

Application Number	Date of Appln	Committee Date	Ward
113855/FO/2016	27 Sep 2016	12 Jan 2017	Hulme

Proposal Installation of 3no. satellite dishes and 2no. air conditioning units to roof

Location 30 Hulme High Street, Manchester, M15 5JS

Applicant Power Leisure Bookmakers Ltd, C/o Agent

Agent Mr Sam Deegan, Planning Potential Ltd, 14-15 Regent Parade,
Harrogate, HG1 5AW

Update following the Committee meeting held on 15th December 2016

Members will recall that the committee visited the site at their last meeting of 15th December 2016 where they were later minded to refuse the application. The report relating to planning application reference 113852/FO/2016 which also appears on this Committee agenda, sets out a detailed response to the matters raised by Members at the meeting on 15th December 2016.

The issues raised by Members to this application, as set out within the report relating to application reference 113852/FO/2016, have been carefully considered. In this instance it is not considered that there are reasons to refuse this application that could reasonably be sustained. Based upon the considerations and additional comments received the Committee is asked to consider the original recommendations in the context of the supplemental report.

Description

Members will recall that the committee visited the site at their last meeting of 15th December 2016, where they were later minded to refuse the application. A detailed response to the grounds for refusal made by Members is given at the front of the report for application ref: 113852/FO/2016.

At the meeting of 17th November 2016, Members resolved to defer consideration of this application for a site visit. This application relates to a ground-floor unit, within the middle of a mixed use parade. The property is located on the west side of Hulme High Street, within Hulme District Centre. The property is a vacant grocery store (Class A1).

There are commercial properties either side of the application site. To the rear is a service yard. Directly above the ground-floor properties are self-contained flats. Facing the site across Hulme High Street are further commercial uses.

There are double yellow lines directly to the front of the property, with limited parking spaces along the high street, for permit holders or pay and display. However, there is an abundance of free parking available on the Asda retail park, which is a short distance away.

The applicant is seeking to install 2no. air conditioning units to the rear of the premises and 3no. satellite dishes to the roof.

This application relates solely to these elements. Three further separate applications have been received for the installation of a new shop front and elevational alterations to the rear, proposed signage, and proposed change of use of the premises. The associated applications appear elsewhere on this agenda, with the exception of the signage application.

Consultations

Local residents – 3 letters of objection have been received. The grounds for objecting are summarised below:

- A/C units on similar properties have proven to be a noise nuisance. The equipment is an eyesore and not in keeping with a residential development. Satellite dishes and associated cabling/equipment are an eyesore and not in keeping with a residential development.
- Concerned about the extra noise pollution this would create. There is already noise pollution from traffic, loud music and passers by. It would be a shame to have a constant extra noise nuisance. Also think it would devalue the properties surrounding the installations.
- Lives on the top floor and does not want to have 3no. satellite dishes and 2 no. of air conditioning units installed.

Policies

National Planning Policy Framework

National guidance can be found in the National Planning Policy Framework (NPPF). The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a presumption in favour of sustainable development. This means approving development, without delay, where it accords with the development plan. Paragraph 12 provides: Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

As set out in the remainder of this report the proposals are considered to comply with the Manchester Core Strategy and on the basis it constitutes sustainable development and complies with the National Planning Policy Framework.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including:

- creating well designed places,
- making a positive contribution to health, safety and well-being,
- considering the needs of all members of the community, and
- protecting and enhancing the built and natural environment.

Policy DM1 seeks to protect the amenity of an area from the adverse impact of development including road safety and traffic generation. Consideration will also be given to the appropriateness of the site layout, scale form, massing and materials.

As set out within this report the proposal is considered to accord with the policies of the Core Strategy.

Unitary Development Plan for the City of Manchester (Saved Policies)

The below saved policies of the Unitary Development Plan are considered relevant:

Policy DC26 - seeks to reduce the impact of noise generating development. The Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted

This matter is considered in more detail within the issues section of this report but given the premises is located within a busy district centre the proposal is not considered to give rise to unacceptable impacts in terms of noise generation.

Issues

Principle – The proposed development involves the removal of an existing air conditioning unit and the replacement with two smaller air conditioning units to the rear elevation of the premises. The proposed air conditioning units will be sited more centrally on the rear wall of the premises. Planning permission is also sought for the installation of three satellite dishes on the roof of the building.

Due to the district centre location of the premises along a commercial frontage containing a variety of mixed uses, the principle of installing air conditioning units and satellite dishes is considered to be acceptable. The impacts on residential amenity need to be assessed and are set out below.

Residential Amenity/Noise - The application property is located within a district centre. There are residential properties located directly above the application site. It is believed that the proposed air conditioning units would not cause any undue impact upon the amenity levels currently enjoyed by occupants.

Environmental Health have assessed the application and have confirmed that they would be satisfied with the use of a noise attenuation condition to mitigate against any noise generated by the air conditioning units.

In light of the above and given the context of the site it is believed that the use of planning conditions would prevent any significant, adverse impact upon residential amenity. On balance, it is considered that the amenity of residents would not be so adversely affected as to warrant refusal in this location, therefore complying with policies DM1 and C10 of the Core Strategy and saved policy DC26 of the UDP.

Visual Amenity – It is not believed that the proposed satellite dishes would be readily visible within the street scene, given the height of the building and the design of the existing roof, they would therefore have very little visibility external to the building.

The proposed air conditioning units would have limited visibility within the street scene as they would be to the rear of the premises and are somewhat screened by the overhang of the upper floors and the rear service yard and car park. It is considered that the proposal would therefore not have an unacceptable impact on visual amenity or the character of the area.

Conclusion - It is not considered that the proposed development would give rise to unacceptable impacts in terms of residential amenity or visual amenity of the area. The proposals therefore accord with the principles of Core Strategy policies SP1 and DM1.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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.

Reason for recommendation

Conditions to be attached to the decision

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:

Proposed block plan and elevations 2016/50/07 rev C received by email 23rd September 2016.

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) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

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

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 113855/FO/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

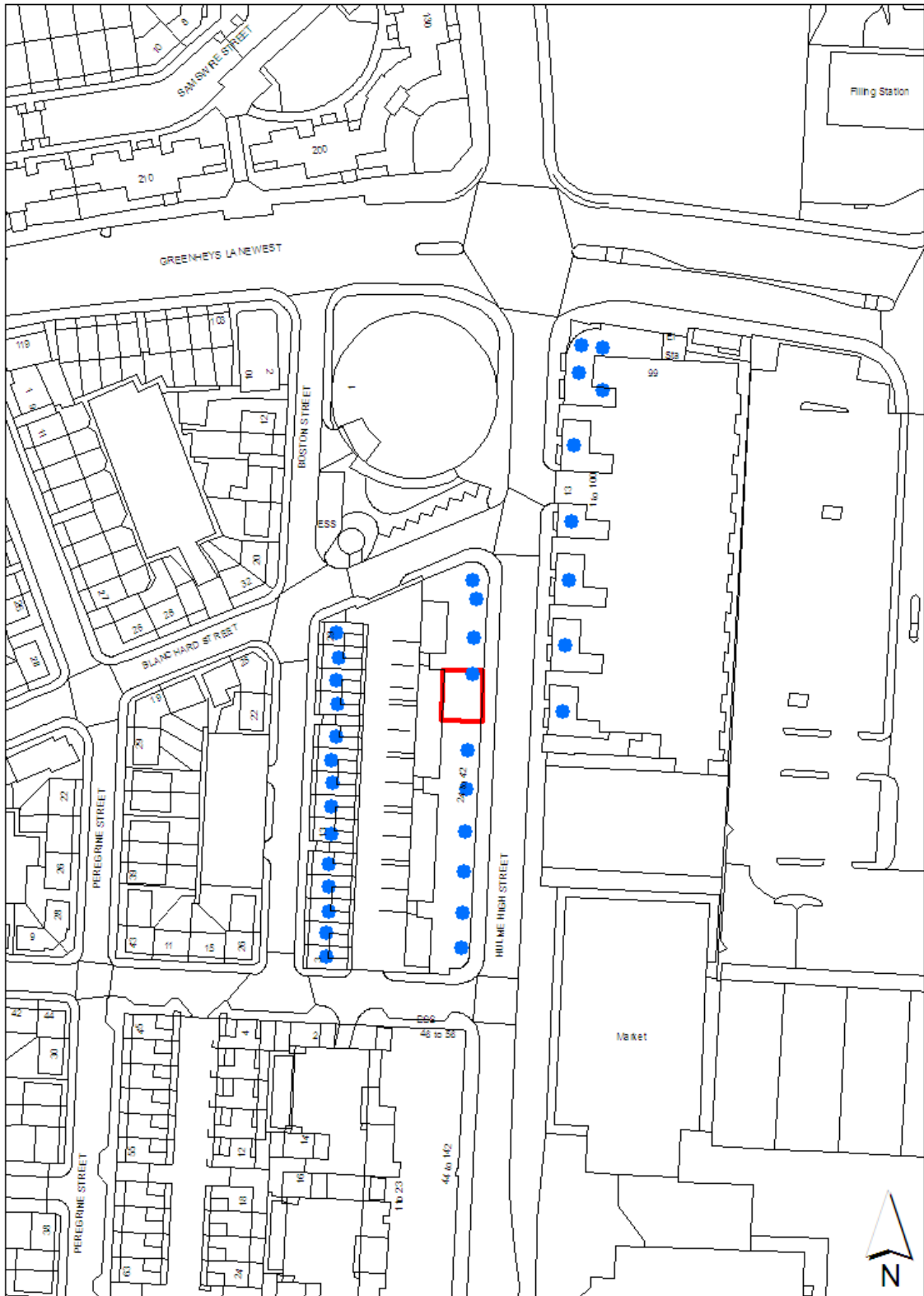
Highway Services
Environmental Health
Central Neighbourhood Team
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

16 Betsham Street, Manchester, Manchester, M15 5JN
Apartment 45, 40 Hulme High Street, Manchester, M15 5JS

Relevant Contact Officer : Melanie Tann
Telephone number : 0161 234 4538
Email : m.tann@manchester.gov.uk



 Application site boundary  Neighbour notification
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