

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132866/FO/2022

Date registered valid: 18 March 2022

Proposal: Erection of a storage building (Class B8) ancillary to adjacent existing commercial warehouse operation

Address: Strawberry House, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ

Ward(s): Clayton & Openshaw Ward

Applicant: Mr Tony Hopson Barton & Redman Strawberry House, Whitworth Street East, Openshaw, Manchester, M11 2WJ

Agent (if any): Mr Leon Armstrong Mosaic Town Planning Bloc, 17 Marble Street, Manchester, M2 3AW

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 June 2022

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit:

Standard consultations:

Printed: 24 March 2022 Expired: 14 April 2022

Neighbour notifications

Printed: 24 March 2022 Expired: 14 April 2022

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 located in the south of New Smithfield Market and measures approximately 0.38 hectares in area. New Smithfield Market is the largest wholesale market in the North West of England occupying a 35 acre site, 4km from Manchester city centre. The the application site is currently used as for parking and servicing for the existing Barton and Redman storage warehouse. The existing storage warehouse is a double height structure comprising predominantly cladding with brick pier detailing, and brickwork to the entrance and ancillary office accommodation within the premises, with pedestrian access and loading bay doors on the eastern elevation of the building.

The northern, and western boundaries of the site adjoin the New Smithfield Market while the southern boundary abuts Lawton Street, and the eastern boundary adjoins an access to the New Smithfield market from Lawton Street. The southern boundary is demarcated with a Palisade fence and a landscaped buffer, with the landscape buffer continuing within the site on the eastern edge of the site (comprising grass, shrubs and some trees). The eastern boundary and northern boundary comprises 2m high green weldmesh fencing. There are two vehicular access points in the existing fencing along the northern boundary with the wider New Smithfield Market site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Background

Planning permission has been granted erection of a 15.6 metre high warehouse and office building (sui generis use), with associated access, parking, service yard and landscaping to the north east of this site for a combined total of 8,216sqm of new floorspace for Barton and Redman to provide additional cold storage, ambient storage, office space and staff amenity

areas, following the demolition of 5,958sq.m of existing market buildings, with associated parking and servicing areas (ref: 127742/FO/2020) on 23rd November 2020.

The approved development would comprise a detached double height commercial building. The ground floor accommodation includes 5 chill chambers , with the main staff and visitor entrance, reception , staff amenity area, lockers and canteen within the building at this level along the western part of the building, with office and boardroom accommodation at mezzanine level above.

The floor space within the proposed units would be predominantly B8 floor space (7,263sq.m of warehousing /storage space) and 953 sq.m of ancillary Class B1a office floorspace, which would support the running of the food storage / wholesale operation. The planning agent has subsequently confirmed that this scheme will not be progressed due to cost, scale and practicality.

A further application ref: 133759/FO/2022 erection of a two warehouse units with ancillary office space (sui generis use), with associated access, parking, service yard and landscaping, including works to roadway to the existing adjacent warehouse unit from within from New Smithfield Market has been recently submitted has been submitted on the same site as the previous consent in November 2020, which has not yet been determined. It is intended that one of the proposed units would be used to accommodate the Barton Redmore business, and that the current application within car park of the existing Barton Redmore Site would only be needed on a temporary basis until the new accommodation would be available for occupation.

Description of area

The surrounding buildings are predominantly part of New Smithfield Market and are of an warehousing/industrial use and vary in height and condition. The buildings to the north of the site comprise brickwork with green cladding above on the façades. The predominant use of the buildings across the surrounding area is open storage units, trading halls and self-contained warehousing which all serve commercial traders who supply market produce. The adjacent site on Lawton Street is occupied by Greater Manchester Police Headquarters Openshaw Complex and the Booker Belmont Wholesale warehouse building.

The unit immediately west of the application site is a self-contained storage warehouse, which is occupied by the applicant, Barton and Redman, for use in their existing wholesale operations.

Description of development

Planning permission is sought through this application for single storey double height detached steel framed , pitched roof clad structure for Class B8 storage and distribution use in association with the existing building on the site . The proposed building would have a personnel door access on the southern elevation , and two roller shutter access doors on the eastern elevation facing onto the retained parking and servicing area, but would be open sided on the northern side of the structure. The structure would effectively function as a canopy and be used to give protection to fresh produce from inclement weather in connection with the loading and unloading of the stock. The building would be 20m in length x 25m in width x 5.2m height (eaves) / 10.19m (ridge). The gross internal floor space of the building would be 500sqm.

The site currently has 27 parking spaces. The scheme would involve the loss of 8 spaces, but would retain the existing motorcycle (4 in number) and cycle spaces (4 in number).

The proposals do not make any changes to the existing access from Lawton Street, which is not in regular uses with one of the gates currently locked. Confirmation has been received from the planning agent all access into the site will be from the controlled access into the Market from Whitworth Street East.

The hours of operation currently are Midnight to 10:00 hrs on Mondays to Saturdays, closed on Bank Holidays and Sundays. Consent is sought for the same operating hours for the proposed additional Class B8 Storage accommodation.

The scheme would lead to the retention of 23 full time jobs, and the creation of 6 new jobs.

Consultations & Notification Responses

Local Residents / Businesses – No comments received.

Highway Services – 31.03.2022 The site is considered to be reasonably accessible by sustainable modes and is in close proximity to a range of public transport facilities including bus and train.

Greater storage capacity and sheltered loading is being provided rather than any increase to operations and they are therefore satisfied that the associated vehicular trips can be accommodated on the highway network.

It is stated that the 19 on-site car parking spaces (including two disabled bays) are being retained as are the four motorcycle and four cycle spaces. Whilst this is acceptable in principle, the disabled bays appear to be in very close proximity to the new building and clarification is sought as to how vehicles can manoeuvre in and out of these spaces. It would also appear that the aisle width between the eastern elevation of the new building and the seven adjacent parking bays is narrow. Verification is sought that the necessary vehicle manoeuvres can be carried out for the disabled bays as well as the adjacent parking bays through the submission of additional vehicle swept path information. Existing vehicle access arrangements are being retained with deliveries being received via the internal road to the market and this is acceptable from a highway perspective.

It is understood that deliveries are received when the demand for car parking is at its lowest, and it is intended that the seven nearest car parking spaces can be kept clear for this purpose. Given that there is a reliance on the adjacent parking spaces being empty to accommodate servicing, they recommend that a servicing/car park management strategy is conditioned as part of any planning approval.

With regard to waste management, it is understood that a single bin is stored within the car park, although this is not identified on the submitted plans. A daily waste collection is undertaken by Manchester Markets.

Pedestrian access arrangements are acceptable from a highway perspective.

Should the planning application be approved it is required that a Construction Management Plan be conditioned which shall include, where appropriate the following details:

- o The routing of construction traffic;
- o Detail the vehicular activity associated with the construction including appropriate swept-path assessment;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site;
- o Identify measures to control dust and mud including on the surrounding public

highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;

- o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;

- o For large schemes a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.

The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

FURTHER HIGHWAYS RESPONSE 12/05/2022: -

The revised car parking layout which includes vehicle swept path verification is acceptable to Highways.

Environmental Health – 13.04.2022 Recommend conditions are attached to any approval relating to the hours applied for, the submitted waste management arrangements, construction hours and an informative relating to a watching brief for contaminated land. In regard to noise they advise have reviewed the submitted E3P Noise Impact Statement, ref: 50-564-R1-1 dated 8th March 2022, and also the submitted Transport Statement, which states that "*The proposals will not result in any increase in vehicle movements to and from the site when compared to the existing site*". Additional confirmation is required that there will be no change in HGV movements to and from the site specifically during night-time hours. They would then be able to accept the noise report's conclusion that no mitigation measures are required.

Following confirmation that in regard to HGV movements, that there would be no change from the existing circumstances, officers advised that they recommended the other conditions as per their earlier comments.

Greater Manchester Police – Have advised that due to the size and nature of this proposal they would recommend that a full Crime Impact Statement (CIS) report should be submitted, in order to show how crime has been considered for the proposal and the surrounding area.

The report should be completed by a suitably qualified security assessor, and identify, predict, evaluate and mitigate the site-specific crime and disorder effects of a development and should be produced by a professional individual/organisation independent of the design process. The CIS can then be submitted as part of the planning application, indicating that the proposed development has been designed to avoid/reduce the adverse effects of crime and disorder and enabling the planning process to run more smoothly.

Updated comments 12.05.2022- Have further advised that developments of this size, and nature would sit within their thresholds for the requirement for a Crime Impact Statement and the even though the development is of a temporary nature, it will still present risks and the potential for crime generating factors whilst in use which will require a level of policing if required. Also, the author of the report has identified the physical security recommendations required for a development of this size and nature, which given the data sourced would be acceptable for the principles of designing out crime.

Flood Risk Management 04.04.2022- originally lodged an objection on the basis that the proposed development would be situated directly above the ordinary watercourse culvert (the Corn Brook Tributary - Smithfield) and the proposed design does not consider the culverts location.

The following information needs to be provided as a minimum to enable them to remove their objection:

- Investigation works to establish the exact route of the culvert or to establish if the culvert exists beneath the site.
- If the culvert is found to be directly beneath the site, then a rerouting plan should be presented to and approved by the LLFA, if this is not feasible then alterations to the proposed development should be considered.

27.04.2022 - While GPR surveys are useful, they are limited regarding how far into the below strata the radar can reach. Therefore, the culvert could be out of reach of the GPR survey. On this basis they recommend that on site and surrounding manholes are investigated and or boreholes are dug on site to identify if the culvert is present beneath the site.

As part of the new MCC data screening process, they are able to supply copies of maps illustrating known/historic culverts and open watercourses within close proximity to the concerning site, as well as known local flood incidents and identifying critical drainage areas. However, there are charges for delivery of this information.

A copy of these comments and a prepayment letter which summarises what information will be included as part of the data screening was forwarded to the planning agent.

09.05.2022 - On the basis that the application is changed to read 'temporary permission', the fact that the proposed building will not require foundations or intrusive works and that the GPR survey did not show any evidence of the culvert being positioned within the site boundary they advise that they can remove their objection.

In place of the objection, they recommend that the following condition is attached to any approval:

Condition: Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason- To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Furthermore, the applicant is reminded that if an ordinary watercourse culvert is found to exist beneath the site, then it is their responsibility to ensure the culvert is free flowing and are liable to maintenance/refurbishment costs should this section of the culvert (beneath their site boundary) fall into disrepair.

United Utilities -19.04.2022 advised that a large public sewer crosses the site, and they would not permit building over it. They also require an access strip for maintenance or replacement., and advise the minimum distances that might be acceptable to United Utilities are detailed within Part H of the Building Regulations. They request the applicant determines the precise location, size, depth and condition of the pipeline as this is likely to influence the required stand-off distance from any structure. The precise location of the public sewer will be important in determining whether the applicant's preferred layout is achievable.

Following their review of the proposed site layout, they have concerns regarding the proximity of proposed development to their sewer and recommend that the applicant submits a detailed site layout plan which overlays the proven location of the sewer in relation to any proposed development (including walls, fencing, parking etc.) to demonstrate that this layout can be achieved. They strongly recommend this matter is resolved prior to the determination of the

application , and without resolution of this matter before determination, they advise their position must be to object to the proposal.

They also provide the standard advise that United Utilities will not allow building over or in close proximity to a water main, may not allow building over or in close proximity to a public sewer.

Should the Council deem this application suitable for approval we request the following condition is included in the subsequent Decision Notice to afford appropriate protective measures for the wastewater asset:

Condition:

No construction shall commence until details of the means of ensuring the public sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved by the Local Planning Authority in writing. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the public sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details.

Reason: In the interest of public health and safety and to ensure protection of essential services.

Updated comments 26.05.2022 – Unfortunately the information provided does not clearly demonstrate the precise location of the sewer following site investigations & the proximity of proposed development to the proven line of the sewer.

As detailed within our response 19th April, they request the applicant submits a detailed site layout plan which overlays the proven location of the sewer in relation to any proposed development features (including walls, fencing, parking etc.). they request the plan also details the access strip width that is proposed, providing the measurement of the access strip from the centre line of the pipe.

Following the submission of this information we will provide an updated response.

06.06.2022- The additional information has been passed this on for review and they will return with updated comments when they are able too.

09.06.2022 - whilst the submitted information has resolved our previous objection, they wish to request a surface water drainage condition and a further planning condition to ensure the protection of the sewer both during & post construction.

Greater Manchester Ecology Unit – Have advised that there are unlikely to be any ecological issues associated with this development.

Bats

It is theoretically possible that the proposed building could impede access to a bat roost on the adjacent building as the elevational drawing do not include show how the two buildings will relate. The indication is however that there is a gap and that the new build is at right angles and therefore unlikely to impede the gable end of the existing building. The existing building is also of a very low risk fabrication for bats. They are therefore satisfied that no further information or measures are required.

Nesting Birds

There is a line of young trees along the boundary of the site, which should be avoidable but may be disturbed during construction. They are clearly low risk for nesting bird due to their size.

They therefore recommend the following informative is applied to any permission.

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being

built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development appears to result in no loss of vegetated habitats and to have no species implications. No mitigation is therefore required. In terms of enhancement of the site, any measure such as a bird box would suffice. The details can be conditioned.

Issues

Issues

Policy Context

NPPF

The NPPF sets out the Government's planning policies and how these are expected to be applied. At

Paragraph 7 it confirms that the purpose of the planning system is to contribute to sustainable development.

At Paragraph 8, it identifies three overarching objectives to sustainable development:

- Economic: building a strong, responsive and competitive economy;
- Social: supporting strong, vibrant and healthy communities; and
- Environmental: protecting and enhancing the natural environment and built and historic environment.

Paragraph 10 confirms that a presumption in favour of sustainable development lies at the heart of the Framework.

Paragraph 11 states that for decision-making, this presumption in favour of sustainable development means "approving development proposals that accord with an up-to-date development plan without delay."

Of particular relevance to this application is Section 6 of the NPPF - Building a strong, competitive economy. Paragraph 81 sets out how;

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

Paragraph 83 of the NPPF also goes on to explain that planning policies and decisions should acknowledge "specific location requirements of different sectors" including "for storage and distribution operations at a variety of scales and in suitably accessible locations"

Section 9 of the NPPF concerns the promotion of sustainable transport. Paragraph 105 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability and opportunities for public transport; local car ownership levels; and the need to ensure provision for electric vehicles. Paragraph 111 states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 119 states that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 states that planning decisions should promote and support the development of under-utilised land and buildings.

Section 15 and Paragraph 174 recognises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution of land instability, and where appropriate, remediating derelict and contaminated land.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key Development Plan Document in the Local Development Framework (LDF). It replaces significant elements of the existing Unitary Development Plan as the document that sets out the long term strategic policies for Manchester's future development, the Core Strategy is to be used as the framework that planning applications will be assessed against.

There are a number of relevant policies within the adopted Core Strategy relevant to the consideration of the current application in summary these are set out below.

Policies SP1 (Spatial Principles) , EC1 (Employment and Economic Growth in Manchester), EC2(Existing Employment Space), EC5 (East Manchester), T2(Accessible Areas of Opportunity and Need) , EN 14(Flood Risk) , EN15 (Biodiversity and Geological Conservation), EN18 (Contaminated Land and Ground Stability) , EN19 (Waste) and DM1 (Development Management).

Saved Policies within the Unitary Development Plan for the City of Manchester (1995)
The UDP is contained within the City Council's Local Development Scheme as a 'saved' document. The policies that is of relevance to this proposal include the following:
Policy DC26

Issues

Principle of Use

The site is situated in a predominantly commercial/industrial area to the south of Ashton Old Road in Openshaw. The application site forms part of New Smithfield Market, which is the largest wholesale market in the North West. As this area is dominated by wholesale/industrial uses along with the Greater Manchester Police Openshaw depot, it is agreed that the development would be classed as a B8 operation and is therefore a suitable development for this area. In addition, Core Strategy policy EC5 indicates that East Manchester is expected to provide approximately 80-85ha of employment land with development being supported in existing employment and economic development areas. Therefore, it is considered that the principal of the proposed use is acceptable in this location and accords with policy EC5 of the Core Strategy.

The proposal is linked to a development which is being proposed to the north east of the site for the same business , which would form an early phase of the Council's wider plans for the redevelopment of New Smithfield Market. In 2019 the Council appointed consultants to advise on the options for redevelopment of the market. All options look to reduce the area of the current market buildings with demolition in the eastern part of the site. The retained units will be either refurbished or redeveloped to provide more suitable space for traders and respond to market needs.

Reflecting this strategy, the application proposals will involve the demolition of an existing terrace of industrial units and the eastern part of the market units. These are a mixture of vacant and currently occupied units. The existing occupiers will all be relocated to existing vacant units in other parts of the market site in order to facilitate the development.

The proposed development is to enable the business to expand pending their relocation to new premises to the north east of their current location within the wider New Smithfield Market site . The planning agent has confirmed that the applicant would accept a planning condition requiring removal of the structure and returning the land to its previous use within 5 years of the permission.

Siting, Design and Scale

The proposal has been designed to reflect the necessary activities associated with the existing warehouse distribution use on the site , and would be used to give protection in relation to the loading and unloading produce from inclement weather .The structure would be 5.2m height to eaves and 10.19m to the ridge of the proposed roof and lead to the creation of 500sq.m of covered storage space.

The design of the building is industrial in nature reflecting its use.The building would be constructed from an aluminium frame with galvanised steel connections. The walls would be constructed from grey insulated steel sandwich panels. The roof will be constructed with a white PVCu thermo material. The building would also have guttering and downpipes., and have two dark grey roller shutter doors with recessed shutter boxes . Concerns have been previously expressed in regard to the colouration of the material forming the roof, but the client has requested this colouration in order to allow natural light within the building and would reduce the use of electric light during daylight hours. It is , however, proposed to attach a materials condition to enable further consideration to be given to the final material specifications.

Although the proposed development would comprise a double height structure , due to the significant changes in levels within the New Smithfield Market and Press Street which lies to the east (the market lying at a lower level than the immediate surrounding area), it is not considered that the proposed development would give rise to issues resulting from the proposed scale and mass of the structure, when viewed from Press Street, and would not give rise to significant visual impacts in the immediate area. Furthermore , the proposed building would be set well back from the boundary with Lawton Street and the retained planting would contribute to the reduction of the visual impact of the proposed building.

It is noted that to the south of the site lies a wholesale cash and carry , with a GMP facility lying further to the west on Lawton Street. The nature of the local area is of large commercial buildings with the nearest housing being 62m away from the Lawton Street /Press Street junction, on Cornwall Street.

The main site constraints are the active foul sewers and associated easements and the Corn Brook Culvert ,which run to the north of the site and across part of the eastern portion of the application site, significant consideration has been given to the location of these during the design process to enable an appropriate location of the proposed building within the site.

Therefore, it is considered that the proposed building has been sited and designed within the Market and along Lawton Street and in the surrounding area in accordance with policies, SP1 and DM1 of the Core Strategy.

Landscaping/Trees/Ecology

Policies EN9 and EN15 require that the natural environment is considered when there is potential for it. The application site is an existing employment site with significant areas of hardstanding , with a landscaped buffer to the southern and eastern edges of the servicing and parking area which would not be affected by the proposed development. Comments made by Greater Manchester Ecological Unit have been taken into consideration and in order to improve biodiversity , a condition is recommended to be attached to any approval to require the installation of a bird box within the curtilage of the site. On this basis it is considered that the proposed development is acceptable in relation to landscaping and is in accordance with Core Strategy Policies EN9 and EN15.

Highways Matters

Policies T2 and DM1 requires consideration to be given to the impacts of proposed development in terms of traffic generation and highways and parking requirement. A Transport Statement (TS) has been completed by Croft Transport (Highways Consultant), which confirms that the proposals are acceptable in regards to highways matters. The access point into the site would be from the north via the existing New Smithfield Market.. Although the TS refers to a secondary access to the south off Lawton Street adjacent to the application site, this access is currently limited in use, and the planning agent has confirmed that the Lawton Street access would not be used by vehicles to access the site

Tracking plans are provided in the Transport Statement to show how the site can be accessed by HGVs.

The Transport Statement sets out how the site is accessible to a range of local facilities by foot, cycle and public transport. Frequent bus services operation from the bus stops to the east of the site on Ogden Lane, within a walking distance of approximately 200 metres from the centre of the site. Further bus stops are located on Ashton Old Road. The site is also accessible on foot and cycle. The Fallowfield Loop (National Cycle Route 60) is located approximately 230 metres to the east of the site providing a route from Chorlton-cum-Hardy through Fallowfield and Levenshulme to Gorton and Fairfield in Manchester.

In regards to traffic generation, the Transport Statement confirms that the proposals are for storage area which will be ancillary to the existing Strawberry House operation, with the proposed development ensuring a more effective use of the existing site and allow the business to operate more efficiently, providing greater storage capacity and sheltered loading. The TS states that the proposed development will not result in any increase in vehicle movements to and from the site when compared to the existing operation of Strawberry House, and concludes that that the proposals will not result in a material increase in traffic generation when compared to the existing operation.

The proposed retention of 19 parking spaces (including 2 disabled parking spaces), 4 cycle spaces and 4 motorcycle spaces is considered to be appropriate for the temporary duration of the proposed development.

Therefore, for the reasons outlined above, the proposals are considered to be acceptable on highway and pedestrian safety grounds in accordance with policy DM1 and Paragraph 111 of the NPPF.

Parking

The initially submitted parking layout has been subsequently revised following the observations of highway services officers and the revised site layout plan relocates the two accessible

parking bays with the car park , but retains the in locations close to the entrance to the main warehouse premises

The associated Swept Path Analysis shows that the bays would be accessible and free from obstructions. The revised parking layout is considered to be acceptable. It is therefore recommended that any approval has a condition to ensure the revised parking layout is implemented before the additional storage accommodation is brought into use.

Residential Amenity and Noise

There are residential properties within proximity to the proposed industrial building situated to the east across Cornwall Street. The application has not been accompanied by a construction management plan , and it is therefore recommended that any approval have a condition attached requiring the submission of a construction management plan prior to the commencement of development. However, it is acknowledged that the proposed development relates to the installation of a modular building and the extent of ground works would be limited to bolting to the proposed structure onto the existing hardstanding.

As such it is not anticipated that construction works to form part of a construction management would give rise to any significant detrimental impact on existing residents.

The application is also accompanied by a detailed Noise Impact Statement which takes account of HGV movements; Forklift truck movements; and Unloading of HGVs via trolleys and/or forklift trucks. The assessment suggests that rating levels during daytime periods would fall comfortably below the MCC criterion and that night-time rating levels would equal the MCC criterion. As such, the report indicates that no adverse impact is expected at the closest receptors as a result of operation of the proposed building without the need for additional physical mitigation measures.

Furthermore, the planning agent has confirmed by email that no vehicles will be accessing/egressing the site via Lawton Street, with the businesses lorries continuing to access/egress the market via Ashton Old Road. This will further contribute to reducing any potential for noise from the proposed development to give rise to significantly detrimental impacts to residential amenity.

The application site is located within an existing industrial area immediately adjacent to a busy arterial route into the City Centre. Therefore, this is already a busy and noisy area of Openshaw. Notwithstanding this, a number of conditions have been included as recommended by Environmental Health to ensure that there is no detrimental impact on the nearby residential properties.

Therefore, subject to the conditions proposed, it is not considered that the proposed development would give rise to unacceptable impacts on residential amenity and therefore accords with policy DM1 of the Core Strategy.

Security

The application is accompanied by a Crime Impact Statement completed by an independent security advisor for the site of the new permanent proposed warehouse approved on 23rd November 2020 (ref: 127742) which will lie in proximity to the northeast of this site , which sets out the possible crime and security risks based on the type of development and nature of the area. Whilst this does not directly relate to the proposed building , the crime and security risks in the locality would be the same as identified in the CIS. The proposed development has a

limited floor area of 500sq.m , the pedestrian and vehicular access and exit routes to the site would remain as existing , with the perimeter to the proposed and existing building being enclosed by a combination of 2m high weldmesh and palisade fencing and associated gates . Furthermore, the entrance to the wider New Smithfield market site is controlled via the market gatehouse. Enhanced security and surveillance is also achieved by the market's 24/7 operations hours. All visitor entrances would be as existing, and access points into the proposed building would be highly visible from the access road within the wider market site ensuring good surveillance levels are achieved

The wider New Smithfield site has a 24 hour operation and therefore, personnel will be on wider market site at all times. In addition to this, there is natural surveillance of the site from Lawton Street and the adjacent businesses.

Given the observation from Design for Security officers , it is recommended that a condition is attached to require that the proposed development incorporates the physical security recommendations in Crime Impact Statement required for a development of this size and nature, which given the data sourced, would be acceptable for the principles of designing out crime.

Sustainability

The proposed building has an open sided elevation , and as such would effectively function as a large canopy structure for the storage, loading and unloading of fruit and vegetables. As the building has an open gable on one side (north elevation), with roller shutter and personnel doors on others, it would have an open aspect to it and not be heated. The provision of a white PVCu thermo roof would allow natural light within the building and would reduce the use of electric light during daylight hours. High level LED lights would be fitted to the canopy at the time of installation, and both roller shutter doors will be electrically operated. The submitted documentation also indicates there would be no installation or requirement for any electrical points , Furthermore , 4 cycle storage spaces would be retained .

Given that the nature of the building and that it would only be required for a 5 year period , which alternative accommodation of this business is developed. It is considered that the measures which are proposed to be incorporated into the structure represent a proportionate approach in regard to sustainability .

Lighting

Although no lux plans have been provided to demonstrate the extent of the likely light spill from the LED lighting proposed , given the location in a wholly commercial area, it is not considered that this aspect of the scheme would give rise to light pollution or adverse impacts to amenity. However, a condition is proposed in relation to lighting glare to enable this issue to be revisited , if problems occur when the LED lighting to the canopy is installed.

Air Quality

Although the proposed development site is located in close proximity to the Manchester City Council (MCC) and Greater Manchester Air Quality Management Area (AQMA), which has elevated pollutant concentrations, the development would not give rise to significant increases in vehicle movements to the site

During the construction phase of the development there is the potential for air quality impacts as a result of dust emissions from the site. However, due to the proposed development being

modular in nature and with associated limited intrusive ground works, impacts to air quality are not expected to be significant.

Contaminated Land

Historical mapping indicates the site was occupied by a locomotive and carriage works up to the mid-1900s, including railway tracks, cranes and tanks. Since circa 1970s, the New Smithfield Market has occupied the site and surrounding area; the subject site is located within the vehicle access and parking area of the market. An electricity substation is shown on plans from pre 1978 until the present. However, no major intrusive ground works or changing of floor levels is required to accommodate the proposed building at the site. The modular nature of the building means that this is bolted on to existing hardstanding surface. There will therefore be no increase in impermeable surfaces, nor are the works envisaged to create pollutant pathways to controlled waters.

It is therefore not recommended that any conditions relating to ground conditions are attached to any approval.

Flood Risk and Drainage

The proposed site is in flood zone 1, and the development area is below 1ha and not at risk of surface water flooding.

However, concerns were expressed by the Local Lead Flood Authority in regard to the potential for the Corn Brook Tributary Culvert to be located within the site. Furthermore, United Utilities expressed concerns regarding the location of a sewer and required easements in proximity to the proposed development.

The planning agent has responded confirming the presence of the Corn Brook Tributary Culvert has been investigated and it has been concluded that this is not located within the proposed building footprint, within 3m of the proposed building perimeter or general proximity of the site. Further investigations have found that the plotting of the culvert may relate back to the 2011 Strategic Flood Risk Assessment which identifies the potential route of the culvert, running southwest across the site. However, significantly the key refers to this as a 'Lost Watercourse'. Surveys were carried out to support an application for the redevelopment of the adjacent market (Ref: 127742/FO/2020) which also could not identify the location of the culvert. Additional survey work been undertaken in 2022, and this has also been unable to identify the location of the culvert.

Furthermore, due to the limited intrusive works to anchor the modular building to the existing area of hardstanding (using chemical anchor bolts drilled into a base plate, with no foundations required), and the nature of the materials forming the structure, the scheme is not considered to give rise to any significant impacts to any below ground structures (which may be present) in proximity to the proposed development. In addition, the development is modular in nature and the materials are relatively lightweight. Furthermore, the applicant has agreed to a temporary permission, allowing for the removal of the structure and the land reverting to its previous use no more than 5 years after permission is granted. So, even if the unsubstantiated route of the culvert is taken at face value, no long-term harm to its accessibility or integrity is expected to arise.

In regard to the matters raised by United Utilities a Market Sewer Plan (2013); Barton & Redman Drainage Plan (2007) and an Underground Services Survey (2022) have been submitted. None of these plans and surveys identify that a drain crosses the site. However, the United Utilities Asset Plan does. The planning agent has advised that whilst the United Utilities Asset Plan is broadly correct, they believe that there is a significant discrepancy. The United Utility plan identifies a surface water drain running under the Barton & Redman yard towards a manhole in front of the gate house on Lawton Street. The accurate Underground

Services Survey shows that this does not run under the subject site, but continues towards the gatehouse before turning towards south east Lawton Street. Furthermore, the updated survey demonstrates that the United Utilities sewer runs further north than the asset plan suggests.

The drainage on site will remain as existing. There will be no water management requirements as a result of the proposed building, nor requirement for foul water drainage as the building is a loading canopy only.

However, as the submitted plans indicate the presence of guttering and downpipes on the proposed building, a surface water drainage condition is proposed to be attached to any planning approval.

The updated comments from United Utilities requesting a further planning condition to ensure the protection of the sewer both during & post construction has been noted. However, given the ground works would be limited to bolting to the proposed structure onto the existing hardstanding, and as the structure is not directly over the sewer it is considered that it would be onerous to attach such a condition to any approval.

Refuse

No waste will be generated under or as a direct result of the proposed development. Any waste generated by the site as existing is removed by New Smithfield Market and is included within the service that they provide to Barton & Redman. The revised site layout plan has been annotated to show the location within the site for the storage of waste. It is therefore proposed to attach a condition to any approval to require that the scheme is implemented in accordance with the contents of the completed waste management proforma, in the location shown on the revised site layout plan.

Disabled Access

Level access will be provided into the building.

Two parking spaces with transfer spaces have been provided within the reconfigured car parking arrangements within the site. As such the level of provision would be as existing, and would be located within the car park close the main pedestrian entrance to the existing main warehouse building, which is considered to be acceptable.

Boundary Treatment

The existing boundary treatment to the perimeter of the site would not be affected by the proposed development and would be retained in situ.

Employment

As well as enabling the business to retain all existing jobs, the development is anticipated to create up to 6 new jobs.

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:

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. Officers worked in a positive and proactive manner with the applicant to deliver an acceptable scheme, in particular in relation to issues traffic routing, culvert, sewer and drainage. The revised proposal is considered to be in accordance with City Council policy and appropriate conditions are attached.

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

1) The permission hereby granted is for a limited period of 5 years from the date of the permission; and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within 3 months; in accordance with a scheme previously approved, and timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason – The site and wider market area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the structure on this site following this temporary period. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, EN5 and DM1.

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

Planning Statement dated January 2022 received 31st January 2022;

Location plan ref: 22-001 3000 rev.P01 received 28th February 2022;

Waste management strategy and Noise Impact Statement ref: 50-564-R1-1 dated 8th March 2022 received 18th March 2022

Transport Statement dated March 2022 ; and Swept path analysis plan ref: 3693 -SP01 rev.B received 24th March 2022;

Drawing ref: 55932 Location of underground services and drains received 19th April 2022;
Agent email dated 19th April 2022 confirming no culvert located under the site ;
received 22nd April 2022:

Wholesale market drainage plan and Drainage GA Plan ref: drawing ref: D0001 rev.C (solely in relation to drainage locations and not the parking layout shown) Frame Technical Specification prepared by Aganto; Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04 ;
Swept path analysis plan ref: 3693-SP07 ;
Crime Impact Statement v. 01 dated July 2020; received 3rd May 2022;

Underground Services survey at New Smithfield Market plan ref: 211016 no.03 received 1st June 2022 (solely in relation to drainage locations and not the parking layout shown) .

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) Prior to the commencement of the development a detailed construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include:-

- o The routing of construction traffic;
- o Detail the vehicular activity associated with the construction including appropriate sweptpath assessment;
- o Details of the location and arrangements for contractor parking;
- o The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- o Identify measures to control dust and mud including on the surrounding public highway including details of how the wheels of contractor's vehicles are to be cleaned during the construction period;
- o The details of an emergency telephone contact number for the site contractor to be displayed in a publicly accessible location;
- o For large schemes a highway dilapidation survey including photographs and commentary on the condition of carriageway/footways on construction vehicle routes surrounding the site.
- o Specify the working hours for the site.

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (2012).

4) Prior to the building hereby approved being brought into use, full details of a servicing/ car parking management strategy for the parking arrangements shown on plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04, and servicing requirements 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, and the agreed measures shall be implemented prior to the proposed accommodation being brought into use.

Reason - In the interests of highway safety, pursuant to policy T1 of the Manchester Core Strategy (2012).

5) Prior to above ground works, samples and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason -To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) Development shall not begin until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason- To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Manchester Core Strategy (2012).

7) The car parking indicated on plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04, shall be demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1, T2 and DM1 of the Manchester Core Strategy (2012).

8) The development hereby approved shall be completed in accordance with the physical security specifications outlined within Section 7 Security Strategy of the Crime Impact Statement Version 1.0 dated July 2020, received by the Local Planning Authority on 3rd May 2022 , in relation to the security measures to be incorporated into the development.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

9) The premises hereby approved shall not operate outside the following hours:-

Midnight to 10:00 hrs on Mondays to Saturdays ;
Closed on Bank Holidays and Sundays .

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy (2012).

10) The development shall be implemented in accordance with the details in the completed waste management proforma , and plan ref: Proposed site plan , plan and elevations ref: 21-056 3001 rev.P04 and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

11) Within 3 months of the development commencing full details of the design and location of a bird box, as part of the approved development shall be submitted and agreed with the Local Planning Authority. The permanent bird box shall be installed in accordance with the agreed design, prior to the occupation of the accommodation hereby approved.

Reason - To provide a roost for bats a European Protected Species (Habitats Regulations 1994) and bird boxes to comply with policy EN15 of the Manchester Core Strategy (2012).

12) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby properties, and the adjacent rail line within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as local planning authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

3) In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and call Contact Manchester on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

4) Construction works shall be confined to the following hours:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Greater Manchester Ecology Unit

D23-24, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
D21-22, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
D19-20, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
C25-26, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
C23-24, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Greater Manchester Police, Openshaw Workshops, Cornwall Street, Manchester, M11 2NS
F35, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F34, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D36-37, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D35, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
Stall At D38-39, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
Office At D38-39, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D24-25A, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D25-26A, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
D26B-27, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
F32, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F31, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
F14, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
F13, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F11-12, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F10, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F9, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E22, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E21, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E20, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E18-19, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E17, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E15-16, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
D34, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D32-33, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D31, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D30, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
D28-29, New Smithfield Market, Whitworth Street East, Manchester, M11 2WP
B39, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F42, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F41, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F40, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F37, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
B2-3, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F36, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F33, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E14, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
E13, New Smithfield Market, Whitworth Street East, Manchester, M11 2WJ
F38, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW
F39, New Smithfield Market, Whitworth Street East, Manchester, M11 2WW

Booker Cash And Carry, Cornwall Street, Manchester, M11 2NR

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH2