

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134257/FO/2022

Date registered valid: 20 July 2022

Proposal: Installation of external air conditioning units to the rear together with elevational alterations to the delivery and fire exit doors to the rear

Address: 56 Lloyd Street South, Manchester, M14 7HT

Ward(s): Whalley Range Ward

Applicant: One Stop Stores Limited, Apex Road, Brownhills, Walsall, WS8 7HU

Agent (if any): Mr Pierre Langlois, Calfordseaden LLP, Stewart Court, 214a Hagley Road, Edgbaston, Birmingham, B16 9PH

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 14 September 2022



Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 13 September 2022

Standard consultations: Printed: 26 July 2022 Expired: 16 August 2022

Neighbour notifications: Printed: 26 July 2022 Expired: 16 August 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: Not applicable

Tree Preservation Order: Not applicable

The application relates to a part single part two storey terraced building together with a collection of storage units bounded by a brick wall. The existing retail unit faces Lloyd Street South and the storage yard at the rear face Burdith Avenue. The first floor at the front, above No.56, is currently residential and another apartment has been approved over No.58. No.60 and 60a are residential also.

Description of area

The area is predominantly residential, mainly consisting of two storey red brick terraced dwellinghouses along Lloyd Street South, Burdith Avenue and beyond. The site lies within the Whalley Range ward and benefits from its proximity to several bus stops and Princess Road.

Description of development

The applicant is seeking permission to install 4no. air conditioning units, with associated acoustic insulation and elevational alterations to the rear of the unit. This is required for the running as a new One Stop convenience shop.

Consultations & Notification Responses

Local residents, as per appendix 1 – No comments received.

Environmental Health – *I accept the findings of the ADC Acoustics report reference ARR/C/2217.71 dated 20 July 2022. Although the resultant rated noise level is only 4dB (not*

5dB) below the background noise level at the nearest noise sensitive receptor, the consultant has used the lowest background noise level in their calculations. MCC ask that a statistical average be used when calculating the typical background noise level, and this value would be higher, which would in turn mean it is likely that the MCC criteria would be met if this figure was used. The verification report will need to demonstrate that the figure given in section 6.4 of the report (27dBA) is achieved at the nearest noise sensitive receptor.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:

- Saved policy DC14 - Shop fronts and related signs

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles

The National Planning Policy Framework (NPPF 2012, amended in 2021)

For reasons to be outlined below, it is considered the proposal accords with the principles of this policy document.



Issues

Principle – The principle of installing air conditioning units to the rear of a convenience shop, to provide internal cooling to a store selling fresh food, is acceptable. However, consideration must be given to the proposal's siting, scale and design and its impact upon amenity.

Siting and specification – The plant would be located on the rear elevation of the shop unit, facing into the yard at ground floor level. Unit A, on the north side of the deliveries entrance, would be enclosed within 1.8m high timber acoustic fencing and units B, C and D on the south side of the door would be surrounded by individual acoustic enclosures. The units would not be readily visible from nearby residential windows due to their siting. The nearest window with a direct line of sight would be the front first floor window at No.20 Burdith Avenue, 25m away. Environmental Health have assessed the specifications for the units and have no objection to their installation so long as they accord with the noise conditions. The siting, scale and spec of the proposal is considered appropriate, in line with policies DM1 and SP1.

Visual amenity – As they are sited at the rear, it does not feature within the Lloyd Street South streetscene, and although they are visible through the bars of the gates from Burdith Avenue, due to the setback from the highway they would not form a prominent feature. The rear door and roller shutter would be removed and replaced with one central door for deliveries. 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 are as quiet as their specification states 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.

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 in accordance with the following conditions and approved noise report and drawings.

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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 drawing numbered 'B 201 Rev A', stamped as received by the City Council as Local Planning Authority on the 20th July 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) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the submitted scheme (Noise assessment ARR/C/2217.71 - received 20th July 2022). 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.

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 Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

4) Prior to the operation of the scheme 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 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 pursuant to Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

17 Burdith Avenue, Manchester, M14 7HX
56A Lloyd Street South, Manchester, M14 7HT

Flat 9, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 8, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 7, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 6, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 5, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 4, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 3, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 20, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 2, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 19, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 18, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 17, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 16, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 15, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 14, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 13, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 12, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 11, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 10, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
Flat 1, The Parkside, 62 Lloyd Street South, Manchester, M14 7HT
60A Lloyd Street South, Manchester, M14 7HT
60 Lloyd Street South, Manchester, M14 7HT
54 Lloyd Street South, Manchester, M14 7HT

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