

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130959/FO/2021

Date registered valid: 16 September 2021

Proposal: Erection of two storey rear extension to form additional storage space

Address: Unit 4 New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ

Ward(s): Clayton & Openshaw Ward

Applicant: Mr K Kurpas Unit 4 New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ

Agent (if any): Mr Steve Mitchell 8 Meadow Lane, Huddersfield, HD7 5EX

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 8 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 16 September 2021 Expired: 7 October 2021

Neighbour notifications

Printed: 16 September 2021 Expired: 7 October 2021

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:

Tree Preservation Order:

This application relates to a unit on the New Smithfield Market. Unit 4 is one of the larger units in the market and is located in the north-east corner of the market. It therefore lies at the junction of Whitworth Street East and Press Street, although there is a 7.5 metre high brick wall, between the market buildings and those streets, and the market units are inwardly facing so they do not address those streets. The unit operates as a wholesale butcher with both deliveries and customers being served from the location.

The unit has a previous permission for the erection of first floor extension to form ancillary office space (109938/FO/2015/N2 - Approved 3-11-15). The intention was for this extension to house additional and relocated office space, which would then allow for improved customer accommodation space and a display area to be provided within the ground floor of the building. The applicants state that the development has off-street parking within the market site for 20 vehicles, although these are general market spaces that are generally available and are not included in the site edged red. A cycle rack is provided in the site edged red. There are currently 20 staff employed at the site.

Further expansion of the business has led to the need for more storage space and a two storey extension is now proposed, at the rear of the site, to form chilled storage on the ground floor with general storage and packaging on the first floor. The proposed extension would have a building footprint of approximately 19 metres x 6.8 metres. The extension would have a pitched roof and would be asymmetric, due to one side extending beyond the side of the main building, with eaves heights of 5.4 metres and 4.6 metres respectively. The roof, of the extension, would

be slightly higher than the existing building (approximately 7 metres high, compared to approximately 6.4 metres high at present) and would be constructed with profiled steel sheeting to match the style/appearance of the existing building. The proposal also includes the provision of an external staircase, to the side of the extension, to form an independent access to the upper floor. No other changes to the general site layout/car parking arrangements are proposed.

No hours of operation are specified, but the original permission for the building (F00838) and the subsequent extension approval (109938/FO/2015/N2) do not include any restrictions on hours of operation).

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

They do not consider that the expansion of the storage facilities will have a significant impact on the operation of the adjacent highway.

The amount of on-site car parking provided is unaffected.

Pedestrian and vehicle access proposals are acceptable to Highways as are the waste management arrangements.

They therefore have no objection to this proposal.

Strategic Area and Citywide Support Manager - Conditions are recommended in relation to hours of operation, deliveries, external equipment, approval of submitted waste management details and the inclusion of a contaminated land watching brief.

Flood Risk Management - Based on the provided evidence, they recommend no drainage condition for this application. The drainage of the site can be approved and they suggest the following informative to be included within the Decision Notice:

The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Unite Utilities - No comments received.

Greater Manchester Police - Notes that Secured By Design measures will be incorporated along with access control which would satisfy their requirements for this application.

GM Ecology Unit - Makes the following comments:

Summary

Theoretical risks associated with bats and nesting birds can be dealt with via informatives.

Bats

The development will impact on one of the existing gable ends of the building, blocking any potential roosting features. However the gable is constructed from metal sheeting, the building has skylights and is located in an urban location isolated from any high value habitat, with residential buildings nearby that would provide much higher potential bat roosting habitat. I am therefore satisfied that the risk of bats being present is negligible/very low. As individual bats can on occasion turn up in very unlikely locations, I recommend an informative along the following lines is applied to any permission.

Whilst the building to be extended is very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting Birds

The development site appears to have no bird nesting habitat. They are satisfied that no further information or measures are required.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The site currently has negligible to very low habitat or species value. Any soft landscaping measures would appear to be able to achieve net gain. Given the lack of foraging habitat for birds or bats they would not recommend the provision of bat or bird boxes.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It 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 visibly 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 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 127).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City 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 EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand

- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Principle of use - The proposal is to provide additional storage space to an existing business that is an appropriate use, within the market, and which has operated from the site for around 10 years. The proposed development is therefore considered to be acceptable in principle.

Appearance - The proposed extension is slightly higher than the existing building, but it is at the rear of the site so would not significantly impact, upon the appearance of the building, when viewed from within the market. Also the resulting building would still be lower than the existing boundary wall, so the unit would not be readily visible from outside the site. The proposed materials would match the existing building,, and despite the small increase in roof height it is considered that overall the proposal would be in keeping with the existing building in terms of scale and general appearance.

