

Application Number	Date of Appln	Committee Date	Ward
085019/FO/2007/N2	18th Dec 2007	24th Jul 2008	Gorton South Ward

Proposal Retrospective Application for change of use from warehouse to vehicle repair workshop (Class B2)

Location Unit 5 Longden Road, Longsight, Manchester, M12 5SJ

Applicant Mr Khan, Unit 5 Longden Road, Longsight, Manchester, M12 5SJ

Agent Mr M Bailey 29 Sutton Drive, Droylsden, Manchester, M43 7RX

Description

This application relates to the end unit of a former single storey co-operative building. The buildings have a frontage into Longden Road which spans from the junction of Hemmonds Road to the west to the parkland in the east. The application site is located adjacent to the area of parkland. The remaining surrounding area is predominantly residential.

The applicants have indicated that the premises were formerly used for textile manufacturing and warehousing. The applicant has used the premises for the repair of motor vehicles without planning permission and now seeks to regularise the use.

The applicant has indicated that a service yard , workshop area, office and reception area and wc/ staff welfare facilities are located within the building. In addition to an internal secure parking space, two customer car parking spaces are to be demarcated on the forecourt area.

The applicant has indicated that the following hours of working apply:

Monday to Saturday 8.00 am to 6.00 pm.

Consultations

Local Residents - 3 letters of objection have been received and are summarised below

- i. The current use has resulted in additional on-street car parking, congestion and restricted access to residential properties;
- ii. The undertaking of paint spraying causes noxious fumes in the area.
- iii. Noise and disturbance has been experienced as a result of vehicle movement, deliveries and the undertaking of repairs
- iv Difficulties caused by the inappropriate storage of waste.
- v. The workshop is visually obtrusive.

Head of Engineering Services – Has no objections.
Head of Regulatory and Enforcement Services – Recommends that conditions should be applied relating to:

- i. Noise insulation to externally mounted equipment
- ii. Collection and storage of segregated waste.

Head of Regulatory (Contaminated Land Section) - No objection.

South Manchester Regeneration - No objection.

Issues

Unitary Development Plan

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

Policy DC26.1 - States that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Policy DC26.5 - Confirms that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Guide to Development in Manchester: Supplementary Planning Document and Planning Guidance- The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Of particular relevance are the following policies:

Policy 2.25 Streets should be designed for people to use
Policies 4.10 and 4.11 Waste Management
Policies 6.2; 6.3; 6.4 6.5; 6.6 Parking Guidelines.

Planning Policy Guidance 24 - Planning and Noise (PPG24) - Guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities, which generate noise.

It explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

Principle - It is considered that the continuation of a vehicle repair garage is not conducive to residential amenity or the character of what is a predominantly residential area. As this is a retrospective application the impact of the activities associated with the use can be assessed and related to the representations of neighbouring residents.

Highways considerations - Notwithstanding the comments of the Head of Engineering Services, it is apparent that the area has a degree of on-street car parking which may be partially attributable to the currently unauthorised vehicle repair use. It is considered that the continuation of the use will, over time, result in further on-street car parking, should the business expand. It is also considered on-street car parking may become more problematic after 5pm and on Saturdays when demand for residents parking is at its greatest. The level of vehicle activity also has implications for highway safety, with implications for children and elderly people living in the area.

Noise Disturbance - Notwithstanding the comments of the Head of Regulatory Services and Enforcement, it is not considered that the noise and disturbance associated with the unauthorised use can be effectively addressed by condition. It is considered that the use is not appropriate within a residential area. The disturbance is related not only to the moving of vehicles within the vicinity of the site, but also noise emanating from the works undertaken in and around the premises. The anecdotal evidence provided by residents supports this position.

Smells and vapours - The odours emitted from the premises in association with the processes undertaken within the premises are detrimental to residential amenity.

Waste Management - The application is supported by waste management strategy.

Conclusion - The continued uses of the premises for vehicle repair would exacerbate the disamenity currently experienced by residents and undermine the residential character of the area. It is therefore considered, for the reasons outlined below, that the application should be refused and enforcement action commenced to secure the cessation of the use.

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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation REFUSE AND ENFORCE

Conditions and/or Reasons

1) The proposed development does not include sufficient arrangements for the parking of vehicles within the curtilage of the site and it is considered that the potential levels of traffic generated by the use would result in on-street parking in the locality, which would exacerbate existing highway difficulties and traffic congestion to the detriment of pedestrian and highway safety. The proposed development would therefore be contrary to policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) The continued use of the site for motor vehicle repairs would, by virtue of increased comings and goings associated with customer activity, deliveries and vehicle movement together with the noise and disturbance associated with the undertaking of repair work would result in increased noise and disturbance and would be unduly detrimental to the amenities that occupiers of adjacent residential properties might reasonably expect to enjoy. As such the proposal would be contrary to policies DC26 and 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: 085019/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 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
South Manchester Regeneration
Greater Manchester Police
1 Newdale Road, Manchester, M12 4GG
10 Newdale Road, Manchester, M12 4GG
11 Newdale Road, Manchester, M12 4GG
12 Newdale Road, Manchester, M12 4GG
14 Newdale Road, Manchester, M12 4GG

16 Newdale Road, Manchester, M12 4GG
18 Newdale Road, Manchester, M12 4GG
2 Newdale Road, Manchester, M12 4GG
20 Newdale Road, Manchester, M12 4GG
22 Newdale Road, Manchester, M12 4GG
3 –9 Newdale Road, Manchester, M12 4GG
1 Prestage Street, Manchester, M12 4GQ
10 - 19 Prestage Street, Manchester, M12 4GQ
2 Prestage Street, Manchester, M12 4GQ
20 – 28 Prestage Street, Manchester, M12 4GQ
3 –9 Prestage Street, Manchester, M12 4GQ
101 - 105 Hemmons Road, Manchester, M12 4QG
77 –99 Hemmons Road, Manchester, M12 4QG
79 Hemmons Road, Manchester, M12 4QG
15 - 35 Longden Road, Manchester, M12 5SR
71 - 75 Hemmons Road, Manchester, M12 5ST
18 –28 Ringwood Avenue, Manchester, M12 5TP
Premiercode Ltd, Unit 1, Hemmons Road, Manchester, M12 5ST
J H Woods & Sons, Unit 15, Hemmons Road, Manchester, M12 5ST
Corshire Ltd, Unit 5, Longden Road, Manchester, M12 5SJ
Budget Flooring, Unit 10-11, Hemmons Road, Manchester, M12 5ST
N Y Stacks, Unit 14, Hemmons Road, Manchester, M12 5ST
Bluebone Imports Ltd, Unit 9, Hemmons Road, Manchester, M12 5ST

Representations were received from the following third parties:

Engineering Services
Environmental Health
Contaminated Land Section
South Manchester Regeneration
S And G Downey, 1 Newdale Road, Manchester, M12 4GG
Ms Wright, 10 Newdale Road, Manchester, M12 4GG
G Ollerhead, 17 Longden Road, Manchester, M12 5SR
Ms S. Wright, 10 Newdale Road, Longsight
G.Ollerhead, 17, Longden Road,

Relevant Contact Officer : Carl Glennon
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Email : c.glennon@manchester.gov.uk