

Planning

Growth & Development

Delegated officer report for planning application

Application no.	135855/FO/2022	
Date registered valid:	3 February 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:	Refused	
Date of recommendation:	30/03/2023	

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 14 February 2023

Standard consultations:

Printed: 8 February 2023 Expired: 1 March 2023

Neighbour notifications

Printed: 8 February 2023 Expired: 1 March 2023

Site notice

Posted: 8 February 2023 Expired: 1 March 2023

Press advert

Published: 14 February 2023 Expired: 7 March 2023

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 rear 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.

Consultations & Notification Responses

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.

Environmental Health requested that a condition be added regarding a verification report being submitted to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report if the application is approved.

Policy

The main policies 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 members 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 policy DC18.

National Planning Policy Framework

Issues

Principle

The installation of the air conditioning units is unacceptable in principle due to the impact that the installation of these proposed air conditioning units would have on the visual amenity of the building itself as well as the surrounding area.

Visual Amenity

It is considered that the addition of the air conditioning units in the location and position proposed, would adversely affect the external appearance of this high-quality modern building which sits within the conservation area. The visual harm that the units would cause would detract from the positive contribution which the building currently makes to the Smithfield conservation area in which the building sits.

The units would be highly visible over the existing boundary wall when approaching from Foundry Lane and so they are not entirely shielded from view by this boundary wall.



View of rear elevation from down Foundry Lane

Impact on the conservation area

The application site is a modern building in the conservation area which is considered to be a positive addition to the area. The units would introduce clutter on the building with low quality features which would detract from the appearance of the building and the conservation area as a whole. This would result in less than substantial harm to the heritage asset. There are no public benefits associated with the proposal, there would be private benefits to the occupants of the development, which would outweigh this harm. The benefits to the development could be achieved in a less harmful way.

Impact on residential amenity

The units would be installed on an elevation of the building which is in close proximity to residential properties located along Foundry Lane. The applicant has submitted an acoustic

report which has been assessed by Environmental Health. This concludes that provided the units are installed in accordance with this report, no unacceptable impact should arise from the noise and operation of the plant.

Conclusion

In view of all of the above, it is considered that the proposals are not considered acceptable, due to the impact on the visual amenity of the installation of the air conditioning units would have on both the building itself and the surrounding conservation area which is contrary to the provisions of policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policies DC14 and DC18 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

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: Refused

Article 35 Declaration

Officers have worked with the application in a positive and proactive way. Officers have highlighted to the applicant that the proposed works are unacceptable. The development is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The installation of air conditioning units to the rear elevation of this building, by virtue of its siting, design and resulting appearance, would be considered to adversely affect the external appearance of this high quality building and would be detrimental to the visual amenity of both the building itself and the surrounding Smithfield conservation area. The development is therefore contrary to the provisions of policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy (2012), saved policy DC18 of the Unitary Development Plan for the City of Manchester (1995) and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

WORK SOLUTIONS, 116 Tib Street, Manchester, M4 1LR
Concierge Office, 21 Foundry Lane, Manchester, M4 5LB
Igloo, 73 Tib Street, Manchester, M4 1LS
Flat 1, 110 - 112 Tib Street, Manchester, M4 1LR
Flat 2, 110 - 112 Tib Street, Manchester, M4 1LR
133 Oldham Street, Manchester, M4 1LN
110 - 112 Tib Street, Manchester, M4 1LR
24 Foundry Lane, Manchester, M4 5LB
63 Tib Street, Manchester, M4 1LS
135 - 141 Oldham Street, Manchester, M4 1LN
22 Foundry Lane, Manchester, M4 5LB
65 Tib Street, Manchester, M4 1LS

Appendix 2 – Planning constraints

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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