

Application Number	Date of Appln	Committee Date	Ward
087422/FO/2008/N1	12th Aug 2008	23 October 2008	Harpurhey Ward

Proposal Retrospective application for retention of 2.1m high palisade fencing and gates and vehicle weighbridge

Location Former Petrol Filling Station On Land Between, 45 And 55 Slack Road, Blackley,

Applicant W Hawarth Retails Ltd, Mr John Howarth, 109 Jersey Street, Manchester, M4 6JG

Agent Nicol Thomas Ltd Heyside House, Blackshaw Lane, Royton, Oldham, OL2 6NS

Description

The Site - This application relates to a piece of land that is located between the residential properties at 45 and 55 Slack Road in the Blackley area of North Manchester. The area is residential in nature as there are dwellings directly adjacent to the site to the north and south, and to the east across the other side of Slack Road. The land that is the subject of this application was formerly in use as a petrol filling station but was bought by Howarth Metals approximately one year ago. Howarth Metals operate a business on the land to the rear of the site that is accessed primarily from Mosshouse Terrace (but can also be accessed from the application site). The applicant's agent has stated that Howarth's purchased the application site with a view to providing an ancillary area for their existing business.

The Proposal - Retrospective planning permission is sought for the installation of a weighbridge and some 2.1m high palisade fencing and gates that have already been erected to the eastern side and part of the western side of the application site. The weighbridge has a concrete finish and is set into a concrete hardstanding and measures approximately 14m by 3.2m. The fencing and gates are currently in an unfinished (galvanised) state although it is the intention to paint them a moss green colour (RAL 6005).

It should also be noted that the application site has also been used in the recent past for the storage of a smoke stack and other industrial equipment and scrap metal. This was the subject of enforcement action and the site has now been cleared.

Consultations

Publicity - A site notice was displayed on site publicising the application.

Neighbours - Occupiers of properties surrounding the application site were notified of the proposal. A number of letters of representation have been received, including one petition signed by 13 local residents. The main concerns relate to noise and vibration from the lorries that use the weighbridge (some of which are 40-foot articulated lorries), the hours of operation of the site, traffic congestion and the visual appearance of the fence.

Engineering Services - No objection if the gates are not closed during the operating hours of the site, as it would not be acceptable for entering vehicles to wait on and obstruct the highway.

Environmental Health - Stated that conditions relating to refuse storage and collection, hours for deliveries and hours of operation for the site should be applied to any approval granted

Contaminated Land Section - Stated that a condition should be attached to any approval granted requiring that any possible contaminated land at the site should be investigated and, if applicable, the necessary remediation measures to deal with any land contamination should be carried out

North Manchester Regeneration Team - Would prefer the site to be redeveloped for housing and an application has been approved on this site fairly recently (7 houses and 12 flats - App. 079320). The proposal links with the existing scrapyards site (weighbridge) and as a matter of principle they would not want to encourage any activity that intensifies scrap yard activity in the area because this could have a detrimental impact on local residents in terms of loss of amenity (visual and possibly noise). If we are minded to allow the proposal they would initially suggest a temporary approval of no more than two years and on the condition that the fencing specification be upgraded to powder coated palisade fencing.

Graham Stringer MP - Wanted to be kept informed of progress

Issues

National planning policy

Planning Policy Statement 1(PPS1) 'Delivering Sustainable Development' states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. It also states that the planning system operates in the public interest to ensure the development and use of land results in better places for people to live. It is considered that the weighbridge and fencing/gates that have been installed are not consistent with PPS1.

Planning Policy Guidance 24 (PPG24) 'Planning and Noise' states that the impact of noise can be a material consideration in the determination of planning applications. The planning system has the task of guiding development to the most appropriate locations and the planning system should ensure that, wherever practicable, noise-sensitive developments are separated from major sources of noise. It also states that subsequent intensification or change of use of a site may result in greater noise intrusion. It is considered that the use of the site for a weighbridge and the associated comings and goings is unacceptable as it is inconsistent with PPG24.

Regional planning policy

The Regional Spatial Strategy (RSS) for the North West of England policy DP2 promotes sustainable communities by focusing on achieving a high quality of life and fostering sustainable relationships between homes, workplaces and other concentrations of regularly used facilities and services. Policy DP7 is related to promoting environmental quality and states that we should promote good quality design in new development and ensure that development respects its setting. The use of the site for a weighbridge and the palisade fencing and gates are unacceptable as they are inconsistent with these policies.

Local planning policy

The Unitary Development Plan for Manchester

UDP policy I3.1 'Employment and Economic Development' states that new commercial and industrial development will be expected to be of a good standard of design and where appropriate include suitable landscaping treatment.

UDP policy H2.2 'Housing' states that the Council will not allow development which will have an unacceptable impact on residential areas.

For the reasons outlined below, it is considered that the weighbridge and palisade fencing/gates are not acceptable as they would be inconsistent with these policies.

Visual amenity - The weighbridge is flush with the ground at the application site so does not, in itself, detract from the appearance of the area as it is not really noticeable unless you directly look into the site from close range. The palisade fencing and gates however are very visible as they span the length of the site along Slack Road at the back of footpath and part of the western edge of the site that is visible when driving north along Slack Road. Palisade fencing is not considered to be acceptable for a site in such a prominent location in a residential area as it is felt that it adversely affects visual amenity and detracts from the character of the area by giving it an industrial feel.

Residential amenity - The application site is situated in a residential area and it is therefore considered that a site being used for industrial-type activities is not acceptable as it adversely affects residential amenity in the area. It is acknowledged that the application site was previously used as a petrol station with associated comings and goings. However it is considered that the current use is sufficiently different so as to have an unacceptable impact on the amenities of local residents. The weighbridge is located in very close proximity to residential properties, approximately 12m to the nearest house, and it is considered that its use and the associated comings and goings is such so as to be unduly detrimental to those residents. It is considered that the large industrial/heavy-duty type vehicles (including articulated lorries) that use the weighbridge cause noise and disruption that is not acceptable in a residential area.

Highway safety - The weighbridge use at the site means that the surrounding residential area is subject to comings and goings from vehicular traffic, including

very large lorries. However it should be noted that the Head of Engineering has not raised any concerns about this from a highway safety perspective.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Conditions and/or Reasons

1) The weighbridge, by reason of its close proximity to residential properties, and the noise associated with it and from comings and goings from vehicular traffic associated with it, including very large lorries, is considered to be unacceptable as it is detrimental to the residential amenity of the occupiers of surrounding properties and inconsistent with UDP policy H2.2, RSS for the North West of England policies DP2 and DP7, PPS1 'Delivering Sustainable Development' and PPG24 'Planning and Noise'.

2) The palisade fencing and gates, by reason of their industrial appearance, are considered to be unacceptable as they have a detrimental impact on visual amenity in the streetscene, are out of character in the residential area in which they are located, and are inconsistent with UDP policies I3.1 and H2.2, RSS for the North West of England policies DP2 and DP7, and PPG24 'Planning and Noise'.