

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132780/JO/2022

Date registered valid: 11 March 2022

Proposal: Variation of condition 3 (specified plans) attached to planning permission referenced 123295/FO/2019 to allow alterations to the site boundary

Address: Former Workshop, Arkady Industrial Estate, Briscoe Lane, Manchester, M40 2XG

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Noah Fletcher, Cassel & Fletcher Ltd, Auldbank House, 424 Bury Old Road, Manchester, M24 1PR

Agent (if any): Mr Richard Shuttleworth, Equilibrium Architects Ltd, Bank Chambers, Bank Street, Bury, BL9 0DL

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

Recommendation: Approve

Date of recommendation: 1 June 2022

Application details

Type of application: Variation or Removal of Condition

Development type: Smallscale Major Other

Date of site visit: 28 April 2022

Standard consultations:

Printed: 15 March 2022 Expired: 5 April 2022

Neighbour notifications

Printed: 15 March 2022 Expired: 5 April 2022

Site notice

Posted: 28 April 2022 Expired: 19 May 2022

Press advert

Published: 22 March 2022 Expired: 12 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site is situated within Arkady Industrial Estate, located close to the junction with Briscoe Lane and Riverpark Road and adjacent to where two railway lines converge.

The irregular shaped site area (approx. 0.45 hectares) was formerly occupied by an industrial premises, which following extensive fire damage, has been demolished to slab level.

The site is located on the northern side of Briscoe Lane and adjoined by industrial premises to the north and west and an open storage yard to the east. Philips Park Cemetery lies opposite the site on the south side of Briscoe Lane.

The site perimeter is enclosed by high, steel palisade fencing and vehicle gates, with a low level brick wall and temporary metal fencing to the Briscoe Lane frontage.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area, with the exception of Philips Park Cemetery on the opposite side of Briscoe Lane is largely industrial in character and comprises a host of large scale industrial premises and warehouses forming part of Arkady Industrial Estate and RiverPark Trading Estate just to the south.

Description of development

Variation of condition 3 (specified plans) attached to planning permission referenced 123295/FO/2019 which allowed for the erection of a replacement industrial building, following the demolition of a fire damaged building, damaged in 2018.

The 'L' shaped, part single, part two storey building, is to occupy roughly the same footprint of the building to be replaced and is for light industrial and storage/distribution use (Sui Generis), with a floor area of approximately 3251 sqm). In addition, areas of associated car parking, servicing space and boundary treatment are proposed.

Access to the site is from two points from Briscoe Lane, including a separate servicing access via an internal access road off Briscoe Lane.

The variation relates to a plan substitution to allow alterations to the site boundary. Namely, an amendment to the site boundary/fence line to allow a slight reduction in site area to the north-east of the site, whilst still allowing the original red line boundary to be retained. It is proposed to replace the originally approved site plan drawing referenced PRE/C/008 REV B with revised site plan referenced C-0446-100 Rev A.

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation has been received from an adjoining occupier who objects to the proposal as it is considered that the amendment doesn't move the boundary fence to the original place, which is right on the edge of the building being built.

Highways Services – No objection.

Policy

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

- Policies DM1, SP1, EC1-3, T2, EN14-19
- Saved policy DC26 of the UDP
- National Planning Policy Framework (NPPF).
- National Planning Policy Guidance (March 2014)

Issues

Principle

The minor change sought is required as a result of the detailed design of the proposal as it has evolved. The changes would allow for a slightly reduced site footprint.

The amendment is considered minor in nature and acceptable. There will be no change to the access/servicing arrangements, no increase in floorspace of the building, no material difference to the architectural design of the building and the impact to the highway would remain unchanged.

It is believed that no material harm would be created, the integrity of the original proposal would be maintained and the resultant development would still accord with the original planning application 123295/FO/2019 and associated relevant development plan policy for which the proposal was assessed against. No new matters of significance would be introduced.

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

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 20 May 2023.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall only be implemented in accordance with the external materials detailed within the submitted materials specification, produced by Equilibrium Architects and received by the City Council as Local Planning Authority via e-mail on 10 May 2021, pursuant to condition discharge application referenced CDN/121/0015.

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.

- 3) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings numbered PRE/B/001 received by the City Council as Local Planning Authority on 10 April 2019, drawings numbered 1975-001, 1975-002, 1975-003, 1975-004, 1975 005, 1975-006, PRE/C/001 REV A, PRE/C/003, PRE/C/005, PRE/C/007, drawing numbered PRE/C/006 REV A

received by the City Council as Local Planning Authority on 12 March 2020 and drawing referenced C-0446-100 Rev A received by the City Council as Local Planning Authority on 26 January 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.

4) The development hereby approved shall only be implemented in accordance with the surface water drainage scheme shown on drawings referenced BRL-MAG-ZZ-XX-DR-C-0200/C3 and BRL-MAG-ZZ-XX-DR-C-0201/P1, together with details contained within the Drainage Condition Report (Rev 01) produced by Marston and Grundy LLP and letter received from Mrs Greenberg, received by the City Council as Local Planning Authority on 5 March 2021, pursuant to condition discharge application referenced CDN/21/0015.

Reason - To prevent the increased risk of flooding, to improve water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 and DM1 of the Core Strategy.

5) The development hereby approved shall not be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A verification report providing photographic evidence of construction as per design drawings;
- As built construction drawings if different from design construction drawings;
- Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason - 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 Manchester Core Strategy.

6) The car parking indicated on drawing numbered PRE/C/006 REV A received by the City Council as Local Planning Authority on 12 March 2020 shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies DM1 and SP1 of the Manchester Core Strategy.

7) The premises shall not be open outside the following hours:

08.00 - 18.30 hrs Monday to Saturday;
At no time on Sundays and Bank Holidays.

Reason - To safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

07.30 to 20.00 Monday to Saturday.

No Deliveries, servicing and all collections, including waste collections shall take place on Sundays and Bank Holidays.

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

9) Notwithstanding details submitted, the building hereby approved shall not be occupied until a full servicing strategy has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of highway safety and to safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

10) The building hereby approved shall not be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. 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 Core Strategy.

11) Any externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Details of the scheme should be 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 site prior to installation of any plant. The approved scheme shall be fully implemented prior to first use and in accordance with the details agreed and a verification report shall be submitted and approved in writing in order to validate the works undertaken conform to the requirements within the report.

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

12) Notwithstanding the details contained within the submitted report by Braiden Acoustics, dated September 2019, ref: 10764 the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as Local Planning Authority. The scheme shall be implemented in full before the use commences.

Upon completion of the development and within 3 months of first occupation, a Verification Report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria has 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 safeguard the amenities of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

13) Notwithstanding details submitted, before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as Local Planning Authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

14) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

15) The development hereby approved shall only be implemented in accordance with the details contained within the Emergency Traffic and Management Plan and updated Construction Phase Health and Safety Plan, received by the City Council as Local Planning Authority on 4 February 2021 and 14 April 2021 respectively, pursuant to condition discharge application referenced CDN/21/0015.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

16) The development hereby approved shall only be implemented in accordance with the submitted waste management strategy received by the City Council as Local Planning Authority on 3 March 2020 as indicated on the site layout plan numbered PRE/C/006 REV A received by

the City Council as Local Planning Authority on 12 March 2020. The arrangements shall remain in situ at all times whilst the approved use is operational.

In the interests of amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

17) The development hereby approved shall only be implemented in accordance with the information contained within the submitted Air Quality Mitigation Strategy (Ref: SLR Ref: 410.57043.00001 Version No: V1.0) dated December 2020 and subsequent e-mail from SLR consulting dated 3 February 2021, pursuant to condition discharge application referenced CDN/21/0015.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

18) The development hereby approved shall not be occupied until the Council as Local Planning Authority has acknowledged in writing that it has received written confirmation of 'Secured by Design' accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

19) Prior to the first occupation of the development hereby approved, full details of electric car charging points, representing 10% of the total number of car parking spaces, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and be in place prior to the first occupation of any of the development and be retained thereafter.

Reason - In the interest of air quality, pursuant to policy EN16 of the Manchester Core Strategy.

20) Within six months of any part of the development first being occupied, a strategy for the resurfacing of the eastern most access point and replacement of adjacent tactile pavement, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be carried out in accordance with a programme and timescale to be approved by the Local Planning Authority.

Reason - In the interests of highway safety and visual amenity, pursuant to policies DM1 and SP1 of the Core Strategy.

21) The development hereby approved shall only be constructed in accordance with the measures contained within the submitted Environmental Standards Statement dated 25 January 2021, received by the City Council as Local Planning Authority on 27 January 2021, pursuant to condition discharge application referenced CDN/21/0015.

Reason - In order to minimise the environmental impact of the development, pursuant to policies DM1 and SP1 of Manchester's Core Strategy and the National Planning Policy Framework.

22) Notwithstanding details submitted, the development hereby approved shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

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 in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

23) The development hereby approved shall not be occupied until a hard and soft landscaping treatment scheme (including tree planting) has been submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

24) Before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

The agreed Travel Plan shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building shall not be further subdivided to form additional units.

Reason - To prevent an over-intensive use of the site, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

1) Any signage or advertisements are likely to require separate advertisement consent. It is advised to contact the City Council as Local Planning Authority prior to the installation of any signage.

2) The required access works, pursuant to condition 20, shall be undertaken via a S.278 agreement between the applicant and the Council's Highways section. The following link can be used for information:

https://www.manchester.gov.uk/directory_record/287709/permission_to_work_on_the_highways_section_278_agreements/category/355/highways_and_pavements

Appendix 1 – List of consultees & neighbours notified

Highway Services

Mont Blanc Warehouse, Briscoe Lane, Manchester, M40 2XG
224 Briscoe Lane, Manchester, M40 2XG
Ashfield Works, Briscoe Lane, Manchester, M40 2XG
Malcolm Clarke Steel, Clifton Street, Manchester, M40 8HN
Unit 1B, 230 Briscoe Lane, Manchester, M40 2XG
Enza Mercedes Benz, Briscoe Lane, Manchester, M40 2NL
George Jones And Son, Briscoe Lane, Manchester, M40 2XG
Five Dimes Limited, Briscoe Lane, Manchester, M40 2XG
Mcconnell Smith And Co, Jubilee Works, Clifton Street, Manchester, M40 8HN
Alloy Bodies, Jubilee Works, Clifton Street, Manchester, M40 8HN
Jubilee Works, Clifton Street, Manchester, M40 8HN
Diamond Steel, Jubilee Works, Clifton Street, Manchester, M40 4HN
BWS, 232 Briscoe Lane, Manchester, M40 2XG
The Clock House, 271 Briscoe Lane, Manchester, M40 2XG
226 Briscoe Lane, Manchester, M40 2XG
228 Briscoe Lane, Manchester, M40 2XG

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
HSE COMAH Zone - H1485 OZ - Bradford Road Holder Station (East) Outer Zone
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1