

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135131/FO/2022

Date registered valid: 13 December 2022

Proposal: Change of use from public open space to Class B2 Industrial use with associated boundary treatment

Address: J Allcock & Sons Ltd , Textile Street, Manchester, M12 5DL

Ward(s): Gorton & Abbey Hey Ward

Applicant: Mr Andy Rushton , J Allcock and Sons Ltd, Ambrose Street
Manchester, M12 5DD

Agent (if any): Mrs Sue Casebourne Engineered Solutions (Projects) Ltd

Case officer: Ian Jarvis
Tel: 0161 234 4079
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Recommendation: Approve

Date of recommendation: 5 April 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 3 February 2023 Expired: 24 February 2023

Neighbour notifications

Printed: 5 January 2023 Expired: 26 January 2023

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

This application relates to a linear strip of open land which lies to the rear of nos.16-20 Kentmore Close with the northerly boundary formed by the route of Corn Brook and an existing industrial site to the north west and west occupied by a rubber products manufacturing and recycling company, with five structures present across the site together with associated external areas of concrete hardstandings for vehicle access, parking and the storage of materials. The northern portion of the industrial site is currently occupied by two industrial buildings located in the west and central portions of this area. The existing structures are of steel frame construction with brick and metal clad external walls and sloping corrugated metal roofs. These structures appeared to be used for the storage of rubber products together with areas of office and welfare facilities.

Background

The operators have been seeking to improve facilities at the site and an application was submitted for the refurbishment and expansion of an existing building to form Class B2 general industrial building (129880/FO/2021). However, due to concerns raised by the Environment Agency, it was not possible to agree an appropriate form of development, and that application was withdrawn. Alternatives were therefore considered, and an area of unused City Council land was identified to the north-west of the site. That land contains some greenery and scrub vegetation. but is not identified by the City Council, in its open space strategy.

In 2021, the business submitted an application for the creation of an external storage area Class B2 industrial use, on existing open space, directly to the east of their site and north of the route of Corn Brook, in association with adjacent industrial use,

The proposal involved the erection of 2.5 metre high paladin fencing, around the majority of the site, and the storing of containers up to a height of 4.3 metres. The southern boundary of the site ran along the watercourse edge, so was an irregular boundary line. The approved fencing was therefore set away from the boundary line, in order that a straight fence can be erected.

The area of land, between the proposed fence and the watercourse, remained part of that application site, and the site was to be accessed, from the existing industrial site with existing fencing removed, to effectively make the application site part of the wider industrial site. As part of the approved scheme there was a 'stacking' arrangement of products to be stored, with operations carried out by forklift trucks. The applicant confirmed that there were currently 22 employees on site with parking for 16 vehicles, all on site. There were an average of 2 trucks per days to and from the site and that the proposed site was be used as part of the existing operations, with no changes to other staff and parking numbers, or site arrangements.

Hours of operation in regard to that development were confirmed by the applicant to be:
Standard opening hours 7.00 a.m. to 8.00 p.m. Monday to Friday.
Overtime 6.00 a.m. to 9.00 p.m. Monday to Friday when very occasionally required.
Weekend working Saturday 6.30 a.m. to 1.00 p.m. Overtime working on a Saturday 6.30 a.m. to 5.00 p.m.
Sunday overtime would be between 7.00 a.m. 5.00 p.m.

The proposed development was approved subject to conditions on 20th December 2021.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The current J Allcock industrial site covers an area between Ambrose Street and Textile Street /Kentmore Close. However, when planning approval ref: 131664 is implemented, a strip of open space would be left which would be bounded by Corn Brook and their site to the north and west, and nos.16-20 Kentmore Close.

Consent is sought by the business to incorporate this strip of linear open space directly to the south of the route of Corn Brook into their site. Whilst consent is sought for a change of use from open space to a Class B2 General Industrial use, this is due to the use of the wider site , and it is not the intention to develop the linear landscaped strip along Corn Brook for industrial purposes. The submitted plans show the area which is to be incorporated into the industrial site as being retained as 'wilderness'. The scheme would also include the installation of 2.5m paladin fencing to continue the fencing to the eastern boundary approved as part of planning approval ref: 131664 to the rear boundary of the dwellings on Kentmore Close

Consultations & Notification Responses

Local residents/adjoining occupiers – No comments received

Highway Services - Internal vehicle/pedestrian access is to be provided to the plot. No pedestrian rights of way appear to be affected. The proposed boundary treatments are acceptable from a highway perspective. No conditions are recommended.

Environmental Health – Recommend any approval has conditions attached relating to the hours of operation and servicing hours .

Local Lead Flood Authority - Further comments 27.02.2023

Based on the provided evidence, the proposal can be approved, but recommend imposing a condition to ensure that no hardstanding is created in the site, and it is not used for storage/commercial purposes, 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.

Greater Manchester Police -12.01.2023 -recommended that a Crime Impact Statement (CIS) report should be submitted, in order to show how crime has been considered for the proposal and the surrounding area.

Further comments received 03.02.2023

Based on the breakdown provided a CIS would not be needed and instead the below recommendations for boundary treatments would be more appropriate:

- Perimeter fencing should be a minimum of 2100mm in height and comprise a welded wire mesh construction.
- There should be minimal ground clearance beneath the fence, to reduce the potential for crawling into secure areas.
- The entrances should be in keeping with the height of adjacent boundary fencing and should incorporate either:
 - A pad lockable bolt to the midpoint of the internal face or,
 - A key operable deadlock



Care should also be taken to ensure there are no poles, trees or any other features immediately adjacent, on the publicly accessible side of the site boundary, that could be used as a climbing aid to scale the fencing. Any such features should be pruned or removed where possible. The site boundary treatment should also be positioned on hard standing ground. Where this is not possible, the ground conditions should be reviewed as extra measures may be required to create a secure boundary. Exposed hinges and large sliding bolt apertures/locking points to any gates should be avoided, or fitted with shrouding/protective plates (see opposite) to avoid the creation of footholds.

In summary, the application is supported subject to further consideration of the above matters.

Environment Agency – 17.01.2023

Advise that the area of land lies within Flood Zones 2 and 3 alongside a main river watercourse which runs through the site. They advise that they have no objection to the proposed development, but have the following comments. The change of fencing does not appear to materially alter the watercourse's flood risk as there is already fencing on the watercourse. They consider that the area of land left as "wilderness" on one bank should be sufficient to enable

access to the watercourse. They recommend the local authority consults their emergency planners to establish whether an evacuation plan is required.

Advice was also provided to the applicant in relation to the requirement for a permit from the Environment Agency .

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place: • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. They further advise that it should not be assumed that a permit will automatically be forthcoming once planning permission has been granted, and they advise the applicant to consult with the Environment Agency at the earliest opportunity.

Further comments 16.05.2023 following advice from Emergency planners and further advice sought from the EA if they would recommend the submission of an evacuation plan, by the applicant and, if so, can this be conditioned or does it need to be submitted pre-decision.

The Environment Agency and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) have produced some joint guidance on flood risk emergency plans for new development.

The guidance is principally aimed at local authority planners, to help them understand when they should be asking for planning applications to be supported by flood risk emergency plans, and what should be included in them. It encourages local planning authorities to produce their own guidelines and set up local consultation arrangements to ensure emergency plans are fit-for-purpose and receive proper scrutiny. It also provides a framework for them to appraise emergency plans in the absence of such local arrangements.

The guidance will also help developers and their consultants produce suitable emergency plans, and should ensure emergency planners, local resilience forums, the emergency services and other risk management authorities are involved appropriately in the planning process. The guidance aims to support robust consideration of whether proposed development will be safe.

Greater Manchester Resilience Unit- They advise they can comment on an evacuation plan, if one is received, but not on the planning application (i.e. not on the need for one).

Policy

Places for Everyone

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

The nine constituent local authorities have considered the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February). The Places for Everyone plan was adopted on 21st March 2024.

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a Judicial Review is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a Judicial Review from the outset).

Given the stage the Plan has reached, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Paragraph 1.43 states that the plan has adopted a 'brownfield preference' through its policies. Policy JP-S1 relating to sustainable development reflects this, stating that 'preference will be given to using previously developed land and vacant buildings to meet development needs'.

Paragraph 1.52 highlight's that the Places for Everyone plan supports Greater Manchester's drive to be carbon neutral by 2038. To meet this carbon commitment, Policy JP-S2 encourages the delivery of nature-based solutions and biodiversity net gain.

Policy JP-J2 writes that existing employment areas, including local employment sites, are vital to maintain a strong and diverse supply of sites. These will be protected from redevelopment to other uses and nurtured to ensure they remain competitive.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in July 2021 and subsequently revised September and December 2023 and sets out the government's objectives for achieving sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development which ensures that sustainable development is pursued in a positive way.

Development proposals that accord with an up-to-date Development Plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless: - The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 confirms that there are three dimensions to sustainable development; economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be pursued in mutually supportive ways through the planning system. Delivering Sustainable Development. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. These sustainable objectives should be delivered through the preparation and implementation of plans and the application of the policies in the framework. The NPPF is split into 17 chapters, the chapters of relevance to this development are discussed below.

Building a strong, competitive economy (Chapter 6) – emphasises that the government is committed to ensuring that the planning system should help create conditions in which businesses can invest, expand and adapt. Significant weight is to be given to the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.

Promoting healthy communities (Chapter 8) – the planning system can play an important role in facilitating social interaction and creating healthy, inclusive and safe communities. Planning decisions should aim to achieve places which promote, amongst other things, safe and accessible developments, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

Promoting sustainable transport (Chapter 9) – to protect and exploit opportunities for the use of sustainable transport modes, development should be located and designed to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; address the needs of people with disabilities by all modes of transport; create safe and secure places minimising conflicts between traffic and pedestrians; allow for the efficient delivery of goods and access by service and emergency vehicles; and be designed to enable the charging of plug in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Making effective use of land (Chapter 11) - the NPPF recognises the need for the planning system to promote an effective use of land in meeting the need for homes and other uses. Paragraph 124, (c) sets out that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Achieving well designed places (Chapter 12) – this chapter sets out at paragraph 135 that planning policies and decisions should aim to 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 visually attractive as a result of good architecture and appropriate landscaping; C) Are sympathetic to local character and history including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation; D) Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; E) Optimise the potential of the Site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and F) Create places that are safe, inclusive and accessible and which promote health and well-being.

Meeting the challenge of climate change, flooding and coastal change (Chapter 14) - paragraph 157 sets out that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

National Planning Policy Guidance (NPPG)

The relevant sections of the NPPG are as follows:

Noise : states that 'Local planning authorities' should take account of the acoustic environment and in doing so consider: - whether or not a significant adverse effect is occurring or likely to occur; - whether or not an adverse effect is occurring or likely to occur; and - whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Design: states that where appropriate the following should be considered:

- layout
- the way in which buildings and spaces relate to each other
 - form - the shape of buildings
 - scale - the size of buildings
- detailing
- the important smaller elements of building and spaces
- materials
- what a building is made from.

Travel Plans: Transport Assessments in decision taking states that applications can positively contribute to:

- encouraging sustainable travel;
- lessening traffic generation and its detrimental impacts;
- reducing carbon emissions and climate impacts;
- creating accessible, connected, inclusive communities;
- improving health outcomes and quality of life;
- improving road safety; and
- reducing the need for new development to increase existing road capacity or provide new roads.

These largely relate to detailed aspects of a planning submission which are addressed in the following section of the report; the conclusions of the necessary assessments is that the proposal accords with the general principles of the NPPG.

Manchester's Local Development Framework: Core Strategy

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 EC 1 'Employment and Economic Growth in Manchester' - the policy outlines the key locations for major employment growth which include the Regional Centre, Manchester City Centre and the City Centre fringe (partly superseded by policies JP-J3 Office developments and JP-J4 Industry and Warehousing development in the Places for Everyone Plan)

Policy EC2 'Existing' Employment Space'- this policy states that the Council will seek to retain and enhance existing employment spaces and sites.

Policy EC 5 East Manchester' – East Manchester is expected to provide approximately 80-85ha of employment land. The majority of this provision will be within the Regional Centre, specifically:

- Central Park (see policy EC6), B1, B2 ;
- Eastlands (see policy EC7), a major leisure visitor destination with ancillary retail and offices. -
- City Centre Fringe (see policy CC1) along Great Ancoats Street, providing an extension to City Centre employment opportunities;

Development will also be supported in existing employment and economic development areas, including Alan Turing Way, along key radial routes and Ardwick Goods Yards.

The district centres of Newton Heath, Eastlands, Gorton and Openshaw offer opportunities for small scale mixed use local employment opportunities. Larger scale proposals will be considered if good transport links exist to the City Centre/Regional Centre. The Council will promote development which:

- ensures major employment opportunities are connected via non-car modes to residential neighbourhoods within East Manchester and North Manchester, these include the City Centre, Central Park, Eastlands and railway stations in the City Centre;
- takes advantage of key transport infrastructure such as the arterial roads (Oldham Road, Ashton New Road, Ashton Old Road and Hyde Road) and public transport networks, such as bus routes and the proposed extension to Metrolink including two new lines and new stops;
- creates links to the Rochdale and Ashton Canals and links to the open space network including the Rochdale and Ashton Canals and the Medlock Valley, providing opportunities for walking and cycling to economic development opportunities; has regard to listed buildings and conservation areas including Ancoats and the industrial heritage of the area.

Policy EN1 'Design Principles and Strategic Character Areas' - sets out that opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial road routes.

Policy EN 8'Adaptation to Climate Change' - All new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change developers should have regard to the following, although this is not an exhaustive list:

- Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rain water permeability.
- Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls, increased tree cover and waterways.
- The need to control overheating of buildings through passive design.
- The opportunity to provide linked and diverse green space to enhance natural habitats which will assist species adaptation (partially superseded by Policies JP-S2 JP-S4 and JP-G8 in the Places for Everyone Plan).

Policy EN 9 'Green Infrastructure' - Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

Policy EN14 'Flood Risk' - the policy reiterates the sequential risk-based approach to the location of new development required by national planning policy and expects all new

development to minimise surface water run-off, including through the provision of Sustainable Drainage Systems and the appropriate use of green infrastructure (partially superseded by Policies JP-S4 in the Places for Everyone Plan).

Policy DM 1 'Development Management' - sets out various issues that development should have regard to, including: appropriate siting, layout, scale, form, massing, materials and detail; impact on the surrounding areas; effects on amenity; accessibility; community safety and crime prevention; refuse storage and collection; and effects relating to archaeological or built heritage.

Saved Unitary Development Plan Saved policies - 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.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007)

In the City of Manchester, the relevant design tool is the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. The Guide states the importance of creating a sense of place, high quality designs, and respecting the character and context of an area. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance provides a framework for all development in the City and requires that the design of new development incorporates a cohesive relationship with the street scene, aids natural surveillance through the demarcation of public and private spaces and the retention of strong building lines. Guidance within Chapter 3 requires developments to be fully inclusive and accessible for all and take into consideration the requirements of disabled people. Chapter 4 seeks the adoption of energy efficient design. In respect to non-residential developments the guidance identifies that the City Council will encourage developers to use the BREEAM standards to assess the environmental performance of buildings and that development should achieve a post construction rating of 'very good'. However, the guidance indicates that alternative modelling tools that enable the developer to exceed the requirements of BREEAM are also encouraged. Chapter 8 promotes consultation with Greater Manchester Police, to incorporate measures to help crime prevention through design.

Manchester Climate Change Framework: 2020-2025 and Manchester Zero Carbon Framework (2020)

In November 2018, Manchester City Council made a series of commitments, informed by the Manchester Climate Change Agency's (MCCA) work with the world renowned Tyndall Centre for Climate Research based at University of Manchester. The key commitments are well documented and work towards the city becoming zero carbon by 2038, significantly accelerated from the original target of 2050. A draft Manchester Zero Carbon Framework has been developed which sets out the City's overarching approach to meeting its science-based climate change targets over the period 2020-38 and draft action plans for the period 2020-22 are being developed by the Council and other strategic organisations and sectors.

On 10 July 2019, a motion asking Manchester City Council to formally declare a climate emergency was unanimously agreed. In March 2020 the Executive adopted the Manchester Climate Change Framework 2020-2025. The five-year framework sets out measures that MCC will take in order to reduce carbon emissions from its buildings, energy use and transport.

Issues

Principle of Development

Policies EC2 and EC5 is also of relevance, as EC2 seeks to protect existing employment and economic development areas and EC5 identifies the provision of employment land in East Manchester.

The proposed development is set within a predominantly existing industrial/ commercial area with similar uses located adjacent to the north and west site, but with residential uses to the south.

Consent is sought for a change of use from open space to a Class B2 General Industrial use, this is due to the use of the wider site, and it is not the intention to develop the linear landscaped strip along Corn Brook for operational industrial purposes. The submitted plans show the area which is to be incorporated into the industrial site as being retained as 'wilderness'. On this basis it is considered that the principal of the proposed use is acceptable in this location and accords with policy EC5 of the Core Strategy.

Layout

The current J Allcock industrial site covers an area between Ambrose Street and Textile Street / Kentmore Close. However, when planning approval ref: 131664 (land to the north of the site under consideration) is implemented, a strip of open space would be left which would be bounded by Corn Brook and the company's site to the north and west, and nos.16-20 Kentmore Close, which would be very difficult to access and maintain. The area of land forming this application would remain as a 'wilderness area' comprised of soft landscaping adjacent to a watercourse, and as such there would be no change to the current layout or form.

Appearance/fencing

The scheme would also include the installation of 2.5m paladin fencing to continue the fence line of along the eastern boundary approved as part of planning approval ref: 131664, to the rear boundary of the dwellings on Kentmore Close. However, as the colouration of the proposed fencing has yet to be agreed, it is recommended that this aspect of the scheme is conditioned. The height of the proposed fencing at approximately 2.5 metres is just 0.5 metres above what is allowed as permitted development. Furthermore, the site is not easily viewed and it is not therefore considered that the proposed paladin fencing would have a detrimental impact upon the visual amenity of the area or surrounding residents.

No changes would be made to the existing rear boundary treatment to the properties on Kenmore Close.

Residential amenity

There are residential properties with rear gardens adjoining the site. Whilst the site does lie in quite an extensive industrial area, it is considered that whilst for technical purposes a change of use is required for the site from open space to a Class B2 industrial use, that it should not be used for operational purposes, and should be retained as a 'Wild Area' of soft landscaping as shown on the submitted layout plans to safeguard residential amenity. It is recommended that this aspect of the scheme is conditioned

Flood Risk/Drainage

The site falls within Flood Zones 3 and 1, with a linear area running parallel to the south of Corn Brook falling within zone 3 and the remainder of the site falling within flood zone 1, due to the valley form within which the water course is located, which translates to a high/low probability of flooding from rivers, seas and surface water.

As the site would be retained as a 'Wilderness Area ' of soft landscaping, and serves to regularise the existing land parcel, the scheme would not change the existing arrangement in terms of areas of hardstanding. The proposed development would therefore not increase any risks in terms of flood risk.

However, the scheme includes the installation of 2.5m high paladin mesh fencing across the route of Corn Brook. This has been sited to be located above the level of the water course to reduce any potential for water borne debris to collect against the proposed fence. The nature of the fence would allow the flow of water through the mesh. In relation to access for maintenance, Corn Brook runs through the applicant's site to the west of the application site, and there is vehicular access through their site from Textile Street to the watercourse. As such the proposed development should not prevent access in regard to maintenance.

Matters relating to emergency evacuation plans have been raised. Whilst it is acknowledged that there is no formal Environment Agency flood warning system in place in relation to Corn Brook, the application under consideration would not introduce any changes to the current circumstances i.e. the area would be retained as soft landscaping and would not form part of the operational area of the business. As such it is considered that a requirement for an emergency evacuation plan for the site under consideration as part of this application would be onerous.

Security

The proposed fencing would be 2.5m in height. The existing site already has 24 hour monitoring with a detectable movement system, which could be readily adjustable to cover the proposed land.

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 / 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. The original submission raised initial concerns about the emergence evacuation in regard to flooding , and this matter has been satisfactorily resolved and the appropriate conditions have been attached.

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 drawings and documents:

Topographical Survey plan ref: 96017-001

Visibility Illustration plan ref: ENG13122.1 rev.A and associated location plan ref: ENG13122.2 rev.A

Received 13th December 2022

Adjusted fence boundary (and site edged red plan) ref: 010622.2 rev.A 01 and
Adjusted boundary fence plan ref: 010622.03 rev. A 01 showing the site being left as
'wilderness'.

received 4th 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 (2012).

3. a) The 2.5m high paladin fencing boundary treatment shall be completed in accordance with location shown the Adjusted boundary fence plan ref: 010622.03 rev. A 01 and Adjusted fence boundary (and site edged red plan) ref: 010622.2 rev.A 01 shall thereafter be retained.

b) Prior to the erection of the 2.5m high paladin fencing boundary treatment, finalised details of the colouration of the boundary fencing shall be submitted to and approved in writing by the City Council, as Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of the visual amenity of the area, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

4. The site comprising the approved development shall be retained as a 'wilderness' area of soft landscaping as shown on Adjusted boundary fence plan ref: 010622.03 rev. A 01 received 4th April 2024.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

5. The site shall only be used, in association with adjacent industrial use, and the implementation of planning permission reference: 131664/FO/2021, and shall not be used as a separate business.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) .

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Environment Agency
Emergency (Contingency) Planners

15 Kentmore Close, Manchester, M12 5FG
39 Clayton Lane South, Manchester, M12 5PG
37 Clayton Lane South, Manchester, M12 5PG
1 Romsley Close, Manchester, M12 5PF
7 Westbrook Square, Manchester, M12 5PU
8 Neenton Square, Manchester, M12 5PT
4 Neenton Square, Manchester, M12 5PT
2 Neenton Square, Manchester, M12 5PT
14 Didley Square, Manchester, M12 5PN
11 Didley Square, Manchester, M12 5PN
8 Didley Square, Manchester, M12 5PN
6 Didley Square, Manchester, M12 5PN
6 Romsley Close, Manchester, M12 5PF
2 Romsley Close, Manchester, M12 5PF
22 Textile Street, Manchester, M12 5DJ
13 Didley Square, Manchester, M12 5PN
Units 1 To 2, Ambrose Street, Manchester, M12 5DD
Ground Floor, Ambrose House, Ambrose Street, Manchester, M12 5DD
J Allcock And Sons Ltd, Ambrose Street, Manchester, M12 5DJ
Unit 8, Ambrose Street, Manchester, M12 5DD
Unit 7, Ambrose Street, Manchester, M12 5DD
Unit 6, Ambrose Street, Manchester, M12 5DD
Unit 5, Ambrose Street, Manchester, M12 5DD
Unit 4, Ambrose Street, Manchester, M12 5DD
Unit 3, Ambrose Street, Manchester, M12 5DD
33 Textile Street, Manchester, M12 5DJ
6 Kentmore Close, Manchester, M12 5FG
3 Westbrook Square, Manchester, M12 5PU
31 Textile Street, Manchester, M12 5DJ
20 Kentmore Close, Manchester, M12 5FG
18 Kentmore Close, Manchester, M12 5FG
16 Kentmore Close, Manchester, M12 5FG
14 Kentmore Close, Manchester, M12 5FG

12 Kentmore Close, Manchester, M12 5FG
10 Kentmore Close, Manchester, M12 5FG
8 Kentmore Close, Manchester, M12 5FG
4 Kentmore Close, Manchester, M12 5FG
2 Kentmore Close, Manchester, M12 5FG
2 Ambrose Street, Manchester, M12 5DD
5 Westbrook Square, Manchester, M12 5PU
1 Westbrook Square, Manchester, M12 5PU
6 Neenton Square, Manchester, M12 5PT
12 Didley Square, Manchester, M12 5PN
10 Didley Square, Manchester, M12 5PN
9 Didley Square, Manchester, M12 5PN
8 Romsley Close, Manchester, M12 5PF
4 Romsley Close, Manchester, M12 5PF
24 Textile Street, Manchester, M12 5DJ

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 Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA