

List No. 3

Gorton North Ward	Application Number 082979/FO/2007/N2	Date of Appln 29th May 2007	Committee Date 26th Jul 2007
Proposal	Retrospective application for continued use of premises for parking and storage of coaches/buses		
Location	Unit 4, Froxmer Street, Gorton, Manchester, M18 8EF,		
Applicant	Haytons Executive Travel Ltd/ Rammon Group C/o Agent		
Agent	Steven Abbott Associates North Quarry Office, North Quarter Business Park, Appley Bridge, WN6 9DB		

Description

Site

The application site is a unit situated within the existing Gorton Industrial Estate, mainly comprising an extensive industrial/warehouse building which has previously been subdivided to form a number of separate units. Vehicular access to several of the units, including the application site, is via a communal yard which backs on to a residential area including Briercliffe Close, Earlswood Walk and Anchorage Walk.

Proposal

Retrospective planning permission is sought for a change of use from warehouse (use class B8) to the parking and storage of buses, associated with an existing coach business situated within a unit to the rear of the application site.

The applicant has applied to operate the site between the hours of 0700 and 1800, Monday to Saturday. The applicant has indicated that 10 vehicles would visit the site each working day and that the use of the premises sustains 5 jobs at the site.

The application has been submitted following complaints from nearby residents, principally regarding noise and disturbance. An enforcement case was registered on 18 October 2006, leading to the submission of this application for retrospective planning permission.

Consultations

Local Residents/Local Businesses -

19 letters of objection received. Nearby residents have expressed concern at the proposed continued operations at the site, on the basis of the following:

- *Over the last two years, vehicle movements in the early hours of the morning have caused noise disturbance as late as 0200 and as early as 0600;
- *Further noise disturbance during the day, particularly when windows are open during hot weather;
- *Fumes from vehicles using the site including those leaving their engines running in the external yard;
- *The grant of planning permission would worsen the existing situation.

List No. 3

Engineering Services - Any adverse comments will be reported to the committee.

Environmental Health - Recommend the following conditions to be attached to any approval:

*Hours of operation confined to 0730 to 1800 Monday to Saturday;

*Scheme of acoustic insulation to the external yard, including for example an acoustic fence;

*External lighting to be designed and installed to control glare and overspill of light;

*External yard confined to access and egress only. No parking and idling of vehicles in such a way as to give rise to fumes.

GMPTE - No comments to make.

Greater Manchester Police - No objection.

Issues

Policies

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

Policy GO1 seeks to improve the quality of the local environment; encourage industrial and commercial development and improvement where there will be no detriment caused to residential amenity; reduce the amount of traffic passing through residential areas so as to improve the safety and the quality of environment.

Policy DC26 Developments likely to result in unacceptably high levels of noises will not be permitted in residential areas; The Council will control noise levels by requiring, where necessary noise barriers where this is appropriate.

Policy H2.2 The Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Regional Planning Guidance for the North West (RPG13)

There are no policies contained within RPG13 which specifically affect the proposal.

Site history

Planning permission was granted for a storage and distribution use at the site on 8 July 1980 (F12139).

It is considered that the principle matter arising in the proposal, for development control purposes, is the effect of the development on the amenities of nearby residents.

List No. 3

Noise and disturbance

It is acknowledged that the proposal involves the movement of vehicles, which may include double-deck buses, in relatively close proximity to dwellings and domestic gardens. These movements are associated with the parking of vehicles which are required to reverse into or out of the building. The use could generate noise and disturbance to nearby dwellings as a consequence of these movements and manoeuvres.

It must also be acknowledged that the application site benefits from an established use as a storage and distribution unit, which could receive and despatch deliveries from or to any type of vehicle, including heavy goods vehicles. Additionally, there is no existing restriction on operating hours at the site. Therefore the established use of the site allows deliveries and associated vehicle movements at any time of the day or night.

The proposal represents an opportunity to control the hours of working at the application site, which can be achieved with the use of a condition on planning permission. It is considered that a condition limiting the hours of operation to 0730 to 1800, Mondays to Saturdays only, and no activities on bank holidays, would be appropriate. In light of the size of the unit, and the consequently limited number of vehicles using the site, anticipated to be 10 a day, and subject to appropriate conditions, it is considered that the proposal would not have a significantly greater impact than the established use or the existing situation at neighbouring units, in terms of noise and disturbance resulting from vehicular movements.

Additionally, a grant of planning permission could include a condition requiring a scheme of acoustic mitigation, such as the erection of an acoustic fence along the boundary of the access road adjacent to the nearest dwellings.

It is likely that an acoustic fence would be erected along the inside of the existing palisade fence where it runs close to the dwellings at Earlswood Close. Given the height of the existing palisade fence at approximately 2.5m, the visual context of the site and access road, and the situation of the existing fence a little away from the boundary of the dwellings, it is not considered that an acoustic fence would be likely to have a significantly detrimental visual impact.

Fumes

The application site benefits from an established use as a storage and distribution unit, which could receive and despatch deliveries from or to any type of vehicle, including heavy goods vehicles. There is no existing restriction under the established use on vehicle operators idling engines in the external yard area.

Any permission granted could include a condition to prohibit the idling of vehicle engines in the external yard area. Under the established use there is no control over this matter with regard to delivery vehicles, and as such it is considered that the proposal would not be significantly detrimental to the amenities of nearby residents.

It is recognised that nearby residents have experienced some disamenity in the past as a result of operations at the site. However, the proposal represents an opportunity to control hours and the manner of activity at the site, in the interests of residents' amenities, and it is considered that given the availability of

List No. 3

appropriate conditions it would not be possible to reasonably withhold retrospective planning permission for the development.

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)/objectors/residents 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Approve in light of the development plan, including policies GO1, DC26 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) on the basis that the proposal would not have a significant detrimental effect on neighbouring occupiers, and there are no material planning considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) No work or other activity shall take place at the site on Sundays or bank holidays, and all work and other activity on other days shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday to Saturday 0730-1800.

Reason

In the interests of the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2, DC26 and GO1 of the Unitary Development Plan for the City of Manchester (adopted 1995).

2) A scheme of acoustic insulation to the adjacent access road and schedule of implementation shall be submitted within 90 days of the date of this permission, and approved in writing by the city council as local planning authority. The approved scheme shall be implemented in accordance with the schedule thereby agreed.

Reason

List No. 3

To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) The access road shall be used only for the access and egress of vehicles and shall not be used for the parking and idling of vehicles in connection with the use hereby approved.

Reason

To safeguard the amenities of nearby residents, pursuant to policies DC26, H2.2 and GO1 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) Any external lighting shall be designed and installed as to control glare and overspill onto nearby residential premises. If when the lighting units are illuminated they cause undue glare or light spillage to the detriment of adjoining and nearby residential properties baffles and/or cut offs shall be installed on the units and adjustments shall be made to the angle of the lighting units and the direction of illumination, which shall thereafter be retained in accordance with details which have received the prior written approval of the Local Planning Authority.

Reason

In order to minimise the impact of any associated lighting on the occupiers of existing and proposed residential accommodation, pursuant to policies GO1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

5) This planning permission confers approval for the storage of buses only, and does not imply planning permission for use of the site as a repair workshop.

Reason

For the avoidance of doubt, in the interests of the amenities of nearby occupiers, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

6) The number of vehicles stored at the premises shall not exceed ten at any one time.

Reason

For the avoidance of doubt, and to safeguard the amenities of nearby residents, pursuant to policies H2.2 and GO1 of the Unitary Development Plan for the City of Manchester (adopted 1995).

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: 082979/FO/2007/N2 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 all held by the Planning Division.

List No. 3

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

Engineering Services

Environmental Health

GMPTE

Greater Manchester Police

Environment & Operations (Refuse & Sustainability)

1 Goring Avenue, Manchester, M18 8WW

11 Goring Avenue, Manchester, M18 8WW

13 Goring Avenue, Manchester, M18 8WW

15 Goring Avenue, Manchester, M18 8WW

17 Goring Avenue, Manchester, M18 8WW

19 Goring Avenue, Manchester, M18 8WW

21 Goring Avenue, Manchester, M18 8WW

23 Goring Avenue, Manchester, M18 8WW

25 Goring Avenue, Manchester, M18 8WW

27 Goring Avenue, Manchester, M18 8WW

29 Goring Avenue, Manchester, M18 8WW

3 Goring Avenue, Manchester, M18 8WW

31 Goring Avenue, Manchester, M18 8WW

33 Goring Avenue, Manchester, M18 8WW

35 Goring Avenue, Manchester, M18 8WW

37 Goring Avenue, Manchester, M18 8WW

39 Goring Avenue, Manchester, M18 8WW

41 Goring Avenue, Manchester, M18 8WW

43 Goring Avenue, Manchester, M18 8WW

45 Goring Avenue, Manchester, M18 8WW

47 Goring Avenue, Manchester, M18 8WW

49 Goring Avenue, Manchester, M18 8WW

5 Goring Avenue, Manchester, M18 8WW

51 Goring Avenue, Manchester, M18 8WW

7 Goring Avenue, Manchester, M18 8WW

9 Goring Avenue, Manchester, M18 8WW

1 Robe Walk, Manchester, M18 8EB

10 Robe Walk, Manchester, M18 8EB

12 Robe Walk, Manchester, M18 8EB

14 Robe Walk, Manchester, M18 8EB

16 Robe Walk, Manchester, M18 8EB

2 Robe Walk, Manchester, M18 8EB

3 Robe Walk, Manchester, M18 8EB

4 Robe Walk, Manchester, M18 8EB

5 Robe Walk, Manchester, M18 8EB

6 Robe Walk, Manchester, M18 8EB

7 Robe Walk, Manchester, M18 8EB

8 Robe Walk, Manchester, M18 8EB

9 Robe Walk, Manchester, M18 8EB

1 Briercliffe Close, Manchester, M18 8EA

3 Briercliffe Close, Manchester, M18 8EA

5 Briercliffe Close, Manchester, M18 8EA

7 Briercliffe Close, Manchester, M18 8EA

9 Briercliffe Close, Manchester, M18 8EA

11 Briercliffe Close, Manchester, M18 8EA

1 Earlswood Walk, Manchester, M18 8ED

List No. 3

2 Earlswood Walk, Manchester, M18 8ED
3 Earlswood Walk, Manchester, M18 8ED
4 Earlswood Walk, Manchester, M18 8ED
5 Earlswood Walk, Manchester, M18 8ED
6 Earlswood Walk, Manchester, M18 8ED
1 Anchorage Walk, Manchester, M18 8EL
3 Anchorage Walk, Manchester, M18 8EL
5 Anchorage Walk, Manchester, M18 8EL
7 Anchorage Walk, Manchester, M18 8EL
1 Francesca Walk, Manchester, M18 8EN
3 Francesca Walk, Manchester, M18 8EN
5 Francesca Walk, Manchester, M18 8EN
7 Francesca Walk, Manchester, M18 8EN
9 Francesca Walk, Manchester, M18 8EN
11 Francesca Walk, Manchester, M18 8EN
13 Francesca Walk, Manchester, M18 8EN
15 Francesca Walk, Manchester, M18 8EN
Unit 1, 1 Bondmark Road, Manchester, M18 8EF
Unit 2, 1 Bondmark Road, Manchester, M18 8EF
Units 3 And 4, 1 Bondmark Road, Manchester, M18 8EF
Unit 1, Gorton Industrial Estate, Froxmer Street, Manchester, M18 8EF
Unit 1a, Gorton Industrial Estate, Froxmer Street, Manchester, M18 8EF
Unit 5 To 6, Gorton Industrial Estate, Froxmer Street, Manchester, M18 8EF
Unit 7, Froxmer Street, Manchester, M18 8EF
Continental Textiles Part, 27 Froxmer Street, Manchester, M18 8EF
27 Froxmer Street, Manchester, M18 8EF
Freeman And Roddy Construction Co, Froxmer Street, Manchester, M18 8EF
Gateway House, 1 Gateway Road, Manchester, M18 8EF
Bailey And Townley Limited, Hammerstone Road, Manchester, M18 8EF
Direct Works Depart, Hammerstone Road, Manchester, M18 8EF
Manchester Minibus Agency, Hammerstone Road, Manchester, M18 8EF
Gorton Industrial Estate, Froxmer Street, Manchester, M18 8EF
Froxmer Test Centre, Unit 3, Froxmer Street Industrial Estate, Manchester, M18 8EF
Alpha Foods, Unit 4, Froxmer Street Industrial Estate, Manchester, M18 8EF
Debona Ltd, Unit 1, Froxmer Street Industrial Estate, Manchester, M18 8EF
Central Trucks Specialists Ltd, Unit 11, Froxmer Street Industrial Estate, Manchester, M18 8EF
P F A Body Repairs, Unit 5, Froxmer Street Industrial Estate, Manchester, M18 8EF
Uk North Buses, Taw Works, Gorton Lane, Manchester, M18 8DA
Excellent Ltd, Unit 6, Froxmer Street Industrial Estate, Manchester, M18 8EF
Unit 7, Froxmer Street Industrial Estate, Manchester, M18 8EF
Haytons Executive Travel Ltd, Unit 3, Froxmer Street Industrial Estate, Manchester, M18 8EF
S P I Plant Hire Ltd, Unit 6, Froxmer Street Industrial Estate, Manchester, M18 8EF
Tru-cal Metrology Ltd, Unit 1a, Froxmer Street Industrial Estate, Manchester, M18 8EF
Unit 11, Froxmer Street Industrial Estate, Manchester, M18 8EF

Representations were received from the following third parties:

List No. 3

Environmental Health

GMPTE

Greater Manchester Police

, 1 Robe Walk, Manchester, M18 8EB,
, 3 Robe Walk, Manchester, M18 8EB,
, 5 Robe Walk, Manchester, M18 8EB,
, 9 Robe Walk, Manchester, M18 8EB,
, 3 Briercliffe Close, Manchester, M18 8EA,
, 5 Briercliffe Close, Manchester, M18 8EA,
, 9 Briercliffe Close, Manchester, M18 8EA,
, 11 Briercliffe Close, Manchester, M18 8EA,
, 1 Earlswood Walk, Manchester, M18 8ED,
, 2 Earlswood Walk, Manchester, M18 8ED,
, 3 Earlswood Walk, Manchester, M18 8ED,
, 4 Earlswood Walk, Manchester, M18 8ED,
, 5 Earlswood Walk, Manchester, M18 8ED,
, 6 Earlswood Walk, Manchester, M18 8ED,
, 1 Anchorage Walk, Manchester, M18 8EL,
, 3 Anchorage Walk, Manchester, M18 8EL,
, 5 Anchorage Walk, Manchester, M18 8EL,
, 7 Anchorage Walk, Manchester, M18 8EL,
Mr R. Cunningham, 9 Goring Avenue, Gorton

Relevant Contact Officer: : Robert Lilburn
Telephone No. : 0161 234 4166
Email : r.lilburn@manchester.gov.uk