

List No. 7

Ancoats And Clayton Ward	Application Number	Date of Appln	Committee Date
	082989/RO/2007/N2	27th Apr 2007	28th Jun 2007

Proposal Renewal of application reference 067940 to continue using the site as open storage purposes for a further period of 5 years

Location Bamford Street, Clayton, Manchester, M11 4FE,

Applicant W Bobie 8A Slate Lane, Audenshaw, Manchester, M34 5GW

Agent Lounds Associates Ford House, Chestergate, Macclesfield, Cheshire, SK11 6DG

Description

Site

The application site is bordered by residential properties to the north and east, with small scale industrial and storage uses to the south and west.

It is enclosed by brick walls approximately 3.5m in height, which face directly onto John Heywood Street, Bamford Street and Bank Street. The vehicular entrance is formed in solid metal panels approximately 3m in height, facing Bamford Street. The site adjoins the side of two semi detached dwellings to the east, with a boundary wall of approximately 3m in height.

The site is currently used for the open storage of containers, understood to contain soap and cleaning solvents, having been granted temporary planning permission for an open storage use on 29 July 2004.

Proposal

Renew temporary planning permission to continue the existing use for a further five years.

Consultations

31 objections received, comprising three letters/emails and a petition. Local residents have expressed the following concerns:

- * The contents of the containers stored at the site. Chemical smells in the area have been reported to Regulatory and Enforcement Services;
- * Congestion and highway safety resulting from HGV movements in the area;
- * Operations at the site from 6.30am rather than the approved hours of 8.00am to 6.00pm;
- * Storage of containers above perimeter wall height, rather than at or below as required as a condition of the existing planning permission;
- * Fear of intruders climbing the cages to gain access to rear of adjoining dwellings.

Engineering Services - No objections.
Environmental Health - No objections
New East Manchester - No objections.

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Issues

Policies

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

Policy EM1 seeks the sustainable regeneration of East Manchester. Individual development proposals will not be permitted if they conflict with the comprehensive planning of the sub-areas and strategy set out in this policy.

Policy EM2 seeks a holistic approach to regeneration, for example designs which enhance the quality of the built environment.

Policy EM13 seeks the renewal, improvement and modernisation of residential neighbourhoods; the relocation of "bad neighbour uses" from Clayton.

Policy H2.2 seeks to maintain and where necessary improve the quality of the housing stock and residential environments. 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 refused on 18 January 2001 (060549/FU/NORTH2/00) for the use of site for open storage/ haulage and distribution, for the following reasons:

*The proposal conflicts with policy R1 of the approved Unitary Development Plan which seeks to secure the renewal and regeneration of parts of the city to provide a wide range of quality housing and supporting facilities and a substantially improved environment. The proposed storage use adjacent to a housing area which has been identified for improvement will discourage the creation of sustainable communities and is therefore contrary to this policy.

*The scale of the proposed use is such that it will result in an increase in noise and traffic generation, and may cause vibration problems and lead to air pollution and would have an unacceptable impact on the adjacent residential area and is therefore contrary to policy H2.2 of the approved Unitary Development Plan.

Planning permission was subsequently granted on 22 January 2004 (067940/FU/2003/N2) for the use of the site for open storage only for a temporary period, subject to the following condition:

The permission hereby granted is for a limited period only, namely for a period expiring on 31 January 2005, and the use for which development is hereby granted is required to be discontinued at the end of the said period and the land reinstated to its former condition.

Reason

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The site is within an area where redevelopment is likely and in order to enable the local planning authority to review the situation in the interests of amenity.

The temporary period was then extended on appeal to a period of three years, to 29 July 2007.

Principle of development

It is understood from the applicant that at present there is little prospect of redevelopment of the site. However this situation may change in the medium to long term. Therefore in principle, it is considered that the proposed extension of time would not have a significant effect on the redevelopment potential of the site or the sustainable regeneration of Clayton and east Manchester, subject to the detailed considerations below.

Visual amenity

The site is screened by its high walls. A condition of the planning permission regarding stacking/storing heights can be applied as per the previous approval and monitored accordingly.

Concerns of objectors:

Noise and disturbance

Residents have expressed concerns about vehicular movements as early as 6.30am, which would be likely to have an effect on neighbour amenities as a result of noise and disturbance within the residential area. The existing planning permission restricts the hours of use of the site to 8.00am to 6.00pm.

The situation has been monitored by planning enforcement officers, and to the present time there has not been found to be a consistent breach of the existing planning permission with regard to hours of operation.

The same condition of operating hours would be attached to any approval, and the situation can continue to be monitored following a grant of planning permission.

Highway congestion/safety

The Head of Engineering Services has confirmed no objections to the proposal.

Fumes and odours

The applicant has confirmed that no hazardous substances would be present on the site, and that the existing containers are used for soap and cleaning solvents. The Head of Regulatory and Enforcement Services has confirmed no objections to the proposal. It is therefore considered that the proposal would not be likely to have a significant effect on the amenities of residents. There are other industrial uses in the vicinity which could be a source chemical of smells.

Security

The site is bounded by very high brick walls, and barbed/razor wire. While the containers inside at the time of site visit may potentially be climbed, it is considered unlikely that the use could facilitate unauthorised entry to the site or adjoining dwellings.

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

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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 EM1, EM2, EM7 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 or visual amenity, and there are no material planning considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the details date stamped as received by the local planning authority on 27 April 2007, unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

2) The permission hereby granted is for a limited period only, namely for a period expiring on 27 April 2012. The use for which development is hereby granted is required to be discontinued at the end of the said period and the land reinstated within four weeks of the above date, in accordance with a scheme and timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason

The site is within an area where redevelopment is likely and in order to enable the local planning authority to review the situation in the interests of amenity, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

3) No vehicles shall enter or leave the site and no work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity and vehicle movements on other days shall be confined to the following

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hours unless otherwise agreed in writing by the City Council as local planning authority:-

08.00 a.m. to 18.00 p.m. Monday to Saturdays.

Reason

In order to prevent disamenity to nearby residents through noise disturbance, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) The site shall not be used as a haulage depot or for the overnight parking of lorries, except for lorries associated with open storage uses on the site.

Reason

For the avoidance of doubt, and to protect the amenities of neighbouring occupiers, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

5) No machinery shall be operated on the site including , generators or compressors.

Reason

For the avoidance of doubt and in order to prevent disamenity to nearby residents through noise disturbance, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

6) The site shall not be used for the storage of any hazardous substances.

Reason

For the avoidance of doubt and due to the proximity of residential properties, in the interests of the amenities of neighbouring occupiers, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

7) An area shall be kept clear at all times within the yard to allow lorries to turn around so that vehicles can enter and leave the site in forward gear.

Reason

In the interests of highway safety, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

8) All material stored on site shall be kept below the height of the existing walls.

Reason

In the interests of visual amenity, pursuant to policies EM1 and H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

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9) The site shall not be used for parking of cars in association with football fans travelling to the City of Manchester Stadium, outside the hours specified in condition number 3.

Reason

In order to prevent disamenity to nearby residents through noise disturbance, pursuant to policies EM1 and H2.2 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: 082989/RO/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.

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

Engineering Services

Environmental Health

New East Manchester

31 Ben Street, Manchester, M11 4EW

32 Ben Street, Manchester, M11 4EW

33 Ben Street, Manchester, M11 4EW

34 Ben Street, Manchester, M11 4EW

35 Ben Street, Manchester, M11 4EW

36 Ben Street, Manchester, M11 4EW

37 Ben Street, Manchester, M11 4EW

38 Ben Street, Manchester, M11 4EW

39 Ben Street, Manchester, M11 4EW

40 Ben Street, Manchester, M11 4EW

41 Ben Street, Manchester, M11 4EW

42 Ben Street, Manchester, M11 4EW

37 Bamford Street, Manchester, M11 4FE

52 Bank Street, Beswick And Clayton, Manchester, M11 4BT

41 Sheldon Street, Manchester, M11 4EN

Flat 1, 12 Bank Street, Beswick And Clayton, Manchester, M11 4BT

Flat 2, 12 Bank Street, Beswick And Clayton, Manchester, M11 4BT

12 Midlothian Street, Manchester, M11 4EP

7A West Street, Manchester, M11 4EF

Cfs Building, Bank Street, Beswick And Clayton, Manchester, M11 4BT

41 Heather Street, Manchester, M11 4FW

1B West Street, Manchester, M11 4EF

Flat 1, 7A West Street, Manchester, M11 4EF

Flat 2, 7A West Street, Manchester, M11 4EF

Rear Of, 1-3 West Street, Manchester, M11 4EF

30 West Street, Manchester, M11 4EF

1-3 West Street, Manchester, M11 4EF

Eastland Compounding, Bank Street, Manchester, M11 4AS

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12 Bank Street, Manchester, M11 4BT
14 Bank Street, Manchester, M11 4BT
16 Bank Street, Manchester, M11 4BT
18 Bank Street, Manchester, M11 4BT
20 Bank Street, Manchester, M11 4BT
22 Bank Street, Manchester, M11 4BT
24 Bank Street, Manchester, M11 4BT
26 Bank Street, Manchester, M11 4BT
28 Bank Street, Manchester, M11 4BT
30 Bank Street, Manchester, M11 4BT
32 Bank Street, Manchester, M11 4BT
34 Bank Street, Manchester, M11 4BT
36 Bank Street, Manchester, M11 4BT
38 Bank Street, Manchester, M11 4BT
40 Bank Street, Manchester, M11 4BT
42 Bank Street, Manchester, M11 4BT
44 Bank Street, Manchester, M11 4BT
46 Bank Street, Manchester, M11 4BT
48 Bank Street, Manchester, M11 4BT
50 Bank Street, Manchester, M11 4BT
Baines Dairies, 31 Bamford Street, Manchester, M11 4FE
Chapman & Keenan, 52 Bank Street, Manchester, M11 4BT
M P M Products, 13 West Street, Manchester, M11 4EF
Greater Manchester Police, Police Station, 3 Bank Street, Manchester, M11 4AA
55 Bamford Street, Manchester, M11 4FE
7a, West Street, Manchester, M11 4EF
13 West Street, Manchester, M11 4EF
1A Buchan Street, Manchester, M11 4BS
Greggs Of Manchester Ltd, Parrott Street, Manchester, M11 4GP
12 Bank Street, Beswick And Clayton, Manchester, M11 4BT
14 Bank Street, Beswick And Clayton, Manchester, M11 4BT
16 Bank Street, Beswick And Clayton, Manchester, M11 4BT
18 Bank Street, Beswick And Clayton, Manchester, M11 4BT
20 Bank Street, Beswick And Clayton, Manchester, M11 4BT
22 Bank Street, Beswick And Clayton, Manchester, M11 4BT
24 Bank Street, Beswick And Clayton, Manchester, M11 4BT
26 Bank Street, Beswick And Clayton, Manchester, M11 4BT
28 Bank Street, Beswick And Clayton, Manchester, M11 4BT
30 Bank Street, Beswick And Clayton, Manchester, M11 4BT
32 Bank Street, Beswick And Clayton, Manchester, M11 4BT
34 Bank Street, Beswick And Clayton, Manchester, M11 4BT
36 Bank Street, Beswick And Clayton, Manchester, M11 4BT
38 Bank Street, Beswick And Clayton, Manchester, M11 4BT
40 Bank Street, Beswick And Clayton, Manchester, M11 4BT
42 Bank Street, Beswick And Clayton, Manchester, M11 4BT
44 Bank Street, Beswick And Clayton, Manchester, M11 4BT
46 Bank Street, Beswick And Clayton, Manchester, M11 4BT
48 Bank Street, Beswick And Clayton, Manchester, M11 4BT
50 Bank Street, Beswick And Clayton, Manchester, M11 4BT
10 West Street, Manchester, M11 4EF
12 West Street, Manchester, M11 4EF
14 West Street, Manchester, M11 4EF
16 West Street, Manchester, M11 4EF

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18 West Street, Manchester, M11 4EF
8 West Street, Manchester, M11 4EF
19 Sheldon Street, Manchester, M11 4EN
20 Sheldon Street, Manchester, M11 4EN
21 Sheldon Street, Manchester, M11 4EN
23 Sheldon Street, Manchester, M11 4EN
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27 Sheldon Street, Manchester, M11 4EN
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31 Sheldon Street, Manchester, M11 4EN
33 Sheldon Street, Manchester, M11 4EN
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37 Sheldon Street, Manchester, M11 4EN
39 Sheldon Street, Manchester, M11 4EN
1 Midlothian Street, Manchester, M11 4EP
10 Midlothian Street, Manchester, M11 4EP
11 Midlothian Street, Manchester, M11 4EP
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41 Midlothian Street, Manchester, M11 4EP
42 Midlothian Street, Manchester, M11 4EP
43 Midlothian Street, Manchester, M11 4EP
44 Midlothian Street, Manchester, M11 4EP
45 Midlothian Street, Manchester, M11 4EP
46 Midlothian Street, Manchester, M11 4EP

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5 Midlothian Street, Manchester, M11 4EP
6 Midlothian Street, Manchester, M11 4EP
7 Midlothian Street, Manchester, M11 4EP
8 Midlothian Street, Manchester, M11 4EP
9 Midlothian Street, Manchester, M11 4EP
1 Ben Street, Manchester, M11 4EW
10 Ben Street, Manchester, M11 4EW
11 Ben Street, Manchester, M11 4EW
12 Ben Street, Manchester, M11 4EW
13 Ben Street, Manchester, M11 4EW
14 Ben Street, Manchester, M11 4EW
15 Ben Street, Manchester, M11 4EW
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5 Ben Street, Manchester, M11 4EW
6 Ben Street, Manchester, M11 4EW
7 Ben Street, Manchester, M11 4EW
8 Ben Street, Manchester, M11 4EW
9 Ben Street, Manchester, M11 4EW
10 Bamford Street, Manchester, M11 4FE
12 Bamford Street, Manchester, M11 4FE
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18 Bamford Street, Manchester, M11 4FE
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26 Bamford Street, Manchester, M11 4FE
28 Bamford Street, Manchester, M11 4FE
30 Bamford Street, Manchester, M11 4FE
31 Bamford Street, Manchester, M11 4FE
32 Bamford Street, Manchester, M11 4FE
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41 Bamford Street, Manchester, M11 4FE
43 Bamford Street, Manchester, M11 4FE
45 Bamford Street, Manchester, M11 4FE
47 Bamford Street, Manchester, M11 4FE
49 Bamford Street, Manchester, M11 4FE
51 Bamford Street, Manchester, M11 4FE
53 Bamford Street, Manchester, M11 4FE

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6 Bamford Street, Manchester, M11 4FE
8 Bamford Street, Manchester, M11 4FE
1 Heather Street, Manchester, M11 4FW
10 Heather Street, Manchester, M11 4FW
11 Heather Street, Manchester, M11 4FW
12 Heather Street, Manchester, M11 4FW
13 Heather Street, Manchester, M11 4FW
14 Heather Street, Manchester, M11 4FW
15 Heather Street, Manchester, M11 4FW
16 Heather Street, Manchester, M11 4FW
17 Heather Street, Manchester, M11 4FW
18 Heather Street, Manchester, M11 4FW
19 Heather Street, Manchester, M11 4FW
2 Heather Street, Manchester, M11 4FW
20 Heather Street, Manchester, M11 4FW
21 Heather Street, Manchester, M11 4FW
22 Heather Street, Manchester, M11 4FW
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38 Heather Street, Manchester, M11 4FW
39 Heather Street, Manchester, M11 4FW
4 Heather Street, Manchester, M11 4FW
40 Heather Street, Manchester, M11 4FW
42 Heather Street, Manchester, M11 4FW
5 Heather Street, Manchester, M11 4FW
6 Heather Street, Manchester, M11 4FW
7 Heather Street, Manchester, M11 4FW
8 Heather Street, Manchester, M11 4FW
9 Heather Street, Manchester, M11 4FW
1 John Heywood Street, Manchester, M11 4EL
3 John Heywood Street, Manchester, M11 4EL
5 John Heywood Street, Manchester, M11 4EL
34 John Heywood Street, Manchester, M11 4FN
36 John Heywood Street, Manchester, M11 4FN
38 John Heywood Street, Manchester, M11 4FN
40 John Heywood Street, Manchester, M11 4FN
42 John Heywood Street, Manchester, M11 4FN
44 John Heywood Street, Manchester, M11 4FN
46 John Heywood Street, Manchester, M11 4FN
48 John Heywood Street, Manchester, M11 4FN

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50 John Heywood Street, Manchester, M11 4FN
52 John Heywood Street, Manchester, M11 4FN
54 John Heywood Street, Manchester, M11 4FN
56 John Heywood Street, Manchester, M11 4FN
58 John Heywood Street, Manchester, M11 4FN
7 West Street, Manchester, M11 4EF
1 Frankland Close, Manchester, M11 4EZ
3 Frankland Close, Manchester, M11 4EZ
2 Tom Lomas Walk, Manchester, M11 4FF
4 Tom Lomas Walk, Manchester, M11 4FF
6 Tom Lomas Walk, Manchester, M11 4FF
22 Ben Street, Manchester, M11 4EW
23 Ben Street, Manchester, M11 4EW
24 Ben Street, Manchester, M11 4EW
25 Ben Street, Manchester, M11 4EW
26 Ben Street, Manchester, M11 4EW
27 Ben Street, Manchester, M11 4EW
28 Ben Street, Manchester, M11 4EW
29 Ben Street, Manchester, M11 4EW
30 Ben Street, Manchester, M11 4EW

Representations were received from the following third parties:

Engineering Services
Environmental Health
Ward Councillors
New East Manchester
Mrs Core, 34 John Heywood Street, Manchester, M11 4FN
Roy Heathcote, 51 Bamford Street, Clayton, Manchester
Roy Heathcote, 51 Bamford street, Clayton, Manchester
Mr/Mrs Mooreland, Bamford Street
Mrs Summers, Bamford Street
Mr/Mrs Wild, 7 Alpine Street, Manchester, Manchester, M11 4ER
Mr/Mrs Robinson, 54 Bank Street, Beswick And Clayton, Manchester, M11 4BU
Mr/Mrs Duncan, 87 Stuart Street East, Manchester, M11 4BZ
Mr/Mrs Williams, 80 Ranelagh Street, Manchester, M11 4EN
Jean Moore, Bank Street
B Anderson, Bank Street
W Walter, Stuart Street

Relevant Contact Officer: : Robert Lilburn
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Email : r.lilburn@manchester.gov.uk