to which significant weight ought to be attached. Whilst “precedence” is not a concept which is applicable in reaching planning decisions consistency of decision-making is. In North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137 Mann LJ explained

“One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.”

Two more recent decisions in the High Court have emphasised the importance of consistency in planning decision making R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050 and most recently Baroness Cumberlege v Secretary of State for Communities & Local Government [2017] EWHC 2057

These two court decisions in essence emphasise the need for consistency, especially when assessing similar developments. Where there are instances in which the decisions involve an

assessment of similar considerations for a decision maker to fail to take account of the approach previously adopted would be unreasonable.

Consideration of the City Council's Manchester Local Plan, Interactive Map shows the site as unaffected by any site-specific policies although we note that the council is committed to protecting and enhancing existing employment space (Policy EC 2 – Manchester Core Strategy).

To ensure the ongoing efficient and viable operation of the existing data centre it is imperative to ensure that sufficient modern condenser units are in place on the site. The proposal will allow for the replacement and removal of historic condensers currently sited at roof level but with insufficient space to ensure suitable volumes of air flow. There is a distinct urgency to the proposed works due to the commitment to the use of the site by the University of Manchester.

We would highlight the fact that national planning policy as set out in the National Planning Policy Framework advises at paragraph 38 that: -

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Given the nature of the proposal and the operations undertaken at Reynolds House we would also highlight paragraph 81 which states: -

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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential

Thus, in summary there are no Development Plan policies which would mitigate against the proposal the subject of the application; indeed, the proposal draws support from the policies of the Core Strategy. National planning policy also supports the grant of consent in this instance. Most tellingly however as recently as 2016 the council granted consent for the siting of the same number condensers in an identical location to that currently proposed. The only difference being the improved sustainability and efficiency of the condensers now proposed. In the light of the foregoing, we request that the application be approved, and consent granted. The applicants are keen to start work promptly and would therefore wish to avoid any pre-commencement conditions. We would welcome the opportunity of discussing potential conditions with the officers of the council.

Yours sincerely,

Richard Moffat

Richard Moffat

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Director

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