

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134230/FO/2022

Date registered valid: 15 September 2022

Proposal: Installation of 5no. air conditioning condensing units to rear service yard.

Address: 17-18 Lime Square , Ashton Old Road, Manchester, Manchester, M11 1DA

Ward(s): Clayton & Openshaw Ward

Applicant: Specsavers Optical Stores Cirrus House, 10 Experian Way, Nottingham, NG2 1EP

Agent (if any): Fisch Planning Fisch Design Unit 1 Heritage Business Centre, Derby Road, Belper, DE56 1SW

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 November 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 4 October 2022

Standard consultations:

Printed: 16 September 2022 Expired: 7 October 2022

Neighbour notifications

Printed: 16 September 2022 Expired: 7 October 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The development relates to the operation of an opticians that is situated within a ground floor unit. It is centrally positioned within the district centre and has a principal (southern) shopfront faces toward the main section of the car park with a secondary shopfront presented to a pedestrian route to the west. However, the equipment to be installed relates to a rear (northern) elevation within a service yard that is accessed via Fairfield Road. The configuration of built form to each side of the vehicular access would screen views of the area of development when viewed from Fairfield Road. The access via Fairfield Road is enclosed with railing gates. The application buildings comprise of 2-storey flat roof buildings of varying heights. The development would be related to an elevation comprising grey profiled cladding and ground floor access doors. The elevations are punctuated with air condition units relating to neighbouring units.



Fig.1 – Views towards the application from Fairfield Street

Description of development

The development involves the installation of five air conditioning units with horizontal alignment and positioned 3.3 metres above ground level. The dimensions of the proposed units would comprise of:

Unit 1: H 823 mm x W 940 mm x D 480 mm

Units 2-4 (incl.): H 734 mm x W 870 mm x D 375 mm

Unit 5: H 990 mm x W 940 mm x D 320 mm.

The units would project above a pair of ground floor external doors.

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – No objection as the proposed AC units are considered to be acceptable.

CADENT – No objection but have advised of the potential position of its gas infrastructure in relation to the development. CADENT have requested the inclusion of an informative detailing the above and advising of developer responsibilities.

Issues

National Planning Policy Framework (NPPF) - National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that

planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Framework has been related to the proposed development, with particular emphasis given to the following:

ii. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would be appropriately related to its context and would not harm residential use in the locality. The development would not adversely affect the operation of the district centre or impact upon the security of the wider site.

Planning Practice Guidance (PPG) - On 6 March 2014, the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In the following assessment of the proposed development has been given to the following aspects of the PPG:

i. Consultation and pre-decision matters - The PPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application.

ii. Health and well-being - States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making;

iii. Noise - Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. The PPG sets out the potential approaches to responding to noise and appropriate mitigation, which have been applied in the consideration of the proposed development and the intensification of the residential use.

It is considered that the development accords with the above guidance relating to points (i) and (ii). Impacts relating to noise have been assessed and addressed through the conditioned implementation of the development in accordance with the submitted details.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 Spatial Principles - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

a. Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community

regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;

b. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is considered that the development would respond positively to the objectives of policy SP1 due to its contribution of the sustained operation of an established commercial use with a local employment contribution. Policy SP1 would thereby be accorded with.

Policy DM1 Development Management - States that all development should have regard to the following specific issues, which are considered to be relevant to the consideration of this application:

- o Appropriate siting, layout, scale, form, massing, materials and detail;
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- o Effects on amenity, including noise, vibration and road safety and traffic generation;
- o Community safety and crime prevention;
- o Design for health.

The development would be appropriately related to its context without apparent harm to visual or residential amenity. The development would thereby accord with policy DM1.

Unitary Development Plan (UDP) saved policies -The following saved policies are considered to be relevant:

Policy DC26 Development and Noise - Is relevant to the proposed development due to its potential to generate noise and disturbance through the operation of the proposed use and any external associated equipment. The following aspects of this policy (DC26) are considered to be relevant to the proposed development.

Policy DC26.1 - Has been related to the proposal potential contribution to the local noise environment, in relation to the operation of associated external equipment

Policy DC26.5 - Has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

It is considered that noise impacts have been appropriately assessed and any noise impact would be limited to the setting of the development within the district centre and would not impact upon residential uses. The development has been related to the submitted details by condition.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation of how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. In this case, the planning application was submitted with sufficient information to facilitate its assessment without need of further negotiation.

Principle of the development – The proposed equipment is commonly installed in connection with the operation of commercial uses. The air condition units would be related to standard sizes, The number of installed units would be proportionate with limited visual impact. The principle of the development is therefore acceptable.

Positioning and appearance – The configuration of built form within the service yard and access road leading from Fairfield Road would screen the proposed air conditioning units. The

development would not, therefore, have a visual impact on the streetscene or otherwise harmfully affected the character of the area.

Noise – The applicant has related to the development to and acoustic report that has been assessed by Environmental Health and its findings are considered to be acceptable within the context of district centre shopping centre. The implementation of the development has been related to the submitted acoustic report and air conditioning unit specifications.

CADENT comments - The applicant has been advised of CADENT comments and confirmed that: the proposed AC will be wall mounted at the rear, with the pipework/lines going through the existing service ducting (above ground) within the building. There would be no excavation of the hard-standing within the service yard. The gas infrastructure identified by CADENT would therefore be unaffected by the development. The comments of CADENT have been included as an informative.

Conclusion - The development is considered to be acceptable as it would relate appropriately to its context and facilitate the on-going operation of the related commercial unit.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, the planning application was submitted with sufficient information to facilitate its assessment without need of further negotiation.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on 1 July 2022 and 15 September 2022:

Planning application forms

Block plan Ref: 2024-BP Rev A

Location plan with red edge Ref: 2024-LP Rev A

Existing and proposed AC Elevations and Details REF 2024-01

Drawing referenced 2024-01 Existing & Proposed AC Elevations & Details;

Noise Impact Assessment Ref: Lime Square Unit 17-18, Ashton Old Road, Openshaw M11 1DA by Fisch Design Ltd.

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 for the City of Manchester.

3) The development shall be implemented in accordance with the condenser unit specification as detailed on drawing referenced 2024-01 Existing & Proposed AC Elevations & Details and Noise Impact Assessment Ref: Lime Square Unit 17-18, Ashton Old Road, Openshaw M11 1DA by Fisch Design Ltd. The development shall be maintained in situ thereafter in accordance with the approved details.

Reason - In the interests of the amenities of the area and to secure appropriate noise outputs from the installed external plant and equipment pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informative

1) Guidance for developers can be found via the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) Cadent advice

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It

also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This informative does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

4A Lime Square, Ashton Old Road, Manchester, M11 1DA
Farmfoods, 20 - 21 Lime Square, Ashton Old Road, Manchester, M11 1DA
McDonald's, Lime Square, Ashton Old Road, Manchester, M11 1DA
The Gym, 22 Lime Square, Ashton Old Road, Manchester, M11 1DA
Costa Coffee, 19 Lime Square, Ashton Old Road, Manchester, M11 1DA
13 Lime Square, Ashton Old Road, Manchester, M11 1DA
14 Lime Square, Ashton Old Road, Manchester, M11 1DA
15 Lime Square, Ashton Old Road, Manchester, M11 1DA
Lemon Nails, 16 Lime Square, Ashton Old Road, Manchester, M11 1DA
12 Lime Square, Ashton Old Road, Manchester, M11 1DA
11 Lime Square, Ashton Old Road, Manchester, M11 1DA
All Mobility, 10 Lime Square, Ashton Old Road, Manchester, M11 1DA
B&M Bargains, 2 Lime Square, Ashton Old Road, Manchester, M11 1DA
Poundland, 3 Lime Square, Ashton Old Road, Manchester, M11 1DA
Store 21, 4 Lime Square, Ashton Old Road, Manchester, M11 1DA
Lime Square Medical Centre, 5A Lime Square, Ashton Old Road, Manchester, M11 1DA
Wynsors Shoes, 5 Lime Square, Ashton Old Road, Manchester, M11 1DA
Extra Care Charitable Trust, 8 Lime Square, Ashton Old Road, Manchester, M11 1DA
Betfred, 9 Lime Square, Ashton Old Road, Manchester, M11 1DA
Unit 1, Buckley Street, Manchester, M11 1FA

Appendix 2 – Planning constraints

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
Area Team Boundary - Name: NORTH AREA