

Application Number	Date of Appln	Committee Date	Ward
111886/FO/2016	6 th July 2016	22 nd Sep 2016	Burnage Ward

Proposal Erection of detached building to form flood defence testing facility

Location Burnage Social Club, Mauldeth Road, Burnage, Manchester, M19 1AB

Applicant Mr Pepper and Mr Gregory , Burnage Social Club, Mauldeth Road, Burnage, Manchester, M19 1AB,

Agent F Summerfield, 216 Heaton Moor Road, Heaton Moor, Stockport, SK4 4DU

Description

The Burnage Social Club is located to the east of the Kingsway and Mauldeth Road junction and occupies a site approximately 1.1 hectare in size. The site, which formerly operated as a cricket club, consists of a social club and a manager's accommodation building/bar which is currently the subject of a planning application (112391/JO/2016/S2) to vary the external appearance. The remainder of the site consists of the former cricket pitch, though a portion of it which runs along the eastern boundary of the site has been subject to a large amount of tipped rubbish. Access to the site is via two driveways off Mauldeth Road.

To the north and east of the site there are dwellinghouses (Burnside Drive and Brookthorpe Avenue) while to the south, on the opposite side of Mauldeth Road, there is a commercial parade and further dwellinghouses. To the west of the site there are a number of commercial properties which front Kingsway.

The applicants are proposing to erect a single storey building in the northeast corner of the site to form a testing facility for domestic flood defence technology. This will be a separate entity to the social club. The proposed building would be single storey and consist of brick and metal cladding walls topped with a cladding mono-pitched roof. It would be between 5.4m to 6.4m in height and have a floor area of 189m². Internally the building would consist primarily of four rooms (a reservoir room, a "flooding" area, a viewing/meeting area and a pump room) along with W.C. and kitchen facilities.

Consultations

Six letters of objection have been received from local residents, the points raised are detailed below:

- The proposed building will be too high (5.4 metres at the rear rising up to 6.4 at the front) and 13 metres wide. It will overlook the houses on Burnside Drive and lead to overshadowing.
- The proposed industrial building is out of character with residential nature of the locality.

- There are safety concerns about the use given how close it is to nearby houses.
- The land belonging to Burnage Social Club is held in trust for the purpose of recreation and sporting activities. There has been no sporting activities on the site within the last couple of years and this proposal is not for those activities
- The purpose of the testing process is unclear and doesn't seem to be endorsed by the Government or the Environment Agency.
- The proposal is sited too close to the boundary with the nearby homes, this will have an impact in terms of noise and disturbance and lead to a loss of privacy.
- The comings and goings of staff and general activity associated with the building will impact upon residential amenity.
- The proposed structure would encourage anti-social behaviour within the site.

Environmental Health – Suggests the imposition of an acoustic insulation condition.

Flood Risk Management – Has no objections to the proposal and does not recommend the imposition of a drainage condition.

Greater Manchester Police – No objections to the proposal, subject to it being constructed to *Secured by Design* standards.

Contaminated Land Section – Suggests the imposition of a landfill gas condition.

Sport England – Aerial images of the site show that the majority of the testing facility will be on an area of land occupied by planting and what appears to be small buildings. The proposed development results in a minor encroachment onto the cricket outfield. However, given the fact that England Cricket Board have not raised any concerns in relation to this proposal, it is not considered that the development would reduce the sporting capability of the site. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception:

E3 - The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

This being the case, Sport England does not wish to raise an objection to this application.

Policies

The National Planning Policy Framework (NPPF) – The NPPF was published on the 27th March 2012 and replaces and revokes a number of Planning Policy Guidance (PPGs) and Planning Policy Statements (PPSs) previously produced by Central Government. The NPPF constitutes guidance for local planning authorities and decision-makers both in drawing up plans and as a material consideration in determining planning applications. It does not change the statutory status of the

development plan, i.e. the Core Strategy, as the starting point for decision making and it states further that development that accords with an up-to-date local plan, such as the Core Strategy, should be approved unless other material considerations indicate otherwise.

The NPPF states that the planning system must contribute to the achievement of sustainable development and that there are three dimensions to this: economic, social and environmental. It has introduced a set of Core Principle that should underpin both plan-making and decision-taking, these 12 principles are that planning should:

- Be genuinely plan-led,
- Not simply about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places,
- Proactively drive and support sustainable economic development to deliver the homes, businesses/industrial units, infrastructure and thriving local places that the country needs,
- Always seek to secure high quality design and a good standard of amenity,
- Take account of the different roles and character of different areas,
- Support the transition to a low carbon future,
- Contribute to conserving and enhancing the natural environment and reducing pollution,
- Encourage the effective use of land,
- Promote mixed use developments,
- Conserve heritage assets in a manner appropriate to their significance,
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable,
- Take account of and support local strategies to improve health, social and cultural well being for all.

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 SP1, *Spatial Principles* – This sets out the key spatial principles which will guide the strategic development of Manchester to 2027, of relevance to this application are:

Core Development Principles, Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-
 - i) Creating well designed places that enhance or create character.
 - ii) Making a positive contribution to the health, safety and wellbeing of residents
 - iii) Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - iv) Protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues (of relevance to this application) for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policy DC26, Development and Noise – This policy seeks to reduce the impact of noise generating development. It states that the Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

Issues

Principle of the Proposal – The principle of erecting ancillary accommodation within the grounds of the social club is acceptable and this is evident with the recent granting of permission for the managers flat. However, as this proposal would introduce a self-contained Class B1b (research and development) building into what is a predominantly residential area, the principle of this development is not considered acceptable.

As will be demonstrated below, it is considered that the proposal would have a detrimental impact upon the levels of residential and visual amenity enjoyed within the vicinity of the site.

Residential Amenity – The proposed building would be used as a research and test facility for domestic flood protection equipment and involves the construction of structures within the test area and the pumping of water between the reservoir and the “flooding” area to test the effectiveness of the equipment. While flooding is an issue and the applicants efforts to improve resilience is always welcomed, it is the site specific implications that are of concern. The concern is that the processes, along with the general activity associated with a Class B1b use, i.e. the comings and going of staff/visitors and deliveries, in a structure located within a predominantly residential area and sited 10m away from the rear boundaries of the dwellings on Burnside Drive and 1m to 5m away from the rear boundaries of the properties on Brookthorpe Avenue, would have a detrimental impact upon residential amenity. It is unlikely the two uses can co-locate without there being issues for residents. This would be contrary to Policy DM1 in the Core Strategy Development Plan Document.

Visual Amenity – The walls of the proposed building, which would be between 5.4m and 6.4m in height, would be constructed from a mix of brick and metal cladding and would be topped with a metal decking roof. Given this and the addition of roller shutter doors to the front elevation, it is considered that the proposed building is overtly industrial in appearance and as such at odds with the character of the built development in the area. It is considered that introducing what is effectively an industrial building in this residential area and in such close proximity to the adjoining dwellings, would have a detrimental impact upon the levels of visual amenity enjoyed by the occupants of those homes that adjoin the site. This would be contrary to Policy DM1 in the Core Strategy Development Plan Document.

Design – As stated in the preceding paragraph, the design of the proposed building is industrial appearance and while this no doubt suits the proposed use (a test and research centre) this design approach it is out of character with the predominant built form in the area, namely Inter-War two storey red brick dwellings. Erecting a building such as the one proposed in this location would be contrary to Policy DM1 in the Core Strategy Development Plan Document.

Pedestrian and Highways Safety – It is not considered that the comings and goings associated with the proposal would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed along this section of Mauldeth Road.

Condition of the Site – Several local residents have raised concerns about the present state of the site and how it has become subject to a large amount of tipping. It is understood that the tipped material has been generated from the construction works associated with the new build manager’s accommodation and general renovation works associated with the social club. It is noted that some of the material has now been removed and the situation will 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 Core Strategy and saved polices of the Unitary Development Plan, the Head 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 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

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant but these concerns can not be overcome. The proposal is considered to be contrary to the development plan and is therefore refused.

Reason for Refusal

1) The proposed development, due to its design and appearance, will form an incongruous feature in the area and be out of character with the predominant built form. As a result it is considered that the proposal will have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site, contrary to Policy DM1 in the Core Strategy Development Plan Document.

2) The proposed development, due to its use as a test/research facility and its proximity to nearby residential properties, would have a detrimental impact upon the levels of residential amenity enjoyed by the occupiers of those dwellings on Burnside Drive and Brookthorpe Avenue as a result of the general activity associated with a Class B1b use, this is contrary to Policy DM1 in the Core Strategy Development Plan Document and saved UDP Policy DC26.

