

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134922/FO/2022

Date registered valid: 12 September 2022

Proposal: Installation of an air conditioning (AC) unit to accompany the change of use and conversion of former Greenfinch Public House

Address: 108 Palatine Road, Manchester, M20 3ZA

Ward(s): Didsbury West Ward

Applicant: Mr Richard Robinson Anchorbridge Developments Ltd C/o Agent

Agent (if any): James Walkington Paul Butler Associates 31 Blackfriars Road, Salford, M3 7AQ

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: APPROVE

Date of recommendation: 04.11.2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 06 October 2022

Standard consultations:

Printed: 15 September 2022 Expired: 6 October 2022

Neighbour notifications

Printed: 15 September 2022 Expired: 6 October 2022

Site notice

Posted: 06 October 2022 Expired: 27 October 2022

Press advert

Published: 27 September 2022 Expired: 18 October 2022

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Albert Park Conservation Area 1988

Tree Preservation Order:

Description of Site/Area

The site is a former public house and a large surface area car park surrounding (with some landscaping) at the junction of Palatine Road and Lapwing Lane. It is bounded to the west by residential development, to the north by a number of commercial use and the Metrolink line, to the east by the continuation of the line, Northern Lawn Tennis Club and residential development beyond, to the south by predominantly large scale residential properties fronting Palatine Road.

Description of development

Planning permission is sought for the installation of an air conditioning (AC) unit to accompany the change of use and conversion of former Greenfinch Public House into a mixed use development with offices situated along the ground floor.

Consultations & Notification Responses

Environmental Health have no objections to the proposal and are satisfied with the noise impact assessment and have recommended a verification report be included in any approval.

West Didsbury Residents Association had no comments at the time of the application.

Local residents were notified, and one response was received. The respondent's content centred around the previously approved application (application ref. 133740/FH/2022) and was resolved through email. However, no objections were raised in relation to this application.

Planning History

133740/FH/2022 Change of use and conversion of former Greenfinch Public House including selective demolition to provide office accommodation (use class E) and 3 apartments (use class C3), and redevelopment of site to provide 9 dwellings (use class C3) with associated works including landscaping and car parking. APPROVED 09.08.2022

130831/FH/2022 Change of use and conversion of former Greenfinch Public House including selective demolition to provide office accommodation (Use Class E) and 3 apartments (Use Class C3), and redevelopment of site to provide 8 dwellings (Use class C3) with associated works including landscaping and car parking. APPROVED 14.01.2022

113573/FO/2016 Alterations and extension of existing external pergola including timber infill side panels with wall art, booth seating and decorative timber parapet and lighting. APPROVED 06.12.2016

Policy

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 12. Achieving Well- Designed Places; States that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 16 Conserving and enhancing the historic environment – states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

- the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy EN 3, Heritage – Throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

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 scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

Proposals which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy SP1 Spatial Principles - which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- 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.

Policy DM1 Development Management – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policies – Policy DC18 is considered of relevance in this instance:

Policy DC18, Conservation Areas – Policy DC18.1 states that the Council will give particularly careful consideration to development proposals within Conservation Areas by taking into consideration the following:

- a) The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:
 - i. the relationship of new structures to neighbouring buildings and spaces;
 - ii. the effect of major changes to the appearance of existing buildings;
 - iii. the desirability of retaining existing features, such as boundary walls, gardens, trees, (including
 - iv. street trees);
 - v. the effect of signs and advertisements;
 - vi. any further guidance on specific areas which has been approved by the Council.
- b) The Council will not normally grant outline planning permission for development within Conservation Areas.
- c) Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.
- d) Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.
- e) Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Issues

Principle

The principle of a business wishing to install plant to enable the operation to expand or continue trading is acceptable. Notwithstanding this, the impact upon the conservation area must be assessed, along with the potential impacts upon residential/visual amenity.

Siting Scale and Massing

The AC unit would be located on the western elevation facing into the rear yard of the application site that backs onto properties along Raleigh Close. The unit would be enclosed within a protective caging structure and given the distance to neighbouring properties to the west of the application site the unit would not be readily visible from nearby residential windows due to their siting. Environmental Health have assessed the specifications for the unit and have no objection to their installation so long as they accord with the noise conditions. The siting, scale, massing and spec of the proposal is considered appropriate, in line with policies SP1 and DM1.

Visual Amenity

The AC unit along the western elevation is hidden behind the mixed use development preventing the unit being visible from Palatine Road's streetscene. Although the unit will be visible through the vegetation boundary screening from Lapwing Land due to the set back from the public highway it would not form a prominent feature. Similarly, given the suitable distance to the residential properties to the west of the application site it is deemed not to form a prominent feature within the local area. The external design and appearance of the proposed development creates no significant impact upon visual amenity or upon the character of the existing building or general area.

Noise and Residential Amenity

External plant such as these air conditioning units require planning permission due to the potential for disamenity to local residents through the noise output of such machines. In this case Environmental Health have reviewed the submitted information and have no objection to the works but have requested a noise condition (Noise 6, a and b) be attached to the approval, requiring verification that the units meet the specification in the submitted noise report and that they will not cause undue harm to the nearby residents. In addition to this, no objections or comments were received from local residents, nor any other party, hence the proposal is not considered to have a significant impact in regards to noise and amenity.

Impact on Albert Park Conservation Area

Policy EN3 of the Core Strategy, along with section 16 of the NPPF, states that consideration must be given to the impact of new developments on heritage assets. In this instance, the application site is located within the Albert Park Conservation Area.

The requirement to preserve or enhance the Conservation Area is a key requirement within policy EN3 of the Core Strategy, saved UDP Policy DC18, along with the objectives of the NPPF. The proposed AC unit is required to ensure fresh air flow into the ground floor offices. The minor impacts externally situated along the western elevation would have a minor impact on the character of the conservation area. As any harm is considered to be 'less than substantial', paragraph 202 and 203 require that the impact of the development on the character of the conservation area should be evaluated against the mitigation that would be provided from the wider public benefits of the scheme. Whilst it is necessary to have special regard to the desirability of preserving the setting any affected Heritage Assets it is considered that the small instances of low physical harm resulting from the proposed works to the building are acceptable and that the impact on the conservation area would be less than substantial, and is balanced by the legislative requirement and public benefits of securing a viable future use for the ground floor of the development. It is considered that the proposed development would on balance be consistent with the development would be consistent with section 16 of the NPPF, policies SP1, DM1, and EN3 of the Core Strategy and saved UDP policy 18.

Conclusion

No objections were received in regards to this application and the relevant conditions have been attached to the end of this report, as requested by Environmental Health. The proposal complies with the policies contained within the Core Strategy, therefore the proposal is deemed acceptable by the City Council and development may commence

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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 and operated in accordance with the following drawings and documents:

Drawing: GA Floor Plan ref. AXI-121

Drawing: Elevations ref. AXI-171

Drawing: Location Plan ref. AXI-002

All stamped as received by the City Council as Local Planning Authority on 12 September 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy SP 1, EN3 and DM 1 and saved Unitary Development Plan policy DC18

3) (a) The approved plant and equipment shall be installed and managed in accordance with the noise limits as detailed in Plant Noise Assessment Ref. HT: 28495/PTM2 dated 12 September 2022.

(b) Prior to the unit being brought into use 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 and any non compliance suitably mitigated in accordance with an agreed scheme prior to the units becoming operational. The approved scheme shall remain operational thereafter.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26

Appendix 1 – List of consultees & neighbours notified

Environmental Health
West Didsbury Residents Association

11 Raleigh Close, Manchester, M20 2BY
7 Raleigh Close, Manchester, M20 2BY
5 Raleigh Close, Manchester, M20 2BY
3 Raleigh Close, Manchester, M20 2BY
1 Raleigh Close, Manchester, M20 2BY
Second Floor Flat, 108 Palatine Road, Manchester, M20 3ZA
First Floor Flat, 108 Palatine Road, Manchester, M20 3ZA
119 Palatine Road, Manchester, M20 3YA
Flat 7, 119 Palatine Road, Manchester, M20 3YA
Flat 6, 119 Palatine Road, Manchester, M20 3YA
Flat 5, 119 Palatine Road, Manchester, M20 3YA
Flat 4, 119 Palatine Road, Manchester, M20 3YA
Flat 3, 119 Palatine Road, Manchester, M20 3YA
Flat 2, 119 Palatine Road, Manchester, M20 3YA
Flat 1, 119 Palatine Road, Manchester, M20 3YA
40 Lapwing Lane, Manchester, M20 2WR
114 Palatine Road, Manchester, M20 3ZA
9 Raleigh Close, Manchester, M20 2BY

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
Conservation Area - Albert Park Conservation Area 1988
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA