Application Number	Date of Appln	Committee Date	Ward
091191/FO/2009/N1	8th Sep 2009	19th Nov 2009	Crumpsall Ward

Proposal Proposed construction of a motor control kiosk, 6m high vent stack and hardstanding area and associated fencing in association with a flooding-relief tank

Location Land Adjacent To Cleveland Hotel, Bank Road, Crumpsall,

Applicant United Utilities , Environment & Sustainability, 1st Floor Clearwater, 4 Lingley Mere, Lingley Green Ave, Great Sankey, Warrington, Cheshire, WA5 3LP

Agent

Description

This application relates to a small open plot of land that is mostly covered in hardstanding and with an old portacabin on the site. It is situated next to the Cleveland Hotel in a residential part of Crumpsall. It is overlooked by detached and semi detached houses on Bank Road with terraced houses on Cliffdale Drive.

The site was used for many years by a florist but has been vacant in recent years. An application for a car wash on the site was refused in may 2008 (ref 085148) as it would have a detrimental impact on residential amenity of the area due to increase in coming and goings and was not considered to be a compatible use in a residential area and would adversely impact on its residential character.

The proposal is required to tackle problems with sewer capacity on Cliffdale Drive that results in flooding during heavy rainfall. It involves construction of an underground detention tank which would be 15 m deep. There will be a pump and control equipment plus a 6m high vent stack with diameter of 150mm. The vent stack is to control air pressure when the tank is filled and emptied. The water will be pumped out of the tank as soon as there is capacity in the surrounding sewers when rainfall has eased or stopped.

Consultations

Local residents. One letter of objection has been received. It is not considered to be the best location for the equipment as a chimney will be visible outside their front window and feels that the whole construction should be made further in the middle of the spare land where it would be less visible and there will be less, sound and smell. No landscaping is shown; United Utilities are trying to get away with a cheap scheme.

Part Land Owner have made the following points

1. They were first contacted by United Utilities in April 2009 but there was no further dialogue with United Utilities until statutory notices were received.

2. United Utilities have carried out boreholes following serving of statutory services but no method statement has been submitted to show Japanese knot weed will be removed.

3. They are in the process of considering their own future development plans for the site and consider that this proposal would severely restrict their future developments.

Engineering Services - no specific highway objection. Construction traffic will be the main issue.

Environmental Health - have recommended that various standard conditions be attached to cover plant and equipment noise levels should be 5Db below background, the construction working times should be restricted to 8-am to 6pm Monday to Saturdays, site deliveries should not take place between the hours of 7.30 to 20.00 Monday to Saturday with no deliveries on Sundays and Bank Holidays Contaminated Land Section - wish a condition requiring Preliminary Risk assessment to be attached to any approval.

Environment & Operations (Trees) - no objection in as much as it affects existing tree cover.

North Manchester Regeneration Team - No objections but consider that further visual enhancements to the scheme should be secured such as additional tree planting and better boundary treatment.

Environment Agency - no objection

Issues

The Regional Spatial Strategy (RSS) for North West England - The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. It contains policies that address core principles of development, including the following:

EM5 Integrated Water Management.

In particular local authorities and developers should protect the quantity and quality of surface, ground and coastal waters and manage flood risk, by:

designing appropriate mitigation measures into schemes for any development which, exceptionally, must take place in current or future flood risk areas, to ensure it is protected to appropriate standards, provides suitable emergency access under flood conditions, and does not increase the risk of flooding elsewhere.

Unitary Development Plan No Specific reference made

CC1 In deciding its attitude to proposals within Cheetham and Crumpsall, the Council will have regard to the general policies in Part 1 of the Plan in order to:-
a. improve housing of all types and avoid the need for future widescale clearance;
b. provide infill and redevelopment sites for new housing;
c. discourage over-development and over-intensive use of residential land and buildings and so avoid congestion and overcrowding in housing units and their surroundings;
d. reduce the problems caused by vacant and derelict land and buildings by encouraging redevelopment, especially of smaller sites where shape and location would discourage proper maintenance for open space;
e. concentrate the provision of public open space into suitable areas close to where people live;
f. provide a network of green routes for pedestrians and cyclists between different parts of the area;
g. create a safer environment and allow for a greater sense of personal safety for all sections of society, especially children and the elderly;
h. encourage and promote the enterprise skills which exist especially in Strangeways and Cheetwood, because of their contribution to the City's economic health;
i. provide for improvements to public transport and reduce congestion in areas such as Strangeways and Cheetham district centre;
j. ensure a balanced distribution and wide range of accessible shopping facilities to meet the needs of all sections of the community.

The proposal generally accords with point d reduce problems caused by vacant land

H2.2 Residential Amenity. The proposal will clearly benefit residents of Cliffdale Drive as damage to property from floods plus the inconvenience of clear up and distress that this causes would be significantly reduced as a result of the construction of the flood relief tank. As far as noise is concerned the applicant have said that this solution is typical of those constructed in many locations in the northwest and do not generate any noise levels perceivable by the public and have not met objections based on noise issues previously. Owing to location of pumps there is not expected to be any noticeable noise at boundary of the site. The pumps should only be used on an infrequent basis; however, the condition recommended by Head of Environmental Health should be attached. As far as odour is concerned the applicant has said that this type of system does not generate any levels of odour perceivable by the development. The tank will be covered to prevent odour emission at ground level. Any sewage will be returned to the system as soon as flow conditions allow. It is designed to work automatically and will involve 12 vehicles per annum. Thus it is not considered that the development will have any noticeable impact on residential amenity of the area.

Location of the Apparatus. In response to objection made by local resident the applicant has explained that the landowners requirements have dictated the final design and position of the tank and associated equipment as they have aspirations to develop the adjoining land in the future and the kiosk/compound has been located to minimise the loss of their usable land.

Future Development of Adjacent Land

A 7m wide grassed strip is to be laid out within the site immediately next to the Cleveland Hotel and is to be kept free of obstruction and would allow future vehicular access to the remainder of the site. It may also be possible to access the site from Willow Hill Road. However, given the size and shape of this plot of land and its proximity to houses and the public house it will be a difficult site to develop.

Visual Amenity.

Negotiations have taken place on this and the boundary treatment has been changed from palisade fencing to paladin fencing 1.8m high. Three trees are to be planted to replace the one to be felled and a hedge is to be planted to back of fence along part of Bank Road section. Also part of site will now be grassed over rather than being tarmaced as shown on original submission. These measure will soften the impact of the development.

The vent is to be erected next to the alleyway that runs to rear of 2 to 22 Cliffdale Drive and will be sited approximately 14 m from the rear windows of no 2 Cliffdale Drive. It will be sited approximately 19.5 m from the front windows of the nearest house on Bank Road. The vent is quite narrow at 150mm diameter and is to be coated in a dark green colour. The kiosk will be a small steel structure in dark green colour and will have dimensions 700mmm X 3100mm and will be1700mm high. It is therefore considered that the proposal will not harm the visual amenities of the area and represents an improvement compared to its current appearance.

Construction Phase. Given proximity to house and amount of earth removal/excavation required for the tank it will be an intrusive project close to people's houses. A construction working hours condition is therefore essential as recommended by head of Environmental Health. The applicant has said that they will incorporate wheel wash facilities, however, it is considered that this should be covered by a conditioned requiring submission of details. The applicant has said that vehicles will be sheeted and cleaned to prevent mud on the highway. It is estimated that it will involve 450 large goods vehicle movements during the construction period. The applicant acknowledge that there is Japanese knotweed on site and all material excavated will be taken to a licensed tip. This matter can be covered by condition. It is understood that Bank Road will required to be temporarily closed and the applicant is discussing this with Highways Operational Services Team.

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 Unitary Development Plan, the Head of Planning 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. He 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

APPROVE on the basis that the proposal accords with the development plan in particular policy H2.2. Of the City Council's Unitary Development Plan in that the proposal will assist to reduce flooding of nearby properties and will not adversly impact on the visual amenities of the area and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: 80015995/01/6000 P2 and UU/ES80015995/5578/2487 stamped as received on 28-10- 2009, 80015596/01/2201P1byemail 26-10-09

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 of the Manchester Unitary Development Plan.

3) The hard and soft landscaping scheme approved by the City Council as local planning authority shown on drawing ref UU/ES800115995/5578/2487, shall be implemented not later than 12 months from the date of commencement of works. 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, unless otherwise agreed in writing by the City Council as local planning authority.

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 policy H2.2 of the Unitary Development Plan for the City of Manchester.

4) Plant and equipment servicing the system shall be acoustically treated so as to achieve a noise level of at least 5dB below existing background (LA 90) in each actave band at the nearest noise sensitive location.

Reason To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) The details of an emergency telephone contact number for the contractor shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity in order to comply with Policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The wheels of contractors vehicles leaving the site shall be cleaned and the access roads leading to the site swept daily in accordance with a management scheme submitted to and approved in writing by the City Council as local planning authority prior to any works commencing on site.

Reason - In the interest of pedestrian and highway safety, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) The operational time for use of vehicles around the site, including deliveries, servicing and collections shall not take place outside the following hours

07.00 to 19.00 hours Monday to Saturday
08.00 to 19.00 Sundays and Bank Holidays.

Reason

To safeguard the amenities of the occupiers on nearby residential property pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) The hours of construction of the development hereby approved shall be restricted to 8.00am to 6.00pm on Monday to Saturday, with no work at any other time including Sundays and Public Holidays, unless otherwise agreed with the local planning authority.

Reason - In interests of residential amenity in order to reduce disturbance during construction in accordance with Policies H2.2 of the Unitary Development Plan for the City of Manchester.

9) Before the development hereby approved commences a method statement for the eradication and disposal of knotweed and any contaminated soil from the site shall be submitted to and approved in writing by the City Council as Local Planning Authority and shall be disposed of in a licensed landfill site.

Reason - In the interests of amenity and public health, pursuant to policy H2.2 of the adopted UDP

10) a) 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 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.

b) 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.

Any further development must not compromise any existing remedial measures previously installed at the site as part of planning permission 091191/FO/2009/n1. Upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority, to ensure that the existing remedial measures have not been compromised.

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. Additionally, that the current works shall not compromise the protection afforded by earlier remedial measures the existing development has had installed as part of planning permission 091191/FO/2009/N1. Pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

11) The development hereby approved shall not take place until details of sheeting of goods vehicles has been submitted to and approved in writing by the City Council as local planning authority and thereafter all vehicles entering or leaving the site shall be sheeted over in accordance with approved details.

Reason

To ensure that the proposed development is not prejudicial or a nuisance to the adjacent premises in the interests of public health and amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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: 091191/FO/2009/N1 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:

Engineering Services
Environmental Health
Contaminated Land Section
Environment & Operations (Trees)
Environment & Operations (Highway Authority)
North Manchester Regeneration Team
Environment Agency
1 Sherdley Road, Manchester, M8 4GE
20 Cliffdale Drive, Manchester, M8 4QF
22 Cliffdale Drive, Manchester, M8 4QF
2 Cliffdale Drive, Manchester, M8 4QF
4 Cliffdale Drive, Manchester, M8 4QF
6 Cliffdale Drive, Manchester, M8 4QF
8 Cliffdale Drive, Manchester, M8 4QF
10 Cliffdale Drive, Manchester, M8 4QF
12 Cliffdale Drive, Manchester, M8 4QF
14 Cliffdale Drive, Manchester, M8 4QF
16 Cliffdale Drive, Manchester, M8 4QF
18 Cliffdale Drive, Manchester, M8 4QF
75 Crumpsall Lane, Manchester, M8 5SR
5 Bank Road, Manchester, M8 4QE
7 Bank Road, Manchester, M8 4QE
9 Bank Road, Manchester, M8 4QE
11 Bank Road, Manchester, M8 4QE
13 Bank Road, Manchester, M8 4QE
67 Crumpsall Lane, Manchester, M8 5SR
Cleveland Hotel, Crumpsall Lane, Manchester, M8 5SR

Representations were received from the following third parties:

Engineering Services
Environmental Health
Contaminated Land Section
Environment & Operations (Trees)
North Manchester Regeneration Team
Environment Agency
Joseph Holt Ltd, The Brewery, Empire Street, Cheetham, Manchester, M3 1JD
5 Bank Road, Manchester, M8 4QE

Relevant Contact Officer : David Hughes
Telephone number : 0161 234 4636
Email : d.hughes3@manchester.gov.uk