

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135797/FO/2022

Date registered valid: 3 January 2023

Proposal: Provision of new rooftop plant to support 5th floor dentistry fit out.

Address: University Of Manchester, Carys Bannister Building, Dover Street, Manchester, M13 9PL

Ward(s): Hulme Ward

Applicant: Mr Simon Wallett c/o University of Manchester

Agent (if any): Mr Jeremy Birtwell Wilson Mason

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23/02/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 24 January 2023

Standard consultations:

Printed: 16 January 2023 Expired: 6 February 2023

Neighbour notifications

Printed: 16 January 2023 Expired: 6 February 2023

Site notice

Posted: 24 January 2023 Expired: 14 February 2023

Press advert

Published: 24 January 2023 Expired: 14 February 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Grade II Star

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of Site/Building

This application related to the Cary Bannister Building on Dover Street. This building is a part of the University of Manchester. The building is currently a biomedical science research building, floors ground to fourth are currently used by the University of Manchester Optometry Division.

Whilst the Cary Bannister Building itself is not listed, it is directly next to the Dover Street Building, which is a Grade II listed building. Whilst most of the surrounding buildings are non-listed University buildings, there are further Listed Buildings in the nearby area, including the Holy Name Church, Holy Name Presbytery, as well as 323 - 237 & 333 Oxford Road.

Description of Development

Planning Permission is sought for additional rooftop plant to support the 5th floor dentistry. This will comprise 1 additional air handling unit, 1 additional condenser on bigfoot support system with associated roof membrane repairs, as well as a new roof grey GRP prefabricated plant room with louvred door to house air receiver, vacuum pump, air compressor, condense trap, air dryer.

Consultations & Notification Responses

Environmental Health - Informative regarding Noise Limits and two conditions regarding Demolition/Construction Hours and External plant equipment have been added at consultee's request.

University of Manchester - No comment received

Publicity - Site notice and press advert were produced and displayed for the 21 days. Local residents were notified by letter however no responses were received.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the UDP;
- Policies DM1, SP1, CC9, EN4 and EN3 of the Core Strategy;
- The Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF)

Issues

Principle

The proposal to install the additional rooftop plant equipment has been requested to support the additional dentistry that is being installed of the 5th floor of the building.

The main principles to consider in relation to this application are Visual Amenity and Noise.

Visual Amenity

Following discussions with the agent, the Plant Room was moved from its originally proposed location, where there were concerns regarding how visible the Plant Room might be from ground level, to its current location which is more set back from the parapet and more in line with the PV panels.

Given the proposed placement of the Plant Room, it is considered that the proposed alterations would cause less than substantial harm and impact to the visual amenity and the character of the surroundings area.

Noise

A noise assessment and acoustic report has been submitted in support of the application. Environmental Health officers have assessed this and are satisfied with the content, as the acousticians have demonstrated that the noise requirements would be complied with. However, the applicant would still need a verification report once the equipment has been commissioned to prove that they are operating at the agreed level and are in compliance with the 5dB(A) below background level criteria. It is therefore proposed to attach an appropriately worded noise condition to any approval. As part of this condition, a verification report will also need to be submitted prior to the operation of the equipment, to ensure that the development conforms to the recommendations and requirements in the approved acoustic report. Part of this verification report will include undertaking post completion testing to confirm that the noise criteria have been met. A condition has also been added regarding Construction/Demolition hours to negate any noise concerns during the construction of the plant room.

Conclusion

In view of all of the above, it is considered that the proposals are considered acceptable.

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: 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. The scheme is considered to be in accordance with the guidance contained within policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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:

Environmental Noise Survey Report received by the City Council, as Local Planning Authority, on the 03 January 2023

Proposed Elevations 7104 L(2-)10 REV 01 , Proposed Roof Level - Medical Gas and Space Heating and Ventilation Service Layout EA0018-M-54-RR-001 received by the City Council, as Local Planning Authority, on the 22 February 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) a) Notwithstanding the Environmental Noise Survey Report received by the City Council, as Local Planning Authority, on the 03 January 2023, any Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to installation of any plant hereby approved, a scheme shall be submitted for approval in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The approved scheme shall be implemented in full.

b) Prior to plant being first brought into use, a verification report shall be submitted for approval 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

Informatives

1) The applicant will need to ensure that the external plant to be installed does not exceed the noise limits set out in the submitted acoustic report. Details of the selected plant and the verification report will need to be submitted.

Information for Developers guidance documents can be downloaded using the following link: http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Appendix 1 – List of consultees & neighbours notified

Environmental Health
University Of Manchester

333 Oxford Road, Manchester, M13 9PG
327 Oxford Road, Manchester, M13 9PG
Holy Name Church, 339 Oxford Road, Manchester, M13 9PG
Flat 2, St Pauls House, 337 Oxford Road, Manchester, M13 9PG
Flat 1, St Pauls House, 337 Oxford Road, Manchester, M13 9PG
Vaughan House, Portsmouth Street, Manchester, M13 9GB
325 Oxford Road, Manchester, M13 9PG
323 Oxford Road, Manchester, M13 9PS
2 Portsmouth Street, Manchester, M13 9GB

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL