

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
135733/FO/2022	13th Dec 2022	16 <sup>th</sup> April 2023	Chorlton Park Ward

**Proposal** Installation of a replacement kiosk required to house a new gas governor following demolition of existing including installation of replacement weldmesh palisade fencing

**Location** Barlowmoor Glen Gas Governor, Barlow Moor Road, Manchester, M21 7GZ

**Applicant** Cadent Gas Limited

**Agent** EP Team, Dalcour Maclaren

### **Executive Summary**

The application proposals relate to the upgrading of existing gas infrastructure and associated structures which are current identified as outdated and cannot support current or anticipated future gas demands. The site is of an irregular size located to the rear of residential properties on Barlow Moor Road and Houghend Avenue and to the west is the Manchester Crematorium with the wider Southern Cemetery beyond, an Electricity substation is located adjacent and to the south of the site. The site is not publicly accessible, with the alleyway that serves it having been subject to a City Council alleygating scheme approved in 2008. The wider area to the south, west and north is predominantly residential in nature whilst to the east is the western boundary of the Manchester Crematorium with the Grade II registered Southern Cemetery beyond. The site is located within the Chorlton Park ward of the city.

In order for the replacement infrastructure to be compliant with current technical industry standards and guidance the new infrastructure requires larger clearance areas (3m minimum) around them. As such, the associated housing structure known as a kiosk is required to be larger than those that currently exist on site. The applicant has confirmed that the replacement infrastructure (gas governor) is to be installed under the applicants permitted development rights and it is the Kiosk and associated 2.4m perimeter weld mesh fencing that requires planning permission.

The application was subject of notification of nearby residents with 54 addresses being sent letters, in response 4 comments were received objecting to the proposals. The reasons for concern raised related to ecological matters and that there are protected species on the site, loss of trees, drainage impacts and the potential noise that would be generated by the proposals. Cllr Mandie Shilton-Godwin has also raised concerns with the tree and biodiversity loss on the site and potential water run off as a result of the loss of the trees.

Amongst other matters that are set out within the main body of the report it is considered that the principle of the upgrade of existing energy infrastructure with suitable mitigation around tree loss is acceptable in this instance.

Other matters raised by objectors are also fully addressed.

### **Description of the site**

The application site is an irregular shaped site that currently contains gas infrastructure and housing structure located towards the eastern edge. The remainder of the site containing trees of varying species, and size. Existing two storey residential properties are located to the south and west of the application site along Barlow Moor Road and Houghend Avenue with their rear garden boundaries bounding the site. A gated alleyway serves the application site and to the east beyond a boundary wall is the Manchester Crematorium and Grade II registered Park and Garden associated with the Southern Cemetery.

The site currently comprises an enclosed compound demarcated by palisade fencing within which the applicant have an existing gas governor housed within a Glass Reinforced Plastic (GRP) Kiosk.



**Approximate extent of application site is edged red**

### **Description of the proposals**

The applicant seeks permission for the installation of upgraded gas infrastructure and associated structures following the removal of existing equipment and structures on the site.

The applicant sets out within their supporting statement that the proposed upgraded kiosk and fencing are required to protect the replacement gas governor and allow the applicant to continue to provide a safe and secure supply of gas to their customers. They state that the proposed development is therefore, considered necessary under Section 9 of the Gas Act 1986, as well as The Pipeline Safety Regulations 1996.

The application proposals relate to the installation of the replacement Kiosk and installation of 2.4m high weldmesh fencing around the perimeter of the site. The installation of the replacement 'gas governor' to be housed within the Kiosk falls within the applicants permitted development rights and does not in itself require

planning permission. The replacement Kiosk has a volume of 226.8m<sup>3</sup> with a length of 11.8m, width of 6.2m and height of 3.28m and as a result of its size falls outside of the thresholds of the applicant's permitted development of 29m<sup>3</sup>. The Kiosk would be constructed of a Glass Reinforced Plastic with a green finish and the surrounding weld mesh 2.4m high fencing would also have a green finish.

In order to install the upgraded equipment and associated Kiosk together with the maintenance of a minimum 3m clearance area around the gas governor the applicant has confirmed that the site needs to be cleared of the existing trees located within it.

## **Consultations**

The application was subject to notification of nearby properties with 54 addresses notified of the proposals by way of letter, a further notification period was undertaken following receipt of further information from the applicant in respect of tree surveys. 4 comments were received in response to the original notification process raising concerns with the application proposals. In addition, concerns were raised by Cllr Mandie Shilton- Godwin. A summary of those comments made is set out below:

*Chorlton Park Ward Members* – Cllr Shilton-Godwin – Concerned with the loss and removal of trees on the site and disturbance of an area that has been left alone so long. As well as concerns on the impacts on wildlife and loss of biodiversity there are also concerns about the impacts of the loss of trees on water run off.

### *Residents* –

- Appears to be a lack of consideration of wildlife that uses the area including red listed birds, hedgehogs, and owls
- I understand that Cadent need larger storage and not 100% against the work but not at the expense of clearing the entire area
- The building could be sited differently which would retain some of the trees on site
- There are problems with flooding on Barlow Moor Road as soon as it rains, how would this structure impact on drainage.
- The proposals places construction directly on top of habitat used by wildlife and the applicant has failed to suggest a habitat replacement for protected species before its removal.
- The proposals do not protect or enhance the built and natural environment.
- The current kiosk generates some significant noise during operation, an enlarged structure would increase noise levels.
- The application could be seen to suggest that the long term sustainability goals in terms of energy infrastructure in Manchester for the next 20 years should focus on gas infrastructure. This doesn't align with national planning policies.
- Additionally the proposed weldmesh fencing will in reality, directly become new boundary markings for the surrounding properties, replacing current borders with metal, anti climb fencing This provides no suitable screening both visually and acoustically for its neighbours.
- There would be impact on residents from construction noise associated with the development.

- At the heart of this application is a proposal to meet an increased demand for an unsustainable energy source, by decreasing a green undeveloped natural habitat in order to achieve this.

*Manchester City Council Neighbourhood Services (Arboriculture)* – The proposed development will require the removal of several category C and B trees. However, given that the trees are not prominent features and appear to be mostly self set specimens we would have no objection to the proposals. Due to the limited site of the site it is not recommended that mitigation tree planting is undertaken on the site.

*Manchester City Council Environmental Health* – Recommend a condition be attached to any approval relating to the acoustic insulation of the kiosk to limit the break out of noise.

*Greater Manchester Ecology Unit* – Recommend a condition be attached to any approval that a pre-works check prior to the start of any ground works to ensure there are no mammals on the site. It is recommended that the installation of a bat box on a retained tree would be a useful biodiversity measure for this site.

## **Policy**

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The adopted development plan consists of the Core Strategy (adopted 2012) and the saved policies of the Unitary Development Plan. Due consideration in the determination of the application will also need to be afforded to national policies in the National Planning Policy Framework (NPPF) which represents a significant material consideration.

### *Core Strategy 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 Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Relevant policies in the Core Strategy are detailed below:

Policy SP 1 Spatial Principles – The proposals seek to reuse an existing site which transports gas around the network and as such do re-use previously developed land.

Policy EN3 Heritage – The site lies 80 metres north west from the Grade II listed Manchester Crematorium and 105 metres from the western boundary of the Grade II

Registered Park and Garden of Southern Cemetery. Further consideration of this matter is set out within the issues section.

Policy EN9 Green Infrastructure – The proposals would remove the existing trees within the site and the requirements of the infrastructure would mean that replacement trees could not be planted on the application site. In response the applicant has indicated their support towards providing off site mitigation tree planting.

Policy EN14 Flood Risk – The site falls within Flood Zone 1 and is at low risk of Flooding. The applicant has indicated that surface water would be disposed of via a soakaway.

EN15 Biodiversity and Geological Conservation – A Preliminary Ecological Appraisal Report and Badger Survey report were prepared to accompany the application. This confirms that the site supports young to semi-mature unmanaged broadleaf woodland, with some individual more mature trees. The survey concluded that the existing building on site and two trees had Low suitability for roosting bats with all other trees assessed as having a negligible value. The small size of the site was considered to not provide any significant foraging resource for local bat populations. roosting potential with potential for bat foraging along the tree belt on the eastern boundary of the site.

Policy DM 1 Development Management – This policy sets out the requirements for developments and outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:

- appropriate siting, layout, scale, form, massing, materials and detail;
- design for health;
- adequacy of internal accommodation and amenity space.
- impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- that development should have regard to the character of the surrounding area;
- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport modes;
- impact on safety, crime prevention and health; adequacy of internal accommodation  
external amenity space, refuse storage and collection, vehicular access and car parking; and
- impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

The application is considered in detail in relation to policy DM1 within the issues section below.

### *Saved Unitary Development Plan Policies*

#### DC26.1, DC26.2 and DC26.5 Development and Noise

The applicant indicates that the proposed equipment would not be expected to generate any new or increase noise levels. The gas governor equipment would be

housed within the proposed kiosk and is not anticipated to generate a notable difference from the existing noise levels. The infrastructure in relation to the gas governor is permitted development not requiring planning permission with only the housing Kiosk and fencing requiring planning permission. This matter is considered in more detail within the issues section of this report.

#### *National Planning Policy Framework (2021)*

The central theme to the revised 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.

The Framework underlines 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.

#### **Other material considerations**

##### The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the city in relation to key objectives for growth and development. Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods.

#### **Issues**

*Principle* – The principle of the upgrading of existing energy infrastructure on land that is currently used for that purpose is generally considered to be acceptable. In this instance further consideration is required of the visual impacts of the proposed Kiosk and fencing, impacts on residential amenity, together with consideration of ecological impacts and tree loss as a result of the proposals.

*Visual Impacts* - The application site is not publicly accessible being located approximately 45 metres from Barlow Moor Road along an access route that has been gated.

The proposed Kiosk building is set out within the planning submission as having a height of 3.28m from it's finished floor level (height from ground level of 3.4m approx.), with a width of 6.2m and length of 11.8 m. The building would be finished in a green GRP material which is a similar finish to other such installations and electricity sub-stations across the city. The footprint of the proposed building is significantly greater than the existing Kiosk on site. The applicant sets out that modern guidance and regulations require a 3 m clearance around the gas governor infrastructure which results in the buildings footprint being of the scale proposed.

The building has been sited to sit 3 metres away from the rear garden boundaries of properties on Barlow Moor Road and just under 3m from the rear boundary of the rear garden of number 60 Houghend Avenue and 2 metres at its closest point from the rear garden of number 62 Houghend Avenue. Given the single storey nature of the building, the distances from public vantage points, and the distances from the boundaries with the closest residential properties and from upper floor windows within them it is not considered that the proposals Kiosk building would give rise to unacceptable impacts on the visual amenity of the area or on nearby residential properties.



### **Elevation drawings of the proposed Kiosk which would be finished in a green GRP (Glass Reinforced Plastic) material**

The proposed fencing would replace the existing security fencing around the site, the replacement is of a modern weldmesh finish similar to fencing installed around school sites and other commercial properties and is considered to be a visually superior boundary treatment than the existing more industrial type of fence. The height at 2.4m is considered acceptable and whilst generally higher than that found within the vicinity of the site is acceptable given the need to ensure the security of the infrastructure on the site. The applicant has confirmed that the proposed fencing would not result in the need to remove existing boundary treatments within residential gardens adjacent the site.

*Residential Amenity* – Concerns have been raised by residents with regards to noise resulting from the infrastructure installed. As set out above the permitted development rights of the applicant allow for the installation of the ‘Gas Governor’ equipment. It is considered that the Kiosk would act as a barrier to some elements of noise breaking out from the equipment inside. However, in this instance it is recommended that a condition be attached to any approval as recommended by MCC Environmental Health to ensure suitable acoustic insulation measures are used within the kiosk to reduce noise break out.

As set out in the preceding section it is not considered that the scale, height and appearance of the Kiosk together with intervening boundary treatments and

distances from the rear of adjoining gardens give rise to unacceptable impacts on residential amenity.

*Loss of Trees* – Since the application proposals were submitted, the site has been cleared of trees by the applicant.

The application documents indicate that the nature of the proposals together with the footprint of the building means there is not scope for the mitigation for the loss of these trees to be made on the application site.

Of the 21 surveyed trees, 16 were to be removed to facilitate the development and of these 5 were categorised as B category trees (trees of moderate quality) with the other 11 being C category trees (trees of low quality). None of the trees have been identified by the Council's arborists as being worth of statutory protection by way of Tree Preservation Order and the site is not within a conservation area.

4 other trees within the vicinity of the site were identified as being within the area of direct influence of the development proposals and could be compromised by soil compaction during construction works. It is recommended that an Arboricultural Method Statement is prepared and submitted for approval prior to construction works taking place to ensure appropriate construction methods are used to minimise impacts on trees outside of the area of works that could be impacted.

The loss of 16 trees on the site is regretted, these works could have been undertaken prior to the submission of the planning application given the lack of formal protection of the trees. The applicant's information submitted alongside the application has confirmed that the trees were not of a high quality but clearly had a value to residents whose properties adjoin the site. In this instance the applicant has indicated that they are willing to work with the Council to fund the off site mitigation in the form of a tree replacement scheme. This scheme would be identified in the vicinity of the site and in consultation with the Council's arborist and the Council's lead on Green Infrastructure and Biodiversity. Whilst this scheme would not replace trees on the site, it is noted that at the current time the requirement for energy infrastructure of the nature proposed does not allow for onsite provision to be made. The Council's arborist is supportive of off-site mitigation in this instance which would be secured by way of suitably worded condition.

*Ecology* – The applicant submitted a Preliminary Ecological Appraisal and addendum to support the application proposals. This assessed impacts on ecology and protected species and whilst not identifying significant effects on protected species it does acknowledge the need for compensatory tree planting and provision of bat and bird boxes to mitigate the loss of trees and habitat on the site. The submitted information has been fully assessed and as identified above a condition is proposed in relation to the tree mitigation and further condition will be required to secure further biodiversity enhancements as recommended within the submitted Ecological Appraisal.

*Conclusion* – It is acknowledged that there is still a requirement to upgrade existing energy infrastructure to ensure it is safe and conforms to current guidance and



standards. In this instance it is the surrounding Kiosk and security fencing that requires planning permission.

As set out above the applicant has made a commitment to working with the Council to provide an off-site tree replacement scheme which is to be secured by way of appropriately worded condition. In this instance the proposals are considered to be acceptable and not give rise to unacceptable impacts on residential or visual amenity.

## **Other Legislative Requirements**

### **Equality Act 2010**

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

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have 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 polices 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 of the application is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation**      APPROVE

### **Article 35 Declaration**

The application has been considered in a positive and proactive manner as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015. Problems and/or issues arising in relation to dealing with the application have been communicated and discussed with the applicant's agent, in

this instance appropriately worded conditions are proposed to be attached to any decision.

## Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby approved shall be carried out in accordance with the following drawings and documents:  
22004461\_PLN\_SI\_5.1 Proposed site plan as received by the local planning authority on the 13<sup>th</sup> December 2022  
70096291-WSP-ZZ-00-DG-AR-0103-P01 Pressure Reduction Installation Proposed Elevations as received by the local planning authority on the 8<sup>th</sup> March 2023  
70096291-WSP-XX-XX-DG-CV-1005 P02 Governor PRI Fencing Layout and Details as received by the local planning authority on the 10<sup>th</sup> March 2023  
Arboricultural Impact Assessment November 2022 Report Number 01  
Preliminary Ecological Appraisal reference CRM.3022.002.EC.R.001 together with Badger Addendum (December 2022) and accompanying letter dated 9<sup>th</sup> December 2022 all as received by the local planning authority on the 13<sup>th</sup> December 2022

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

- 3) Prior to the commencement of works an arboricultural method statement relating to works in the vicinity of root protection areas of retained trees shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be subsequently carried out in accordance with the approved details.

Reason - In order avoid damage to trees/shrubs adjacent to the site which are to be retained in accordance with policies EN9 and EN15 of the Core Strategy.

- 4) Prior to any ground works commencing on site, an inspection of the site shall be undertaken by a suitably qualified person to ensure the absence of any mammals from the site. The results of the inspection and details of who undertook them shall be submitted to and agreed in writing by the City Council as local planning authority.

If following the inspection, the presence or evidence of any mammals on site are found, a method statement shall be prepared and shall include details of how mammals are to be protected during the construction works. The method statement 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 the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

- 5) a) The gas governor kiosk shall be acoustically insulated and treated to limit the break-out of noise in accordance with a noise study and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use of the associated equipment commences.

b) Within one month of the first use of the equipment housed within the Kiosk building a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policy DM1 of the Core Strategy and saved Unitary Development Plan DC26.

- 6) Prior to the first use of the equipment housed within the hereby approved Kiosk building details of a surface water drainage scheme shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed pursuant to national policies within the NPPF and NPPG and Core Strategy policies EN08 and EN14.

- 7) Prior to the first use of the equipment housed within the hereby approved Kiosk building, details of a tree replacement scheme shall be submitted to and approved in writing by the City Council. The submitted scheme shall set out the method in which the tree replacement scheme is to be secured and timescales for its implementation.

Reason - To ensure that a satisfactory tree mitigation scheme for the development is carried out pursuant to policies SP1, EN9 and DM1 of the Core Strategy.

- 8) Prior to the first use of the equipment housed within the hereby approved Kiosk building, details of biodiversity enhancements to be installed shall be submitted to and approved in writing by the City Council. The submitted scheme shall set out the method in which the biodiversity enhancements are to be secured and timescales for their implementation.

Reason – Pursuant to biodiversity enhancement, in accordance with policy EN15 of the Core Strategy and the National Planning Policy Framework.

### **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: 135733/FO/2022 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:**

**Environmental Health  
Electricity Northwest  
Greater Manchester Ecology Unit  
MCC Neighbourhoods (Arborists)**

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

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