

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
089137/FO/2009/S1	24th Feb 2009	28th May 2009	Rusholme Ward

**Proposal** Erection of a 4.8 metre high steel clad building for the storage of motor vehicles

**Location** Charles Wilson, 164 Wilmslow Road, Rusholme, Manchester, M14 5LQ,

**Applicant** Mr James Brown (Partner), Charles Wilson, 164 Wilmslow Road, Rusholme, Manchester, M14 5LQ,

**Agent**

### **Description**

The application site is located at the southern end of Rusholme District centre on the western side of Wilmslow Road currently occupied by Charles Wilson Garage.

The site which consumes an area of approximately 0.4 hectares is accessed off Wilmslow Road and contains a car showroom on the site frontage together with a large, enclosed rear yard which is used for vehicle storage and associated vehicle recovery purposes.

In terms of the site's immediate surroundings, the site adjoins two-storey residential properties to the north and west at Bembridge Close, and a block of residential apartments to the south. The front of the site is located within Rusholme District Centre which is mixed use in nature, containing a variety of uses with the emphasis placed mainly on food and drink uses.

With regard to this application, it is proposed to erect a large, 4.8 metre high profiled steel building mounted on a brickwork plinth. The building which occupies a large proportion of the rear yard is to be used to accommodate cars that have been recovered from crime scenes and held on behalf of Greater Manchester Police until detailed examination of the vehicles can be undertaken.

At present vehicles are stored in the open yard or wherever space is available. The proposed structure would seek to consolidate and improve the storage of vehicles. Currently storage arrangements are unsatisfactory as vital forensic evidence can become contaminated when left in the open.

### **Consultations**

Local residents - 5 letters of objection have been received. Details of these objections received are summarised below:

(i) I do not want to overlook a steel building and the building would stop sunlight coming through the windows of nearby properties.

(ii) The steel building will obstruct light to windows and cause noise disruption which is already a problem.

(iii) The building would affect the outlook and devalue nearby residential properties.

(iv) The steel building is too large and would constitute overdevelopment.

Regulatory and Enforcement Services - No objection in principle to the application.

Environmental Health - A condition should be inserted requiring a preliminary assessment of any potential sources of ground contamination.

Ward Members – Councillor Shannon believes that the site is very restricted. And details should be provided as to the proposed access route and how the vehicles would safely enter and exit the proposed structure. It is asked whether the applicants have or need to have any access arrangements from the freeholder of the nearby apartment block at Rusholme Gardens. Consideration should also be given to the impact upon nearby residential properties and in particular regard should be given to overshadowing and noise nuisance issues. On site vehicle storage could potentially help to address the ongoing problem of vehicles associated with the garage parking along Platt Lane.

### **Issues**

Unitary Development Plan (UDP) - There are no site-specific policies relating to the application site. However the following city-wide policies are relevant to this proposal:

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

Policy I1.12 states that the Council will support proposals from businesses which seek to expand or adapt their premises to meet changing economic and technological circumstances.

Policy DC26 refers to the effect of new development proposals which are likely to be generators of noise and the implications of new development being exposed to existing noise sources.

Regional Spatial Strategy - It is not considered that any policies contained within the Regional Spatial Strategy are particularly relevant in this instance.

In addition to the above, Central Government provides national planning guidance in the form of Planning Policy Guidance Notes (PPG) and on some planning issues, Planning Policy Statements (PPS).

PPS1 'Delivering Sustainable Development' sets out the overarching policies on the delivery of sustainable development through the planning system. Emphasis is placed on the need for good design to ensure, attractive, usable, durable and adaptable places.

PPG 4 'Industrial Commercial Development and Small Firms' advocates a positive approach to such development and states that the planning system should have regard to the development plan and all material considerations unless the proposed development would cause demonstrable harm to interests of acknowledged importance. Development control should not place unjustifiable obstacles in the way of development which is necessary to provide homes, investment and jobs or to meet wider national or international objectives. Nevertheless planning decisions must reconcile necessary development.

The Guide to Development in Manchester - This is a City Council supplementary planning document (SPD). This document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Principle – It is considered that the principle of the proposal is acceptable. Vehicles are presently parked in the open in an ad hoc fashion. The proposed building which in its context is appropriate in scale would seek to consolidate the way vehicles are parked and provide an ordered arrangement which would not only provide an improvement in the way vehicles are stored and examined but also tidy up the site from a visual point of view.

Access – The rear of the site will be accessed using the existing access arrangements via Stone Place off Wilmslow Road. It is not therefore believed that there will be any changes to the way the site is accessed.

Scale and Mass – The proposed building is situated close to the western boundary of the site adjoining Bembridge Close. The building measures 21.3 metres in length, 13 metres in width and is 4.8 metres in height. This scale is considered acceptable at this commercial location and due to the scale of surrounding two-storey properties which would be much greater in height.

Visual Amenity – The building is 4.8 metres in height and due to the relationship of the site to neighbouring properties it is unlikely to have any significant, detrimental impact upon the visual appearance of the amenity. The building will be subservient in height to surrounding residential properties and will be located against the existing backdrop of the garage and its associated out buildings. The standard materials condition has been amended so that specific details of the building's colour shall be approved prior to construction.

Noise – In light of the existing operations of the garage and its district centre location, it is not considered that there would be any significant change in noise levels or any subsequent, greater impact upon residential amenity. In order to mitigate against any potential noise impact a condition has been inserted requiring the submission and approval of a scheme for insulating the proposed building so to prevent any noise breakout. A further condition has been inserted with reference to hours of operation. This condition is a restated condition from when the garage was first approved in 1992. Any further restriction on hours of use would fail to meet Government guidance contained within Circular 11/95 regarding the use of planning conditions.

Parking – Vehicles associated with the garage will be parked within the proposed building or the compound belonging to the garage. Concerns have been raised that vehicles associated with the garage currently park along Platt Lane and it has been requested that a condition should be placed on any planning permission to prevent the business from using Platt Lane as a parking area. Due to such concerns, a condition has been inserted which requires the submission of a management strategy for the storage and parking of vehicles associated with the site. This will enable parking to be monitored.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the 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 on the basis that the proposal accords with Policies H2.2, I1.12 and DC26 of the Unitary Development Plan for the City of Manchester and there are no material considerations of sufficient weight to indicate otherwise. The Council seeks to support proposals from businesses seeking to expand or adapt their premises to meet changing economic and technological circumstances and in this case, it is not considered that there will be any significant impact upon nearby residential amenity through noise nuisance or otherwise.

**Conditions and/or Reasons**

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) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development, including colour have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policy H2.2 of the Unitary Development Plan for the City of Manchester.

3) The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: Drawing stamped as received on 24th February 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy H2.1 of the Manchester Unitary Development Plan.

4) The approved building shall be used for the storage of motor vehicles only and for no other use including any other use within Class B8 or any other uses within the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason -

In order to protect the amenity of nearby residential properties, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

5) a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

The Desk Study shall be prepared by a suitably qualified person whose competence to carry out the Desk Study has been approved in writing by the City Council as local planning authority (an "Expert").

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, an Expert has prepared a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy Site Investigation Report) which shall be submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy Site Investigation Report, which shall take precedence over any Remediation Strategy Site Investigation Report or earlier Revised Remediation Strategy Site Investigation Report. (is there any specific reason that you got rid of the provisions about the Expert?).

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to H2.2 of the Unitary Development Plan for the City of Manchester.

6) No work or other activity shall take place on 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:

8.00 a.m. to 6.00 p.m. Mondays to Saturdays.

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

7) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of nearby residential properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

8) The doors of the development hereby approved shall be kept closed at all times apart from times when access is required.

Reason - To limit the break out of noise in order to safeguard the amenities occupiers of nearby residential properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) The use of the development hereby approved shall not commence until a management strategy for the storage and parking of vehicles associated within the site, including recovery vehicles is submitted to and approved by the City Council as Local Planning Authority. The strategy shall provide for the establishment of a management company with obligations to store and park the vehicles associated with the site only within the development hereby permitted and prevent the using of Platt Lane as a parking area of those vehicles. The management strategy shall be adhered at all times when the development hereby consented or any element of its use or occupation commences unless otherwise agreed in writing by the Council as Local Planning Authority.

Reason -

In the interests of residential amenity, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

### **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: 089137/FO/2009/S1 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:**

Engineering Services  
Environmental Health  
Contaminated Land Section  
146 Wilmslow Road, Manchester, M14 5LQ  
144 Wilmslow Road, Manchester, M14 5LQ  
3 Neville Cardus Walk, Manchester, M14 5XA  
1 Neville Cardus Walk, Manchester, M14 5XA  
1 Wiggins Walk, Manchester, M14 5XB  
3 Wiggins Walk, Manchester, M14 5XB  
5 Wiggins Walk, Manchester, M14 5XB  
7 Wiggins Walk, Manchester, M14 5XB  
11 Wiggins Walk, Manchester, M14 5XB  
9 Wiggins Walk, Manchester, M14 5XB  
12 Bembridge Close, Manchester, M14 5WX

10 Bembridge Close, Manchester, M14 5WX  
16 Bembridge Close, Manchester, M14 5WX  
14 Bembridge Close, Manchester, M14 5WX  
1 Rookley Walk, Manchester, M14 5XD  
3 Rookley Walk, Manchester, M14 5XD  
6 Bembridge Close, Manchester, M14 5WX  
8 Bembridge Close, Manchester, M14 5WX  
2 Bembridge Close, Manchester, M14 5WX  
4 Bembridge Close, Manchester, M14 5WX  
8 Whitecliff Close, Manchester, M14 5XN  
10 Whitecliff Close, Manchester, M14 5XN  
12 Whitecliff Close, Manchester, M14 5XN  
14 Whitecliff Close, Manchester, M14 5XN  
174 Wilmslow Road, Manchester, M14 5LQ  
The Strand Renovators, 172 Wilmslow Road, Manchester, M14 5LQ  
Flat 5, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 6, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 208, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 205, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 4, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 109, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 3, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 210, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
4 Platt Lane, Manchester, M14 5ND  
Flat 110, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 11, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 2, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 206, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 10, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 13, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 9, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 202, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 211, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 203, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 209, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 7, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 101, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
2 Platt Lane, Manchester, M14 5ND  
Ash Residential, 178-180, Wilmslow Road, Manchester, M14 5LQ  
Flat 108, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
18 Bembridge Close, Manchester, M14 5WX  
20 Bembridge Close, Manchester, M14 5WX  
22 Bembridge Close, Manchester, M14 5WX  
28 Bembridge Close, Manchester, M14 5WX  
30 Bembridge Close, Manchester, M14 5WX  
24 Bembridge Close, Manchester, M14 5WX  
26 Bembridge Close, Manchester, M14 5WX  
34 Bembridge Close, Manchester, M14 5WX  
32 Bembridge Close, Manchester, M14 5WX  
7 Bembridge Close, Manchester, M14 5WX  
38 Bembridge Close, Manchester, M14 5WX  
36 Bembridge Close, Manchester, M14 5WX  
5 Bembridge Close, Manchester, M14 5WX

Wilmslow Road Medical Centre, 156 Wilmslow Road, Manchester, M14 5LQ  
Charles Wilson Auto Engineering, 160-164, Wilmslow Road, Manchester, M14 5LQ  
3 Bembridge Close, Manchester, M14 5WX  
154 Wilmslow Road, Manchester, M14 5LQ  
152 Wilmslow Road, Manchester, M14 5LQ  
1 Bembridge Close, Manchester, M14 5WX  
148 Wilmslow Road, Manchester, M14 5LQ  
150 Wilmslow Road, Manchester, M14 5LQ  
16 Whitecliff Close, Manchester, M14 5XN  
18 Whitecliff Close, Manchester, M14 5XN  
20 Whitecliff Close, Manchester, M14 5XN  
8 Neville Cardus Walk, Manchester, M14 5XA  
10 Neville Cardus Walk, Manchester, M14 5XA  
12 Neville Cardus Walk, Manchester, M14 5XA  
14 Neville Cardus Walk, Manchester, M14 5XA  
5 Neville Cardus Walk, Manchester, M14 5XA  
6 Platt Lane, Manchester, M14 5ND  
Flat 204, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 107, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 104, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 102, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 111, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 106, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 103, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Flat 1, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 207, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LS  
Flat 8, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LG  
Flat 105, Rusholme Gardens, 176 Wilmslow Road, Manchester, M14 5LR  
Star Jewellers, 231-233, Wilmslow Road, Manchester, M14 5LW  
229a, Wilmslow Road, Manchester, M14 5LW  
Haji Properties, 229 Wilmslow Road, Manchester, M14 5LW  
2a, Rusholme Grove, Manchester, M14 5AR  
N K Legal Solicitors, 255 Wilmslow Road, Manchester, M14 5LW  
Exclusive Designer Wear & Beauty Products Ltd, 253 Wilmslow Road, Manchester, M14 5LW  
Sylhet Travel, 249-251, Wilmslow Road, Manchester, M14 5LW  
Malik & Co, 247a, Wilmslow Road, Manchester, M14 5LW  
Pound Saver, 247 Wilmslow Road, Manchester, M14 5LW  
245 Wilmslow Road, Manchester, M14 5LW  
Royal Jewellers, 241-243, Wilmslow Road, Manchester, M14 5LW  
Wazi Food Store, 239 Wilmslow Road, Manchester, M14 5LW  
Alankar Travels, 235-237, Wilmslow Road, Manchester, M14 5LW

**Representations were received from the following third parties:**

18 Bembridge Close , Rusholme, Manchester  
22 Bembridge Close, Rusholme, Manchester  
20 Bembridge Close, Rusholme, Manchester  
18 Bembridge Close , Rusholme , Manchester

**Relevant Contact Officer :** Steven McCoombe

**Telephone number** : 0161 234 4607  
**Email** : s.mccoombe@manchester.gov.uk