

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133659/FO/2022

Date registered valid: 18 May 2022

Proposal: Installation of external plant to the rear involving 2 no. wall mounted condenser units, external louvre and cowl

Address: Unit 4, Fallowfield Shopping Centre, Birchfields Road, Manchester, Manchester, M14 6FS

Ward(s): Rusholme Ward

Applicant: Lidl, Great Britain Limited, C/o Agent

Agent (if any): Mr Joshua Ambrus, Rapleys, York House, York Street, Manchester, M2 3BB

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 30 June 2022

Standard consultations:

Printed: 24 May 2022 Expired: 14 June 2022

Neighbour notifications

Printed: 24 May 2022 Expired: 14 June 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

The application site forms part of the existing Fallowfield Retail Park. Specifically, Unit 4 which is proposed to be redeveloped as part of application ref: 130189/FO/2021 which allowed for the demolition of existing units 4, 5, 6, 7, 8, and 10 and erection of a single storey building to form new retail foodstore (Use Class E) and separate hot food delivery unit (sui generis) with associated car parking and landscaping. Unit 4 is the hot food delivery unit (sui generis) yet to be constructed.

Fallowfield Retail Park is an out of centre retail park comprising 9 single storey units, eight of which are retail units and with one unit is used as a medical centre.

To the west, the retail park is supported by a large, surface level, communal car park.

The host retail park is bounded Birchfields Road to the west, Birchfields Primary school to the north, Moseley Road to the south and functioning railway lines to the east. Opposite the site on the other side of Birchfields Road are two storey, residential dwellinghouses.

The site is not located within or adjacent to a Conservation Area and is not located within close proximity of a listed building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area surrounding the site contains a mixture of residential and educational institutions to the west and north; commercial units to the south; and railway lines to the east. Opposite the site to the west, the area is predominantly residential in character.

Description of development

Installation of external plant to the rear involving 2 no. wall mounted condenser units, external louvre and cowl.

The elevations show a high velocity outlet cowl, fresh air intake louvre, and 2 no. wall mounted chiller/freezer condensers located on the rear elevation.

The opening hours approved for unit 4 are 11.30 to 00.00 hrs daily.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – A condition in relation to acoustic levels for external equipment is recommended.

Network Rail – Network Rail require a certificate stating that the equipment to be installed conforms to the requirements of the various Network Rail, EU Directives and any statutory Instruments relating to Electromagnetic Compatibility EMC. Network Rail will review the specification with respect to railway operational equipment. A Basic Asset Protection form is enclosed for the applicant to complete and return.

HS2 – No objection.

Policy

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

- Saved policy DC26 of the Unitary Development Plan for the City of Manchester;
- Policies DM1 and SP1 of the Manchester Core Strategy;
- National Planning Policy Framework (NPPF).

Issues

Principle

It is considered that the impact to residential and visual amenity would be negligible, given the position of the equipment, the immediate context and surrounding environment.

On this basis, the principle of the proposed development is considered acceptable and compliant with the aforementioned policy and guidance.

Visual Impact

The development involves the installation of outlet cowl, fresh air intake louvre, and 2 no. wall mounted chiller/freezer condensers located on the rear (eastern) elevation of the proposed building to be erected, pursuant to planning permission referenced 130189/FO/2021.

Given that the proposed equipment is to be situated to the rear of the building, not visible from the road or public areas and is adjacent to the proposed servicing yard and opposite a railway line, any impact to visual amenity is considered negligible. As such, the proposal complies with policies DM1 and SP1 of the Core Strategy.

Noise Impact and Impact to Amenity

A Noise Assessment Report accompanies the application and provides an assessment of the proposed fixed plant equipment. The report confirms that any impact will be low, therefore achieving the Council's noise criteria requirements and compliant with British Standards.

The proposed equipment is to be located at the rear of the building, immediate adjacent to a functioning railway line and within the context of an existing retail park. It is therefore considered that given existing background noise levels and the surrounding environment, the proposed installation is appropriate within this context and would not give rise to any significant impact to the noise environment

On the basis, this proposal is considered compliant with saved policy DC26 of the UDP, Policies DM1, SP1 of the Core Strategy and the National Planning Policy Framework which seek to protect amenity.

As a safeguard, a condition has been included to ensure a verification report is submitted and agreed in order to confirm the equipment meets with the Council's noise criteria, prior to its first operation.

Impact to the Railway Line

Due to the proximity of the neighbouring line, Network Rail require the applicant to enter into Basic Asset Protection Agreement (BAPA) to ensure the equipment has no negative impact the functioning of the railway. The applicant has completed the pro forma which has been sent to Network Rail to agree outside the planning process.

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 to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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, received by the City Council as Local Planning Authority on 3 May 2022.

- Location Plan DR-A-2013-A3 REV P2
- Proposed GA Plan (FFY22-20);
- Proposed Elevations Plan (FFY22-30);
- Specification Sheet (JEHR-0113-B1-M-1);
- Specification Sheet (JEHR-0210-B2-L-3); and
- Kitchen Ventilation Specification.

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) The development hereby approved shall be carried out in accordance with the submitted Plant Sound Assessment Report, produced by Lighthouse Acoustics (Ref: 0922/3/PSA1), dated 26 January 2022.

b) Prior to the operation of the air condenser units hereby approved, 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 policy DM1 of the Manchester Core Strategy and saved policy DC26.1 of the Unitary Development Plan for the City of Manchester.

Informative

- 1) The applicant should contact Network Rail Asset Protection at AssetProtectionLNWNorth@networkrail.co.uk to agree the specification of the equipment with respect to railway operational equipment.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Environmental Health
Network Rail

Hawthorn Medical Centre, Unit K, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit J, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit F, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit G, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit C, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit E, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Sainsbury's, Unit A, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6PP

Unit H, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit D, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

Unit B, Fallowfield Shopping Centre, Birchfields Road, Manchester, M14 6FS

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

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: NORTH