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: 111886/FO/2016 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:

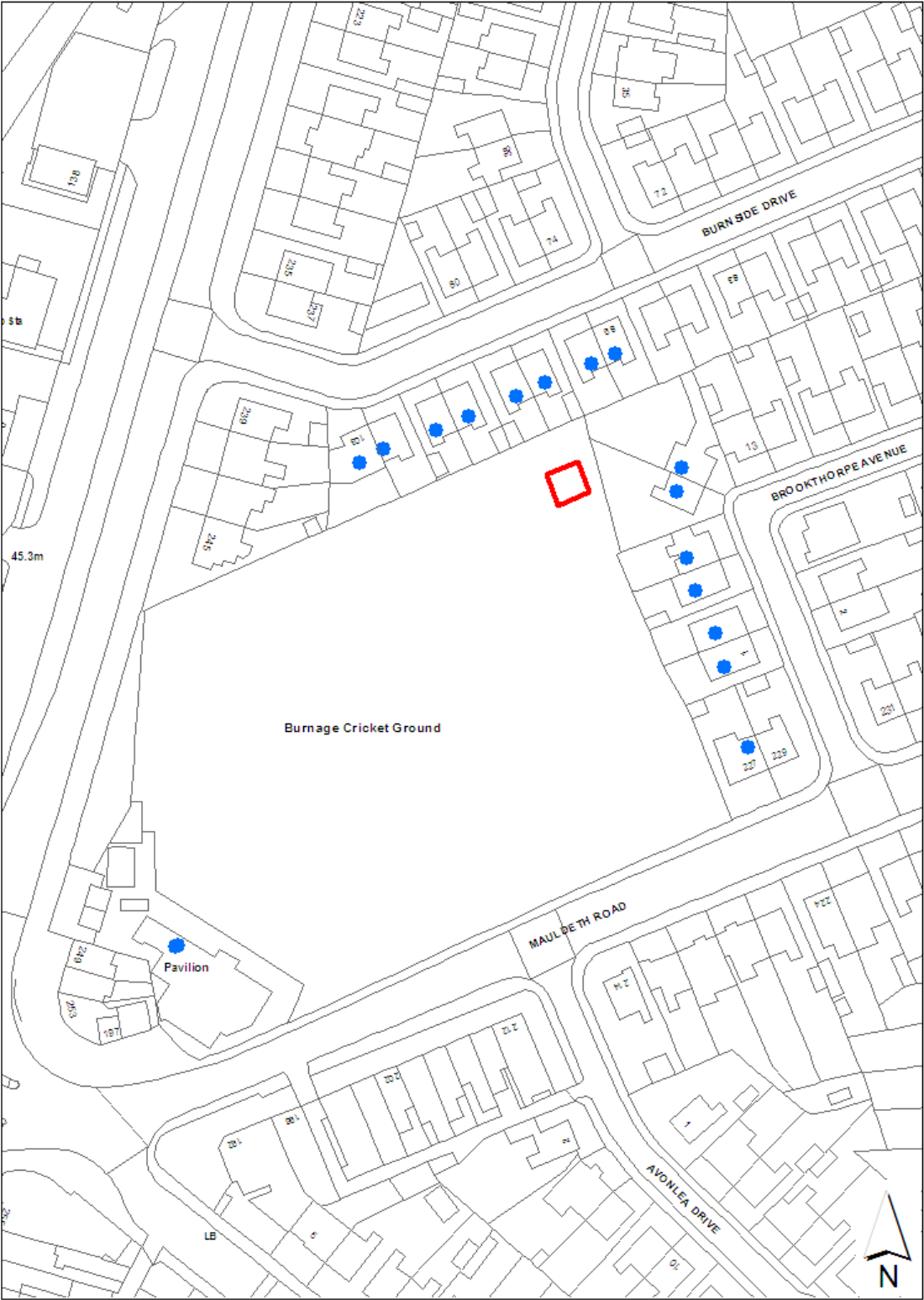
Greater Manchester Police
Sport England

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

Representations were received from the following third parties:

Greater Manchester Police
Sport England
Brookthorpe Avenue, Manchester, M19
95 Burnside Drive, Manchester, M19 2NA
93 Burnside Drive, Manchester, M19 2NA
122 Manor Green Road, Epsom, Surrey, KT19 8LN
11 Brookthorpe Avenue, Manchester, M19 1AD
101 Burnside Drive, Manchester, M19 2NA

Relevant Contact Officer : David Lawless
Telephone number : 0161 234 4543
Email : d.lawless@manchester.gov.uk



Application site boundary ● Neighbour notification
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