Site layout/car parking - The site layout is generally unaffected by the proposal, and there would be no loss in car parking provision at the site, which is communal parking of which there appears to be an abundance on the market. It is not considered that the proposed development would significantly impact upon the general operation of the site, or vehicular movements/general activity, and Highways services have no objection to the application. The proposed development is therefore considered to be acceptable, in terms of any potential impacts upon car parking and the general operation of the site.

Use - The premises originally operated for deliveries and trade sales although the current submission indicates that some retail sales would take place from the premises. The sales area though is a small percentage of the floorspace of the building (approximately 5/6%), and is considered to be an ancillary element of the main use of the building as a wholesale butchers/warehouse.

Residential amenity/hours of operation - The existing building does not have any limits on its operating hours and the proposed development is an ancillary element of that operation. The nearest residential estate is located approximately 150 metres from the site, although there is a solitary property, with a residential element, on Ashton Old Road, approximately 100 metres from the site. The market operates through the night and the surrounding properties are commercial in nature. It is not therefore considered that the proposed extension would adversely impact upon the amenities of surrounding residential occupiers, although a condition is proposed, relating to hours of operation, in accordance with the requirements of Environmental Health.

Waste - The existing arrangements are largely unchanged and are acceptable to Environmental Health.

Ecology - As a commercial use within the Smithfield market the site is almost entirely building and hardstanding, with some small random areas of grass/shrubs and with the spare available land being used for servicing. This is common with other units in the market. Also, the premises are used for meat sales/storage, so it is not considered that providing additional habitat would be appropriate, in this instance. A condition is not therefore proposed, on this occasion, and this has been agreed with the GM Ecology Unit.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. There were initial discussions about the correct site boundary, which resulted in a revised site edged red. Otherwise, in this instance, the proposal was considered to be in accordance with City Council policy and no changes were required.

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 drawing and documents:

Design and Access Statement and drawing number 21J31-02, stamped as received by the City Council, as Local Planning Authority, on 30 June 2021.

The waste storage and cycle rack arrangements indicated on drawing number 12, stamped as received by the City Council, as Local Planning Authority, on 28 July 2021.

Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 19 August 2021.

Drawing number 21J31-01, stamped as received by the City Council, as Local Planning Authority, on 25 August 2021.

Drawing number 21J31-03A, stamped as received by the City Council, as Local Planning Authority, on 16 September 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EN3 and DM1 of the Manchester Core Strategy and saved policy GO14, of the Unitary Development Plan for the City of Manchester.

3) The materials used to construct the external elevations of the extension hereby approved shall match the existing building, in terms of colour, type and appearance.

Reason - In the interests of the character and appearance of the building and surrounding area, pursuant to policy DM1 of the Manchester Core Strategy.

4) Prior to first use of the extension hereby approved, the proposed operating hours shall be submitted to and approved in writing by the City Council, as Local Planning Authority. Thereafter the use of the extension shall be confined to the approved operating hours.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 7.30 am to 8.00 pm, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

6) The approved waste management scheme shall be implemented as part of the development in accordance with the following drawings and documents.

Drawing number 12, stamped as received by the City Council, as Local Planning Authority, on 28 July 2021 and the Waste Management Strategy, stamped as received by the City Council, as Local Planning Authority, on 19 August 2021.

Reason - In the interests of residential and visual amenity and public health pursuant to policy DM1 of the Manchester Core Strategy Development Plan Document.

7) The development hereby approved shall be completed in accordance with the scheme for the provision of space and facilities for bicycle parking as shown on the approved plans. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

8) 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, prior to the first use of the building.

Externally mounted ancillary plant, equipment and servicing shall be acoustically treated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Manchester City Council Unitary Development Plan, policies DM1 and SP1 of the Manchester Core Strategy

9) The extension shall only be used in connection with the existing operation of the main building on site, and not as a separate business unit.

Reason - To safeguard the amenities of the occupiers of nearby accommodation and to ensure that the site has capacity to meet the needs of the approved development, as multiple uses/businesses on site may give rise to unacceptable levels of activity and car parking/servicing demands, which have not been assessed as part of the application proposals, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Whilst the building to be extended is very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

2) The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

3) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit
United Utilities Water PLC
Environmental Health
MCC Flood Risk Management
Highway Services
Greater Manchester Ecology Unit
Greater Manchester Police
United Utilities Water PLC

Smithfield Ent Estate, Whitworth Street East, Manchester, M11 2NQ
Unit 3, Smithfield Ent Estate, Whitworth Street East, Manchester, M11 2NQ
Unit 1, Smithfield Ent Estate, Whitworth Street East, Manchester, M11 2NQ
Job Centre, Cornwall Street, Manchester, M11 2WR
Smithfield Enterprise Estate, Whitworth Street East, Manchester, M11 2NQ
E3-4, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E1-2, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Unit 2, Smithfield Enterprise Estate, Whitworth Street East, Manchester, M11 2NQ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH2