

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139765/VO/2024		
Date registered valid:	19 April 2024		
Proposal:	City Council Development for demolition of boundary wall together with the erection of 2.4 metre high weld mesh fence.		
Address:	Ancoats Green , Wadeford Close, Manchester, M4 6LP		
Ward(s):	Ancoats	&	Beswick Ward
Applicant:	Mr Rory Gaffney Manchester City Council		
Agent (if any):	Mr Greg Cawley AtkinsRealis		
Case officer:	Gerry		Reilly
	Tel:	0161	234 4163
	Email: gerry.reilly@manchester.gov.uk		
Recommendation:	Approve		
Date of recommendation:	16 May 2024		

Application details

Type of application: Regulation 3 Consent

Development type: Demolition in Conservation Area

Date of site visit:

Standard consultations:

Printed: 24 April 2024 Expired: 16 May 2024

Neighbour notifications

Printed: 24 April 2024 Expired: 16 May 2024

Site notice

Posted: 24 April 2024 Expired: 16 May 2024

Press advert

Published: 30 April 2024 Expired: 14 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order:

This application concerns the southern boundary of a site which is part of the Ancoats Conservation Area and was the subject of the planning application below that was submitted in 2023.

136141/VO/2023 City Council Development - Public realm improvements and associated works across 3 character areas including Ancoats Green (Area A), Prussia Street Arm Greenway (Area B) and Jersey Green (Area C) at Land Bound By Portugal Street To The North, Wadeford Close To The East, And The Rochdale Canal To The South, Manchester.

The character area which the application site bounds is Ancoats Green. The Green will be an activated space creating a multifunctional green heart to the neighbourhood which fosters a sense of community. Within this character area inclusive formal and informal play provision will offer exciting play opportunities for children over the age of three. An open lawn space will be retained within the centre of the green and will have minimum design intervention so it can remain flexible and be used for a range of activities. To the north of the site a flexible hard open space known as "Ancoats Place" will provide an opportunity for Community Uses to spill out into the Green. Wetland planting which collects water from run-off creating a dynamic habitat for wildlife, has been proposed within the Green and at its edges. The existing cherry trees on Site will be retained and additional ones will also be provided along the southern boundary of Ancoats Green into the neighbouring Ancoats Mobility Hub Development. Additionally, a potential future Growing Area has been identified to the north of the site, which will be managed

by the community. Glass bottle shaped Entrance Gateways are proposed at the three main entrance points to the Green, celebrating the Site's heritage.

On 8th February 2024 engineers visited the site which is the subject of this application, to conduct a non-intrusive inspection of the boundary wall. The condition of the wall was assessed via visual inspection only and no intrusive investigation or monitoring has been undertaken to date. The applicant has submitted a Boundary Wall Inspection Summary Report which includes photographs that indicate that the wall was not originally constructed as a freestanding wall. An additional review of google maps image capture history, documents that between July 2008 and Sept 2012 a warehouse building, constructed in solid brickwork was demolished at the site and it appears probable that the boundary wall is the remnants of the demolished building.

The report concluded that the wall will not be fit for purpose on conclusion of the building works for the Ancoats Green which the above application relates to. Three potential mitigation options were put forward for dealing with the structure:

Option 1-Demolish Wall

Option 2-Temporary Remediation

Option 3-Permanent Restoration

Description of area

Description of development

The proposals under consideration seek permission to implement the first of the above options and replace it with a 2.4 metre high weld mesh fence with the following specifications.

Weldmesh Fencing - B13

Material: Hot dip galvanised Steel

Finish: Powder coated flat top

Colour: RAL 9005.

Height: 3m.

Fixing: Root fixed to engineer's specification.

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as affecting a Conservation Area and a Right of Way. A notice was displayed at the site and the occupiers of nearby properties have been consulted.

No representations have been received as a result of this publicity.

Highway Services - have stated that they have no objections regarding the proposed demolition of boundary wall together with the erection of a 2.4-metre-high weld mesh fence.

Greater Manchester Police - no response

Neighbourhood Team Leader (Arboriculture) - no response

Issues

Policy

The main issues to consider are visual amenity, highway safety, crime and disorder, impact on Conservation Area and trees.

The following policies are considered to be relevant to this application:

Local Development Framework Core Strategy Development Plan Document (Adopted 11 July 2012)

The Manchester Core Strategy Development Plan Document 2012-2027 was adopted by the City Council on 11th July 2012. The following policies are considered relevant to this application:

Policy DM1 (Development Management) states that all development should have regard to

- appropriate siting, layout, scale, form, massing, materials and detail,
- the effects on amenity including light and road safety,
- the impact on the character of the surrounding area in terms of design, scale and appearance,
- vehicular access and car parking
- effects relating to landscape, archaeological or built heritage.

Policy SP1 (Spatial Principles) states that development in all parts of the City should make a positive contribution to neighbourhoods of choice, creating well designed places that enhance or create character, consider the needs of all member of the community and protect and enhance the built environment.

Policy EN1 (Design Principles and Strategic Character Areas) states that development should contribute positively to the experience of all at street level.

Policy EN3 (Heritage)

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. The relevant policies are considered to be:

- Policy JP-G6 (Urban Green Space)

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (updated 19 December 2023);, in particular sections Section 8 (Promoting healthy and safe communities), Section 9 (Promoting sustainable transport) and 12 (Achieving Well Designed Spaces)

Chapter 8 (Promoting healthy and safe communities)

Paragraph 101 states that " Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- (a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate 45 . Policies for relevant

areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and

Chapter 9 (Promoting Sustainable Transport).

Paragraph 115 states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Chapter 12 Achieving well-designed places).

Paragraph 136 states that "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵³, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

Unitary Development Plan

Citywide Development Control Policy 18 on Conservation Areas states
DC18.1 The Council will give particularly careful consideration to development proposals within Conservation Areas.

a. The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues:

- i) the relationship of new structures to neighbouring buildings and spaces;
- ii) the effect of major changes to the appearance of existing buildings;
- iii) the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees);
- iv) the effect of signs and advertisements;
- v) any further guidance on specific areas which has been approved by the Council.

b. The Council will not normally grant outline planning permission for development within Conservation Areas.

c. Consent to demolish a building in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable of reasonably beneficial use, or where its removal or replacement would benefit the appearance of character of the area.

d. Where demolition is to be followed by redevelopment, demolition will be permitted only where there are approved detailed plans for that redevelopment and where the Council has been furnished with evidence that the development will be undertaken.

e. Development proposals adjacent to Conservation Areas will be granted only where it can be shown that they will not harm the appearance or character of the area. This will include the protection of views into and out of Conservation Areas.

Other Legislation

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

In determining whether the proposed works are acceptable, the main issues to consider are visual amenity, highway safety, crime and disorder and trees.

Principle of Development

The works are required in connection with the implementation of Ancoats Green which is an important element in the ongoing regeneration of this part of Manchester. The Boundary Wall Inspection Summary Report has concluded that the wall will not be fit for purpose. The principle of the development is accepted.

Visual Amenity

The wall is not listed and, in view of the fact that it is not considered that the structure makes an important contribution to the appearance of the Conservation Area, it would be difficult to justify refusing permission for the structure's removal. The proposed replacement weld-mesh fencing is a high quality boundary treatment which is acceptable in this part of the Ancoats Green. This would ultimately be removed when the wider area gets redeveloped.

Impact on Conservation Area

The wall is clearly of historical merit with the bricks complementing those found in the wider conservation area. It would have historically been part of a building or formed part of boundary wall which has long been removed. The wall lacks historical context and has fallen into disrepair.

Nevertheless, the loss of the wall would result in a low level of less than substantial harm to the conservation area given it forms an historical feature. In line with the requirements of the paragraph 202 of the NPPF, the proposal meets the required public benefits given it will help deliver the wider public realm improvement works to Ancoats Green which would create a new amenity space within the heart of the emerging community in the back of Ancoats.

The new fencing, whilst modern in nature, is an appropriate feature would be simple in nature. At 2.4 metres, it would form a large feature in the conservation area would be finished in green and therefore not considered to be obtrusive in this context.

The proposals are considered to be acceptable in terms of their impact on the Conservation Area and accord with saved policy DC18 of the Unitary Development Plan and EN1, EN3, DM1 and SP1 of the Core Strategy.

Highway Safety - Highway Services have stated that they have no objections regarding the proposed demolition of boundary wall together with the erection of a 2.4-metre-high weld mesh fence.

The works are for the removal of an existing wall only and are not expected to take a long time (between 2 to 6 days). In these circumstances it is considered that requiring the applicant to provide a Construction Management Plan would be onerous and, therefore, a condition requiring the submission of such a document has not been attached.

Highways have also stated that the applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangement, including Section 50, will need discussion and agreement with the Council's

Highway Network Management teams. This information will be relayed to the applicant via an informative.

Crime and Disorder - The Police have been consulted on this issue but there has been no response to the consultation letter. However, weld-mesh fencing has been used on many sites within the City and it is a high-quality secure form of boundary treatment.

Trees - Neighbourhood Team Leader (Arboriculture) has been consulted on this issue but no response to the consultation letter has been received. The applicant has provided an aerial photograph which shows that the remaining trees on the site are set far enough away from the boundary so as not to be damaged during the demolition of the wall. Nonetheless, a condition to protect the trees on the site while the work is taking place has been attached to this permission. The proposal is considered to be acceptable in terms of its impact on trees.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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:

Drawings

Received by the Planning Service as Local Planning Authority on 10 April 2024.

The location plan

The General Arrangement Sheet 1 2895-PLA-XX-XX-DR-L-0008

Received by the Planning Service as Local Planning Authority on 19 Apr 2024

The location plan.

The Exclusion Zone - Wall Location drawing

The New Fenceline

Documents

The Poland Street Zone - Ancoats Green - Boundary Wall Inspection Summary Report received by the Planning Service as Local Planning Authority on 10 April 2024.

The email from Greg Cawley of AtkinsRealis dated 26th April 2024.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Core Strategy.

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk, highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Neighbourhood Team Leader (Arboriculture)
Greater Manchester Police

Roadrider Despatch, Harriett Street, Manchester, M4 6HB
Unit 10, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 6, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 7, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 10, Crown Industrial Estate, Poland Street, Manchester, M4 6BN
Unit 8, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 4, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 5, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Crown Industrial Estate, Poland Street, Manchester, M4 6BN
Unit 9, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 11, Crown Industrial Estate, Poland Street, Manchester, M4 6BN

Appendix 2 – Planning constraints

Article 4 Direction - City Centre 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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL