

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133401/FO/2022

Date registered valid: 19 April 2022

Proposal: Installation of externally mounted equipment on the flat roof of the building.

Address: Unit MSU12, Arndale Centre, Manchester, M4 1QB

Ward(s): Piccadilly Ward

Applicant: Sportsdirect.com Retail Limited Brook Park East, Meadow Lane, Shirebrook, NG20 8RY

Agent (if any): Mrs Katherine Sneed Jigsaw Planning PO Box 2844, Glasgow, G61 9DG

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 August 2022

Application details

Type of application: Full Application Consent

Development type: Smallscale Major Industry

Date of site visit: 31 August 2022

Standard consultations:

Printed: 26 April 2022 Expired: 17 May 2022

Neighbour notifications

Printed: 26 April 2022 Expired: 17 May 2022

Site notice

Posted: 31 August 2022 Expired: 21 September 2022 Posted: 10 May 2022 Expired: 31 May 2022

Press advert

Published: 6 September 2022 Expired: 27 September 2022 Published: 3 May 2022
Expired: 24 May 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site comprises part of the site occupied by the former British Home Store which faced onto Market Street and High Street. However, the proposals under consideration relate to the flat roof above the ground floor units only. There is an adjoining fire escape serving the wider shopping centre. The unit forms part of the Manchester Arndale, a multi-storey shopping centre located within the Retail Core of Manchester City Centre.

The building isn't listed, and the site isn't in a Conservation Area, but it is adjacent to the Smithfield and Upper King Street Conservation Areas.

Description of development

Planning permission is sought for the installation of plant and equipment on the flat roof of the building that overlooks High Street and Market Street.

The plant and equipment would not operate outside of the hours 08:00 to 20:00 Monday to Saturday and 11:30 to 17:30 on Sunday and Bank Holidays.

Screening is also proposed.

Consultations & Notification Responses

Environmental Health - Recommended conditions restricting the operating times of the plant and a noise condition to minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

The application has been advertised in the Manchester Evening News as affecting a listed building. A site notice was displayed, and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity.

Issues

The main issues for consideration relate to the acceptability of the proposals in terms of the impact on visual amenity, in particular the impact on the character and appearance of the adjacent conservation areas and nearby listed buildings and residential amenity. The main policies that relate to this proposal are policies EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), CC9 (Design and Heritage), SP1 (Spatial Principles) and DM1 (Development Management) of the Core Strategy for the City of Manchester and saved policies DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester and Sections 12 (Achieving Well Designed Places) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (2018)

Impact on the Historic Environment

Computer Generated Images supplied by the applicant indicate that the new plant will not be visible from High Street and their drawings show that there will be a gap of 13.2 metres between the easterly edge of the plant and eastern elevation of the Arndale Centre facing High Street. However, the equipment can still be seen from adjacent streets and from within surrounding buildings so a screen is required. A condition will be applied to the application that requires the design of the screen to be submitted and agreed.

In view of the above it is considered that the proposals would be consistent with Sections 12 and 16 of the NPPF, policies EN3, CC9, SP1 and DM1 of the Core Strategy for the City of Manchester and policies DC18.1 and DC19.1 of the Unitary Development Plan.

Residential amenity

A condition will be attached to this permission to control noise from any externally mounted ancillary plant or fan/ducting equipment.

The location of the application is based on High Street and is located opposite a site where, in 2020, planning permission was granted for "Construction of a 22 storey building comprising 361 residential apartments (122 x 1 bed 2 person, 119 x 2 bed 3 person, 94 x 2 bed 4 person, 21 x 3 bed 5 person and 5 x 3 bed 6 person (34% 1 bed, 59% 2 bed and 7% 3 bed) ground floor commercial floorspace (Use Classes A1 (Shop), A3 (Restaurant and Cafe), A4 (Drinking Establishment) and A5 (Hot Food Take-away) associated landscaping, including new public realm and pedestrian route, together with servicing, cycle parking, access and other associated works following demolition of buildings at 20-22 and 24-26 High Street and 5 market stalls to Church Street." (Application no. 121375/FO/2018).

The site is, therefore, close to properties which could be in residential use in the future. Whilst such properties cannot expect the same level of amenity as properties in wholly residential areas,

they should still expect a reasonable level of amenity. In terms of noise these issues can and will be addressed through a condition and, therefore, it is considered that on balance subject to the appropriate conditions the proposed development is acceptable.

In view of the above it is considered that the proposals would be consistent policies SP1 and DM1 of the Core Strategy for the City of Manchester and policies DC26 of the Unitary Development Plan.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the application. In this case this has included ongoing communications to clarify the applicant's proposals and ensure that they did not have adverse impact on amenity within the surrounding area.

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) Rev The development hereby approved shall be carried out in accordance with the following drawings and documents:

The site location plan referenced CPS 20 077 001 both received by the City Council as Local Planning Authority on 1st April 2022

The drawings referenced:

CPS 20 077 302

received by the City Council as Local Planning Authority on 1st April 2022

CPS 20 077 101 Rev B

CPS 20 077 110 Rev B

CPS 20 077 111 Rev B

received by the City Council as Local Planning Authority on 16th August 2022

The Plant Noise Assessment dated August 2021 prepared by WSP

received by the City Council as Local Planning Authority on 1st April 2022

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 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 commencement of the use hereby approved the scheme shall be submitted to and approved 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 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 plant becoming operational, 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 and full details of any measures required to ensure compliance with the agreed noise criteria shall be submitted to and agreed by the City Council as local planning authority within 5 months of the first operation of the scheme.

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 SP1 and DM1 of the Core Strategy for the City of Manchester.

4) The plant hereby approved shall be automatically controlled so as not to operate during the following hours:

20:00 to 08:00 Monday to Saturday and 17:30 to 11:30 on Sunday and Bank Holidays

Reason - To ensure an acceptable development, and in the interests of amenity pursuant to policy DM1 of the Core Strategy for the City of Manchester.

5) Notwithstanding the information detailed within Condition 2 of this application, full and final details of the location, design and materials of a plant screen to be installed to prevent views of the equipment hereby approved from surrounding and adjacent streets and from within surrounding buildings shall be submitted to and approved in writing by the City Council as local planning authority prior to the installation of the equipment hereby approved.

The works shall then be carried out in accordance with the approved details.

Reason - In the interests of visual amenity and because the proposed works affect a listed building and careful attention to building work is required to protect the character and appearance of this building in accordance with policies SP1, EN3 and DM1 of the Core Strategy and to ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester.

6) Notwithstanding the information shown on the drawings hereby approved the permission hereby granted does not grant or imply grant of planning permission for any works to the elevations of the building.

Reason - For the avoidance of doubt and to ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Sixth Floor, 34 High Street, Manchester, M4 1QB
Fifth Floor, 34 High Street, Manchester, M4 1QB
Fourth Floor, 34 High Street, Manchester, M4 1QB
Third Floor, 34 High Street, Manchester, M4 1QB
Fourth Floor, 20 - 22 High Street, Manchester, M4 1QB
Third Floor, 20 - 22 High Street, Manchester, M4 1QB
Manchester Dental Practice, First Floor, 34 High Street, Manchester, M4 1QB
First Floor, 20 - 22 High Street, Manchester, M4 1QB
Second Floor, 20 - 22 High Street, Manchester, M4 1QB
Basement, 20 - 22 High Street, Manchester, M4 1QB
First Floor, 32 High Street, Manchester, M4 1QB
Poppleton And Appleby Ltd, 34 High Street, Manchester, M4 1QB
Unit 1, Market Stalls, Church Street, Manchester, M4 1PN
Unit 2, Market Stalls, Church Street, Manchester, M4 1PN
1A High Street, Manchester, M4 1QB
8 High Street, Manchester, M4 1QB
Cooperative Retail Services Ltd, 38 High Street, Manchester, M4 1QB
Ground Floor And Basement, 24 High Street, Manchester, M4 1QB
Debenhams, 109 - 127 Market Street, Manchester, M60 1TA
34 High Street, Manchester, M4 1AH
Ground Floor, 20 - 22 High Street, Manchester, M4 1QB
24 High Street, Manchester, M4 1QB
Basement, 32 High Street, Manchester, M4 1QB
36 High Street, Manchester, M4 1QB
32 High Street, Manchester, M4 1QD
26 - 28 High Street, Manchester, M4 1QB
30 High Street, Manchester, M4 1QB

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: CENTRL