

Application Number	Date of Appln	Committee Date	Ward
112433/FO/2016	26th Oct 2016	15th Dec 2016	Miles Platting And Newton Heath Ward

Proposal Part retrospective application for the change of use of unit (Use Class B8) to plastic waste recycling unit (Use Class B2) together with the erection of a 3 metre high boundary wall to Oldham Road and New Street

Location Unit 1 Hillbit House , New Street, Manchester, M40 8AW

Applicant Mr Kelvin Shaw , Worldwide Waste Management Ltd, Unit 1 Hillbit House, New Street, Miles Platting, Manchester, M40 8AW,

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Description

The application site consists of Hillbit House, with its associated yard, situated on the corner of New Street and Oldham Road. Oldham Road is a major road route linking the City Centre to the north eastern parts of the City. Hillbit House is a single storey building which is constructed of a brick lower base and with the upper sections clad in blue corrugated steel cladding. The site is slightly elevated from Oldham Road which has resulted in a low brick wall to the site frontage together with a chain link fence which is currently in a poor state of repair. Vehicle and pedestrian access to the site is via New Street.

The surrounding area is characterised by commercial properties which are clustered around New Street. The buildings are used for a variety of industrial purposes and are predominately single storey in height. Abutting the application site to the north east, and within the boundary treatment surrounding the application site, is land owned by Network Rail. Immediately beyond this is the railway line which is situated in an elevated position.

Beyond the commercial buildings to the south, are two storey residential terrace properties along Canada Street and New Street which have recently been subject to a local regeneration scheme.

Retrospective planning permission was refused at the application site on the 4 June 2015 for the change of use of industrial unit (Use Class B8) to waste recycling for plastic (Sui Generis) (106866/FO/2014/N1). The reasons for refusal were as follows:

- 1) The use of the external yard of Hillbit House for the storage of plastic pallets and waste in association with the recycling business is unacceptable as a result of the amount, siting and scale of the pallets/waste in the yard creating a highly visual, cluttered and intrusive feature in the street scene. In addition, there is waste and debris on the adjacent highway. The resulting effect is

harmful to visual amenity of Oldham Road, a major road route within the City, and the local environment. The development is therefore contrary to policies SP1, EC1, EN1, EN19 and DM1 of the Manchester Core Strategy (2012), saved policy E3.3 of the Unitary Development Plan for the City of Manchester (1995), The Guide to Development in Manchester SPD (2007) and the NPPF/NPPG.

- 2) The use of the external yard of Hillbit House for storage of plastic pallets/waste in association with the recycling business results in servicing vehicles being unable to load and unload within the yard associated with the business. The resulting effects is large servicing vehicles servicing the development from New Street which has a harmful impact on the highway and pedestrian safety which is contrary to the provision of policies SP1 and DM1 of the Manchester Core Strategy (2007) The Guide to Development in Manchester SPD (2007) and the NPPF/NPPG.

Following the refusal of planning permission, enforcement proceedings begun. There was a temporary period of abeyance whilst discussions took place between officers and the applicant about the use and its operations.

The applicant is now seeking part retrospective planning permission for the change of use of unit (Use Class B8) to plastic waste recycling unit (Use Class B2) together with the erection of a 3 metre high boundary wall to Oldham Road and New Street. The use is currently operating from the site, and has been doing so since 2014, whilst the boundary treatment would be a new element to the development.

Consultations

Local opinion/local businesses – No comments received.

Highway Services – The proposed 3 metre high brick wall is likely to restrict vehicular and pedestrian visibility within the vicinity of the site access junction. It is therefore recommended that the applicant submits a vehicle visibility splay with a 2 metre + 2 metre pedestrian visibility splay which considers the proposed boundary treatment.

In comparison to the site's former usage for storage, it is anticipated there will be an increase in large HGVs on the surrounding highway.

The application does not include any alterations to the existing vehicular access. Vehicles will access the site from Oldham Road and then reverse into the site off New Street.

The reversing of large HGVs into and out of the application site is not preferred and may impact on highway safety. Also previously highways have raised concerns that a vehicle parked in New Street would make the proposed reversing manoeuvre difficult.

Highways also have concerns that should vehicles be unable to fully access the loading area then large vehicle may load/unload on/from the highway or overhang and obstruct the highway.

There is no provision of staff car parking provided within the application. Confirmation is sought regarding staff parking demand and where staff parking currently takes place.

There is no indication of cycle parking submitted within the application. It is recommended that secure and sheltered cycle parking provision is made in line with MCC cycle standards to cater for staff.

It is stated in plans that the site receives 2-3 HGV deliveries of plastic per day. The plastic are then stored within the yard before being treated within the unit.

Deliveries are arranged by appointed slot time therefore ensuring that no more than 1 vehicle is arriving at any one time which is acceptable in principle.

Further details re required regarding the proposed opening times of the site, and the anticipated daily delivery schedule.

The application should also identify how other general waste is currently stored and collected as no details are provided within the application.

Environmental Health – There are no adverse comments or objections to this application.

Environment Agency – There are no objections in principle to the proposed development. The proposed development may require a waste management licence in accordance with the requirements of the Environmental Protection Act 1990.

Minerals and waste planning unit – The use would contribute towards the diversion of waste from landfill which is supported by the aim and objectives of the waste plan and national waste policy. Providing the Council's consultees have not identified any unacceptable impacts upon the environment or public amenity as a result of the use which would bring it into conflict with the waste plan's assessment criteria for allocated site, and the Council are comfortable that the proposal is suitable within the strategic employment location, it is considered that the proposal is acceptable.

Network Rail – Within the application site is land owned by Network Rail. The applicant should contact the property team at Network Rail in order to receive separate approval for any works on site prior to them being undertaken. No works should have commenced on site until the developer has received written approval from Network Rail.

The applicant has also stated that they intend to erect a 3 metre high boundary wall along Oldham Road and New Street. A previous wall erected along Oldham Road connected with the railway boundary. If the 3 metre wall has been erected the developer has potentially carried out work to the rail infrastructure without the agreement of Network Rail which may have implications for the railway boundary and

infrastructure. Any boundary treatment should be constructed in the applicant's ownership, including all foundations. No part of the structure, including foundations, should have been constructed/encroached on to Network Rail land.

Policy

The Development Plan

The Development Plan includes:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)
- The Greater Manchester Joint Waste Development Plan Document

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 (UDP) and 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 as directed by the National Planning Policy Framework (NPPF).

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

Policy SP1 '*Spatial Principles*' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration area – in this case East Manchester. In addition, new development will be encouraged that maximises the potential of the City's transport infrastructure, in particular promoting walking, cycling and the use of public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

The policy goes onto to state that development in all parts of the City should:

- Make a positive contribution to neighbourhoods of choice including;
 - Creating well designed places that enhance or create character.
 - Making a positive contribution to the health, safety and well being of residents;

- Considering the needs of all members of the community;
- Protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The proposal is considered to be contrary to this policy. Whilst the business of recycling plastic waste is supported, the manner in which the business is being operated i.e. the storage of waste in the yard, fails to have a positive impact on the local area, particularly Oldham Road.

Policy EC1 '*Employment and economic growth in Manchester*' outlines the priorities for ensuring continued economic growth in the City. Eastlands is included as a key location for major employment growth (as part of the regional centre). The priorities for such developments include:

- Improving access to jobs for all via public transport, walking and cycling;
- Demonstrating that employment generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;
- Ensuring the continued social, economic and environmental regeneration of the City;
- Creating business destinations by enhancing the primary business use with ancillary commercial facilities.

Development proposals should have regard to:

- Climate change resilience demonstrating how CO2 emissions will be minimised with an aim of zero carbon emissions, through energy efficiency, renewable energy and contributing to low and zero carbon decentralised energy infrastructure;
- Ensuring design makes the best possible use of a site or building in terms of efficient use of space, enhancing the sense of place of the wider area and minimising detrimental impact on adjacent uses, considers the needs of users/employers of a site/building for access via walking, cycling and public transport and reduction of opportunities for crime by applying current best practice in security design.

Although the development is a local business offering local employment, the use and its operations do not enhance the sense of place in the local area.

Policy EC5 '*East Manchester*' outlines areas for specific employment growth. The Council will promote development which:

- Ensures major employment opportunities are connected via non – car modes to residential neighbourhood within East Manchester and North Manchester,

these include the City Centre, Central Park, Eastlands and railway stations in the City Centre;

- Take advantage of key transport infrastructure such as the arterial roads and public transport networks, such as bus routes, and the proposed extension to Metrolink including two new lines and the 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.

The development will support business growth in an already commercial area.

Policy EC6 '*Central Park Strategic Employment location*' states that Central Park is a large scale employment location in East Manchester suitable for 60ha of employment uses. A range of employment types will be encouraged across the whole of the Central Park area including B1 (b) and (c), B2, B8 and sui generis employment uses, with ancillary commercial services supporting the creation of a sustainable employment destination. The key sectors will be within creative and media and manufacturing. B1 (a) offices will also be acceptable on the part of the site located to the north of Oldham Road alongside other employment uses. Development in this area should contribute to the creation of an attractive environment for offices. It offers the potential for a range of accommodation types from low density to high density floor-plates and small to large scale business accommodation. It can accommodate training and incubator facilities, spin-off businesses associated with the higher education sector and offers opportunities in digital and creative media businesses.

Proposals will be expected to show how development will:

- ensure the site is accessible to the East/North Manchester communities by a choice of sustainable and public transport provision;
- consider wider design and layout objectives, taking advantage of important frontages such as Alan Turing Way and Oldham Road;
- take advantage of the existing infrastructure on site and proposed improvements such as Metrolink and digital infrastructure;
- incorporate the Rochdale Canal in creating a sense of place;
- contribute to decentralised low and zero carbon energy infrastructure in the Regional Centre as set out in the energy policies in the Core Strategy.

Policy T1 '*Sustainable Transport*' seeks to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport. The Council will support proposals that:

- Improve choice by developing alternatives to the car;
- Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;

- Improve access to transport services and facilities in order to enable disabled people and people with mobility impairments to participate fully in public life;
- Improve pedestrian routes and the pedestrian environment;
- Improve and develop further Manchester's cycle network;
- Contribute to improvements to the extent and reliability of the public transport network through safe and attractive waiting facilities, better priority and information provision,
- Would reduce the negative impacts of road traffic.

Policy T2 '*Accessible areas of opportunity and needs*' states that the Council will actively manage the pattern of development to ensure that new development:

- Is located to ensure good access to the City's main economic drivers, including the regional centre and to ensure good national and international connections;
- Is easily accessible by walking, cycling and public transport; connecting residential to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites including – links with East Manchester to employment locations such as Eastlands.

Applications should include appropriate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy EN1 '*Design principles and strategic character areas*' states that all development in Manchester will be expected to follow the seven principles of urban design. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes. Proposals for new development must clearly detail how the proposed development addresses the design principle, reinforces and enhances the local character of that part of the City and supports the achievement of the Core Strategic objectives.

The development is contrary to this policy as the development fails to enhance the key road route of Oldham Road by having material and waste stacked in the yard for prolonged periods of time.

EN19 '*Waste*' states that the Council will safeguard existing site for waste management and identify and safeguard new sites in existing employment areas as part of the Greater Manchester Joint Waste Development. In addition, full regard should be had for the economic and environmental benefits that well designed and run waste management facilities can bring subject to any conditions required to protect amenity of existing adjacent users.

The policy goes on to state that waste management practices should have full regard to the environmental, social and economic impacts of waste proposal and encourage long term benefits in improving the environment, the regeneration of areas in need of investment and co location with other employment uses.

The development, although supporting waste recycling, fails to have a positive impact on the regeneration of the area or an improvement to the visual quality of the site.

Policy DM1 '*Development Management*' all development should have regarded the following specific issues:-

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- Community safety and crime prevention;
- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effect on biodiversity, archaeological or built heritage;
- Green infrastructure;
- Flood risk and drainage.

The siting, scale and appearance of the external yard and adjacent highway as a result of the development is unacceptable and has a negative impact on the visual amenity of the site and major road out of Oldham Road.

For the reasons given above and below, it is considered that the proposal is contrary to the policies contained within the Core Strategy.

The Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Saved policy E3.3 states that the Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

Saved policy DC26, *Development and Noise*, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

For the reasons given above and below, it is considered that the proposal is contrary with the policies contained within the UDP.

Guide to Development in Manchester SPD (2007)

The Guide provides design guidance for New developments in the City.

Paragraph 2.31 '*Vehicular access including servicing*' states that developers should have regard to the impact a new development may have on the local traffic network and on the nature and number of likely movements arising from it. A Transport Assessment may be required to be undertaken. Developers should consider the servicing needs of any development at an early stage to ensure that adequate servicing is provided on site. Poor on-site provision can lead to a reduction in pedestrian safety on adjacent roads as well as higher costs in the maintenance of an attractive street environment.

