

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132379/VO/2021

Date registered valid: 1 December 2021

Proposal: CITY COUNCIL DEVELOPMENT Erection of two sections of 2.44 metres high weld mesh fencing adjacent to former shops at 10-18 and 20 Kirkstead Close

Address: Former Beswick Shops, 10-20 Kirkstead Close, Manchester, M11 3SW

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Anthony Johnson Manchester City Council Level 8 Town Hall Extension, Lloyd Street, Manchester, M2 5HD

Agent (if any): Mr Anthony Johnson Manchester City Council Capital Programmes & Procurement, Level 8 Town Hall Extension, Lloyd Street, Manchester, M60 2LA

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 27 January 2022

Application details

Type of application: Regulation 3 Consent

Development type: Minor Other

Date of site visit: 5 January 2022

Standard consultations:

Printed: 9 December 2021 Expired: 30 December 2021

Neighbour notifications

Printed: 5 January 2022 Expired: 26 January 2022

Site notice

Posted: Expired:

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: No

Tree Preservation Order: No

Description of area



Fig.1 – Application site and position of existing fencing

The applications relates to the perimeter of a parade of shops that are vacant and the subject of a prior approval application for demolition referenced: 132282/DEM/2021. The site is sited at the head of an access road servicing a car park to the east of the site with the East Manchester Leisure Centre beyond. Open space is located to the west and south of the site. To the north is The East Manchester Academy and Beswick Library is located to the north. The proposed

development would supplement existing weldmesh fencing to the adjacent perimeter of the open space.

Description of development

The development would involve the erection of two section of 2.4 metre high weld mesh fencing and supporting posts located the northern and western boundaries of the shop site boundaries. The proposed fencing would be linked to existing sections of matching fencing with a green colour finish. The fencing would be erected following the demolition of the existing buildings.



Fig. 2 – Aerial view of application site showing position of existing fencing to be linked to the development.

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highways – No objections but an informative is requested in relation to the temporary traffic management arrangements during installation.

GM Police Design for Security – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 92). It is considered that the development would secure the appropriate enclosure the site with fencing that has been installed to adjacent sites without detriment to visual amenity or the character of the area. Chapter 8 would thereby be accorded with.
- ii. Chapter 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities (paragraph 126). As stated, the visual appearance and height of the proposed fencing is considered to be acceptable and Chapter 12 would thereby be accorded with.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following aspects of the Core Strategy are considered to be relevant:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

- i. The creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.
- ii. The development should make a positive contribution to neighbourhoods of choice including:
 - a. Creating well designed places that enhance or create character.
 - b. Making a positive contribution to the health, safety and wellbeing of residents
 - c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - d. Protect and enhance the built and natural environment.
 - e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the development would relate appropriately to the surrounding context and would ensure the appropriate enclosure of the site in accordance with policy SP1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Policy EN1 has

been related to the assessment of the quality of the elevational design and its contribution to the built environment.

In this case, it is considered that the quality of the proposed design would be appropriately related to the existing fencing and would not unduly harm the character or appearance of the surrounding context. The development would thereby accords with policy EN1.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in terms of design and height and potential impact on amenity of the area. Policy DM1 would thereby by accorded with.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance - The Guide aims to support and enhance the on-going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development that is wanted in Manchester. It is considered the proposed development accords with the relevant sections of the guide, particularly with regard to design and assessment of amenity.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

Officers have worked with the applicant in a positive and proactive manner based in relation to dealing with the planning application. In this case, the planning application was submitted with sufficient information to allow its assessment without a requirement for negotiation.

Principle – The development would secure the appropriate enclosure of the site with visually appropriate fencing.

Height and appearance – The fencing would be proportionate in terms of its height and satisfactorily related to the existing fencing. The development would thereby satisfactorily related to the character of the area.

Conclusion – The proposed development is considered to be acceptable.

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. In this case, the planning application was submitted with sufficient information to allow its assessment with a requirement for negotiation.

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 following drawings and documents stamped as received by the City Council as local planning authority on 1 December 2021:

Planning application forms

Existing / Proposed Site Layout Plans & New Fence Specification Ref:

MCC_ZZ_GF_DR_B_0011_S2

Location plan with a red edge Ref: MCC_ZZ_GF_DR_B_0010_S2

Design and Accessibility Statement for New Sections of Boundary Fencing at Former Beswick Shops, 10-20 Kirkstead Close, Manchester M11 3SW dated 1 December 2021

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 for the City of Manchester.

3) The development shall be implemented in accordance with the materials and specifications indicated on the submitted planning application forms and drawings referenced: Existing / Proposed Site Layout Plans & New Fence Specification Ref: MCC_ZZ_GF_DR_B_0011_S2, which shall be maintained in situ at all times thereafter.

Reason - 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 for the City of Manchester.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements should be discussed and agreed with the Council's Highway Applications and Network Resilience teams via Email -highwaylicenses@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police

East Manchester Leisure Centre, 189 Grey Mare Lane, Manchester, M11 3ND
Police Station, Grey Mare Lane, Manchester, M11 3AZ
4 Windcroft Close, Manchester, M11 3SN
2 Windcroft Close, Manchester, M11 3SN
10 - 18 Chaddesley Walk, Manchester, M11 3SW
East Manchester Academy, 60 Grey Mare Lane, Manchester, M11 3DS
Beswick Library, 60 Grey Mare Lane, Manchester, M11 3DS

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH2