

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128080/LP/2020

Date registered valid: 23 September 2020

Proposal: Certificate of proposed lawful development for the erection of a 4 metre high boundary fence along the south eastern boundary with Sheridan Suite

Address: Collyhurst Rail Siding, Off Queens Road, Manchester, M40 8RR

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr David Hunt GB Railfreight Limited, 55 Old Broad Street, London, EC2M 1RX

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 28 October 2020

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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 relates to a railway siding and goods yard on land bounded by a wedding venue facility (Sheridan Suite) and its associated car parking to the west and south, a railway line to the north and an industrial premises to the north. Beyond this is Queens Road, from which access to the site is achieved.

The site presently comprises an existing 2 metre high fence line along the south eastern boundary with the Sheridan Suite which separates the railway siding from the car park area associated with the Sheridan Suite, which is set back from Oldham Road.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is mixed use in nature comprising a variety of industrial, office and residential uses spanning east to west along the major arterial route of Oldham Road. Immediately to the north on the other side of the adjacent railway line is a strip of informal open space and parkland, beyond which the area is largely residential in nature.

Description of development

The application relates to a certificate of proposed lawful development for the proposed erection of a 4 metre high boundary fence along the south eastern boundary with Sheridan Suite.

The development comprises a solid, timber palisade fence 4 metres in height and approximately 96 metres in length.

The application site is leased from Network Rail and operated by a railway undertaker - The site is operated by GB Rail.

The proposal was amended during the course of the application following negotiations to reduce the fence height from 5 metres to 4 metres in height.

Planning History

A previous application for a 4 metre high fence was previously refused due to visual amenity concerns in 2019 – Ref: 123200/FO/2019. The applicant at this time was not a railway undertaker.

Consultations & Notification Responses

None Required.

Issues

Lawfulness

Schedule 2, Part 8, Class A of the Town and Country Planning (General Permitted Development) Order 2015 allows for the development by railway undertakers on their operational land.

The schedule lists development that is not permitted. In this case, the proposed development does not meet this criteria and is required in connection with the movement of traffic by rail.

The fence is required to assist in dust, odour, noise and visual mitigation in relation to the movement of traffic by rail from operational land associated with a railway undertaker.

There are no restrictions on the types of materials that can be moved by rail from the host railway siding and goods yard and it is contended that goods moved can be odorous and the loading activities of various materials can create a potential for dust generation, especially in dry conditions.

The structure would be used to mitigate for the migration of dust and odour beyond the site boundary from materials being loaded onto the trains for their onward movement by rail. The loading activities also generate some noise and the structure would also assist in mitigating noise from the operational and the nearest sensitive receptor of the neighbouring wedding venue.

Accordingly, it is considered that the structure which is required in connection with the movement of traffic by rail on operational land constitutes permitted development.

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 – None Required.

Approve on the basis that the proposed fence detailed on drawings numbered MB030700, MB030500 and MBO30800 received by the City Council as Local Planning Authority on 28 October 2020, constitutes permitted development, as prescribed by Schedule 2, Part 8, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended).

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

Appendix 1 – List of consultees & neighbours notified

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 - Not Affected
Coal Authority - Development High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1