It is considered that the development fails to support the objectives of the Guide specifically relating to the quality of new developments in the street scene along with the inadequacy of the servicing arrangements as the yard is full of waste resulting in servicing on the highway.

National Planning Policy Framework

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraph 8 of the NPPF goes on to state that these roles should not be undertaken in isolation:

"...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life. This includes making it easier for jobs to be created in cities.

Section 7 'Requiring Good Design' outlines the Governments expectations in respect of new developments:

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people” (paragraph 56)

Paragraph 58 states that local plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. In particular, planning policies and decisions should aim to ensure that developments:

- 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;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Respond to local character and history, and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 59 goes on to state that:

“Local planning authorities should...concentrate in guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”

Paragraph 63 of the NPPF also states that great weight should be given to outstanding or innovative design which helps raise the standard of design more generally in the area.

Paragraph 65 goes onto to state that buildings which are incompatible with an existing townscape but are of high level of sustainability in general can be supported if mitigated by good design.

Meeting the challenge of climate change is also an important part of the NPPF. This includes supporting energy efficient developments as part of a low carbon future. In addition, areas at risk of flooding should be avoided. Conserving and enhancing the natural environment is also a key consideration and efforts should be made to increase biodiversity at development sites.

Paragraphs 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Whilst the development is a recycling business, It is considered that it does not comply with the NPPF in that the development does not contribute positively to the quality of the area and its character.

Greater Manchester Joint Waste Development Plan

The Greater Manchester Joint Waste Development Plan states that Greater Manchester will need to find more local sites for the provision of built facilities if it is to successfully manage waste that arises within the area. This in turn will reduce the volume of residual waste that finds its way to landfill.

The waste development plan goes on to state that waste management facilities that have the potential to utilise biogas or energy from waste fired technologies will be required to provide combined heat and power in order to incorporate opportunities for sustainable energy recovery.

Issues

Principle/use

The application site is not allocated on the Proposals Map contained within the Manchester Core Strategy (2012). The site does, however, have a long standing commercial use having been historically used for B8 'Storage and Distribution' and forms part of a wider commercial area. This is reflected in the fact the application site is situated on the edge of the 'Central Park Strategic Employment Land' allocation as outlined in policy EC6. This seeks to encourage a range of B1, B2 and B8 uses across the Central Park area.

The provision of a plastic recycling unit at the application site is considered to be acceptable in principle given the characteristics of the locality which are principally employment generating uses which are either B1, B2 or B8 use in nature and would help support the objectives of policies EC1 and EC6 of the Core Strategy.

The proposal is also consistent with the Greater Manchester Joint Waste Development Plan states that Greater Manchester will need to find more local sites for the provision of built facilities to deal with waste that arises within the area. This in turn will reduce the volume of residual waste that finds its way to landfill and land raising sites. In addition, solutions to waste management need to be done in a sustainable manner.

This approach is supported by policy EN19 of the Core Strategy which seeks to encourage waste management practices within regeneration areas which are in need of investment and should be co-located within other employment uses.

In line with policy EN19 and EC1 of the Core Strategy, developments such as this should have full regard to the economic, social and environmental benefits that well designed and run waste management facilities can bring. Notwithstanding this, consideration also should be given to amenity considerations.

Matters which therefore require consideration are the nature of the use and its operations at the application site. In addition, matters such as servicing, highways and car parking will be considered together with boundary treatment, noise and impact on surrounding residential amenity should all be considered.

The use and its operations

The applicant has been operating their plastic recycling facility at the application site since 2014. During this time the use has been unauthorised with the applicant failing to cease the use of the premises despite being unable to obtain retrospective planning permission in 2015 (ref. 106866).

The applicant has submitted a supporting statement as part of their application which states that the use accommodates many types of plastic from plastic production companies and has confirmed they do not handle municipal waste. They also state that the site receives up to 2-3, 16.5 metre, Heavy Goods Vehicles (HGV) deliveries of plastic per day which they then store in their yard before it is treated within the unit itself which houses the sorting, cleaning, granulating and bailing equipment.

Once the plastic has been processed, it is then stored back in the yard before its collected and taken off site.

As part of their planning submission, the applicant has submitted a site layout plan. This indicates that the yard area is principally used for the storage of the plastic. This plan indicates that plastic will be stacked to a height no greater than 3 metres. There is an existing vehicular entrance from New Street which leads to a servicing area which follows the edge of the building. The plan, and supporting statement, indicates that servicing vehicles can be up to 16.5 metres in length and will reverse into the servicing area within the application site.

Highway considerations

The main highway considerations are as follows:

- Impact on the local highway network;
- Servicing; and
- Car parking.

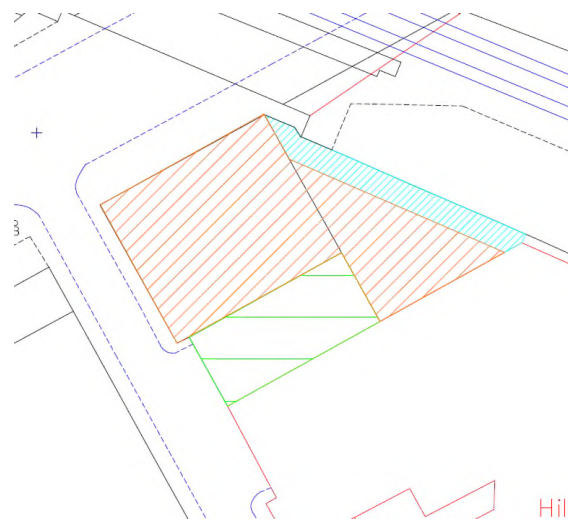
The site has been historically used for storage and distribution purposes (Use Class B8) until the commencement of the use subject to this application in 2014. As detailed above, the recycling unit generates up to 2-3 HGV movements per day. This is considered to be an increase from the previous use of the site. However, it is not considered that this uplift in vehicle movements will be excessive or detrimental to the capacity of the local highway network particularly given that the surrounding area is characterised by commercial uses.

Notwithstanding the above, it is considered that whilst there may not be any detrimental impact on the capacity of the local highway network, consideration must be given to the adequacy of servicing at the site given the frequency and size of the vehicles that need to service the site.

The Guide to Development in Manchester SPD states that applicants should consider the servicing needs of any development at an early stage to ensure that adequate servicing is provided on site. The guidance goes on to state that poor on-site provision can lead to a reduction in pedestrian safety on adjacent roads as well as higher costs in the maintenance of an attractive street environment.

As part of the consideration of planning application 106866, there was concern that due to the fact the applicant does not own the entire yard area (which is partly owned by Network Rail) together with the yard area being entirely used for waste storage, precluded effective in curtilage servicing and manoeuvring. As a result, vehicles were often observed servicing from the highway causing an obstruction resulting in pedestrian and highway safety concerns. Accordingly, the application was refused.

The supporting information submitted as part of this planning application indicates that vehicles visiting the site are 16.5 metre Heavy Goods Vehicles (HGVs). The green hatched area on the plan below indicates the area the applicant has identified as the servicing area for the development. The other areas, including the land owned by Network Rail (the triangle shaped land in orange), are intended to be used for the storage of the waste which the applicant has indicated will be stored to a maximum height of 3 metres.



Layout of the proposed development

In an ideal scenario, a HGV would service the application site by entering into the site in a forward gear, turning within the site, and then re-entering the highway in a forward gear. As a result of the applicant needing to store plastic within the external yard, it is not possible for the HGV to undertake this manoeuvre thereby minimising any highway and pedestrian impacts.

As a result of the predominant use of the yard for storage, the applicants transport statement indicates that HGVs will instead approach the application site from Oldham Road and then reverse into the site off New Street. When leaving the site in a

forward gear, the vehicle will turn left on to New Street and connect with the highway at Alan Turing Way.

Highway Services have raised concerns about this arrangement on the basis that the manoeuvre is difficult given the constrained nature of the application site, use of the yard for storage and if there is a vehicle parked on New Street (which is currently unrestricted) will render the manoeuvre impossible. Accordingly, this raise concerns about highway and pedestrian safety.

Despite the applicant's supporting information indicating that this reversing manoeuvre is the servicing arrangement for the application site, officers have observed, on several occasions, the HGV servicing, including loading/unloading, from New Street rather than within the curtilage of the site.

In addition, where the HGV has been able to enter the identified servicing area within the application site it has done so without reversing i.e. gone into the site in a forward gear. Given the overall length of the vehicle, together with the constrained nature of the yard and the yard being full of stored plastic (making it difficult to accommodate the length of the vehicle), the vehicle has been observed overhanging the highway. Officers have observed deliveries operating at the application site in this way on numerous occasions.

In addition, when the HGV enters the site in forward gear, resulting in the need to reverse out of the site to exit, there would need to be a banksman present at all times to ensure that the HGV can re-enter the highway safely.

Officers have requested that the applicant accommodates its servicing requirements within the application site, as per the parameters indicated above, in order to demonstrate that the site can operate adequately and without having a detrimental impact on highway and pedestrian safety.

Unfortunately, the applicant has not been able to demonstrate that the servicing arrangements can work appropriately. As such, this raises serious concerns about the applicant's ability to adequately service the application site, or comply with any associated conditions of a planning approval, without having an unduly harmful impacts on pedestrian and highway safety.



HGV only partially in the yard overhanging the footway and blocking pedestrian and vehicle movement

It should also be noted that officers have observed the 'designated' servicing area being used for plastic storage. As a result, this further hinders the servicing HGVs ability to fully enter the service yard and therefore off the highway.



Plastic being stored in the service yard

In addition, officers have observed another HGV coming to the site and waiting on the highway/pavement whilst a HGV was, albeit, partially within the service yard.

This arrangement is something that the applicant has stated does not happen and again raises concern about highway and pedestrian safety.

Highways Services have also raised concerns about the height of the proposed brick wall and its ability to provide an adequate visibility splay.

On the basis of the above, and the comments of Highway Services, it is considered that the yard is incapable of accommodating servicing vehicles required for this development. This is as a result of the yard being full of waste and material resulting in no turning provision within the curtilage. This results in the HGV either servicing from New Street or within a small 'servicing area' within the application site which only allows the HGV to reverse or enter in a forward gear. Both scenarios pose their own difficulties in terms of exiting from the site together with the length of vehicle, limited/constrained space within the curtilage, forcing the HGV to overhang the highway.

The arrangements described above from observations on site are not acceptable and have a detrimental impact on highway and pedestrian safety. The arrangement is particularly acute for pedestrian who will be forced into the road if the HGV blocks ease of access across the pedestrian route across the site entrance.

This planning application does not indicate where staff car or cycle parking will take place. Whilst on site observations have not revealed any significant on street parking pressures, had the application been recommended for approval, further information would have been obtained from the applicant in this regard.

Visual amenity

The application site is located along Oldham Road, a key road route, from the City Centre to the north east of the City. Policy EN1 of the Core Strategy together with saved policy E3.3 of the UDP seeks to ensure that development along major road routes such as this are of sufficiently high quality to not have a detrimental impact on visual amenity.

There was concern expressed as part of planning refusal 106866 that the development would have a unduly harmful impact on the visual amenity of Oldham Road and the surrounding area as a consequence of the untidy nature of the yard, which abuts Oldham Road, including the stacked nature of the plastic.

As part of this planning application, the applicant intends to continue storing the plastic within the yard area but limit the height of the stacked material to 3 metres and screen the plastic stacks with a 3 metre high brick boundary wall to Oldham Road and New Street following the removal of the existing poor quality boundary treatment.

It is considered that the stacked heights of the waste is excessive, together with the height of the boundary wall. There is no objection to the use of part of the yard for storage but not if this is to the detriment of visual amenity and highway safety. The applicant needs to stack the waste to such a height due the constrained nature and size of the yard. As a result, and in order to screen the operations, a visual obtrusive

brick wall of 3 metres is needed to screen this. This leads to the conclusion that the scale of the operations (i.e. the amount of waste coming in and out of the application site) is more than the site can realistically accommodate. The resulting effect is a harmful impact on the visual amenity of the site and the surrounding area together with harmful impacts on highway safety.

It is noted that the surrounding area is commercial in nature. Indeed, the site on the opposite side of New Street also store material within their external yard. However, this material is stored neatly, within sacks, and is only stored at one level within no stacking. The site, in comparison to the application site, is tidy and clean and does not require any excessive boundary treatment to screen its yard.

The use of the service yard for the storage of material/waste not only precludes the HGVs from entering the yard (due to insufficient space) but the pallets of plastic create a poor quality visual appearance to the site. Furthermore, the pallets are being stacked on top of each other creating a very cluttered and harmful appearance to the site particularly from Oldham Road. The stacking heights of 3 metres thus requires boundary treatment to screen it which at 3 metres is considered to be visually dominant and obtrusive and not appropriate for Oldham Road. As such, the development fails to create a high quality development as desired by policies SP1, EC1, EN1 and DM1 of the Core Strategy along with saved policy E3.3 of the UDP.

Noise and disturbance

The effects of the proposed development on noise and vibrations is a key consideration as outlined within policy DM1 of the Core Strategy along within saved policy DC26 of the UDP. This approach is also outlined within the NPPF which seeks to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new developments.

The main sources of noise are as follows:

- Operations of the development;
- Vehicle movements/deliveries; and
- Plant/machinery.

The applicant has indicated that the site operates 08:00 to 17:00 Monday to Friday with no operations on Saturdays and Sundays.

As detailed above, approximately 2-3 HGVs arrive during the day plus staff vehicle movements. As such, the operation of the facility will create comings and goings from vehicles entering and exiting the site along with the movement of staff and their vehicles. This is likely to create some noise and disturbance at the application site. However, given that New Street is a largely commercial area, with the nearest residential properties further south along New Street, this will minimise the impact on the occupants on these properties.

Environmental Health has raised no concerns in respect of the operating hours or the frequency of the vehicle movements in the area. As such, it is considered that the operations are no greater than the use of the site for B8 purposes and the nearest

residential properties are sufficiently far away to not be impacted on as a result of the use. Had the recommendation been to approve the application, the operating hours would have formed a condition of the planning approval.

As detailed above, all of the processing of the plastic takes place within the building. This helps to reduce any noise and disturbance to the surrounding area. The loading and unloading takes place external to the premises, however, as detailed above, the nearest residential properties are some distance from the application site and will therefore not result in any unduly harmful impacts to these properties.

Landownership

The proportion of the yard is within the ownership of Network Rail. The application has not obtained any consent from Network Rail to use the land. This causes serious concerns about the suitability of the application site to accommodate the needs of the applicants business, particularly servicing and storage of material. This compounds the concern that the application site is not suitable for the scale of the operations of the applicant.

Enforcement

The applicant has been operating the development from the application site since 2014 without the benefit of planning permission. Whilst officers have attempted to determine if there are solutions to the constraints of the application site to enable the development to sufficiently operate, the applicant has failed to demonstrate through the continued operations that they can overcome these concerns. Accordingly, an enforcement notice has now been issued to cease the operations at the application site. The compliance period for this enforcement notice comes into effect at the end of December and the applicant will have 6 months to cease the operations/trading from the application site.

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 Core Strategy and saved policies of the Unitary Development Plan, the Head 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 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 AND ENFORCE

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. Discussions have taken place with the applicant prior to and during the course of the application particularly in relation to the nature of the operations, use of the external yard and servicing arrangements. Officers have indicated to the applicant about the harmful effects of the material stacks in the rear yard and the need to ensure safe servicing arrangements. The applicant has been unable to demonstrate that the business can operate from the application site without having a detrimental impact on visual amenity and highway and pedestrians safety. On this basis, the development is unacceptable should therefore be refused.

Reason for recommendation

- 1) The use of the external yard of Hillbit House for the storage of plastic pallets and waste in association with the recycling business is unacceptable as a result of the amount, siting and scale of the pallets/waste in the yard creating a highly visual, cluttered and intrusive feature in the street scene. Furthermore, the erection of a 3 metre high brick wall to screen the stacked material will create a visually obtrusive and overly dominate boundary treatment around the application site. The resulting effect is harmful to visual amenity of Oldham Road, a major road route within the City, and the local environment. The development is therefore contrary to policies SP1, EC1, EN1, EN19 and DM1 of the Manchester Core Strategy (2012), saved policy E3.3 of the Unitary Development Plan for the City of Manchester (1995), The Guide to Development in Manchester SPD (2007) and the NPPF/NPPG.
- 2) The use of the external yard of Hillbit House for storage of plastic pallets/waste in association with the recycling business results in inadequate servicing arrangements for the development with HGVs being unable to load and unload appropriately within the yard. The resulting effects is large servicing vehicles servicing the development from New Street or overhanging areas of highway which has a harmful impact on the highway and pedestrian safety which is contrary to the provision of policies SP1 and DM1 of the Manchester Core Strategy (2012) The Guide to Development in Manchester SPD (2007) and the NPPF/NPPG.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 112433/FO/2016 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

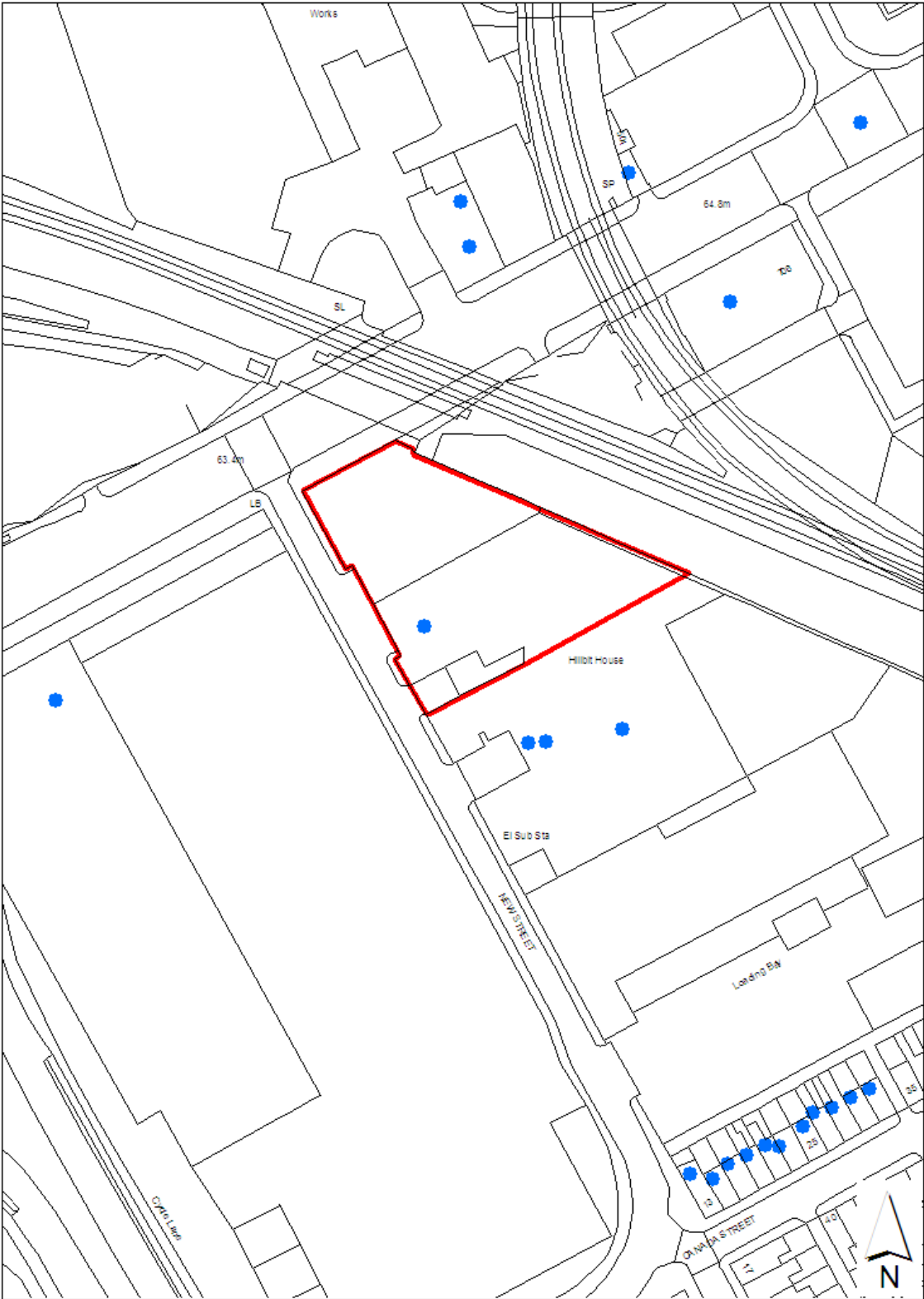
The following residents, businesses and other third parties in the area were consulted/notified on the application:



Highway Services
Environmental Health
Greater Manchester Police
Environment Agency
Network Rail

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer : Jennifer Atkinson
Telephone number : 0161 234 4517
Email : j.atkinson@manchester.gov.uk



 Application site boundary  Neighbour notification
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