

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
112000/FO/2016/N2	29th Jun 2016	17th Nov 2016	Gorton South Ward

**Proposal** Erection of single storey extension to form additional workshop in association with the existing plant hire and associated repairs (Sui Generis Use)

**Location** MTK (Breaker Hire & Sales) Limited , Nelstrop Road North, Gorton, Manchester, M19 3JL

**Applicant** Mr M Leech , MTK (Breaker Hire & Sales) Limited, Nelstrop Road North, Manchester, M19 3JL

**Agent** Mr Matthew Jarman, Maydean Design (Architecture) Ltd, Park Lane Business Centre, 78 Park Lane, Poynton, SK12 1RE

### **Description**

The planning application site forms part of an industrial estate and is bounded by Nelstrop Road North (east), Barlow Road (south) and Marquis Street (west). The eastern side of Nelstrop Road North, which is to the east of the planning application site is predominantly residential. Three houses are situated on the western side of Marquis Street with residential uses returning on to Barlow Road. The relatively shallow front gardens to the houses on Marquis Street face toward the boundary to the application site. Marquis Street forms a cul-de-sac with an industrial estate located to the north of the application site, Allotment gardens are located to the south of the site and opposite its Barlow Road boundary.

The application site is used for the repair, storage and hire of mechanical equipment for use by the construction industry. It is enclosed by a 2.2 metre high green profiled metal fence with a vehicular access from Nelstrop Road North. The application site currently comprises:

- i. A detached, pitched roof, double height industrial unit positioned in the north east corner of the application site;
- ii. A detached, single storey pitched roof industrial building situated in the north west corner of the site;
- iii. A pair of stacked portable buildings with external stairs in the south-west corner of the site;
- iv. Several portable buildings and storage containers area located within the site;
- v. External storage of materials is undertaken within the external yard area, including stacked materials in large racks adjacent to the northern boundary of the site along with some plant and equipment. Servicing and car parking is also undertaken within the site.

The application site has a significant history of planning applications. The use of the substantive site for plant repair and maintenance was established under the following planning permission granted on 20 February 1987: 027996 - Erection of two industrial units for the repair and maintenance of plant and equipment and to replace

the existing workshop and store. An application for a Certificate of Existing Lawful Use was approved on 21 June 2016 (Ref: 075806/LE/2005/N2) for the use of a workshop located in the south – west corner of the site for vehicle repairs for a period of ten years. It is considered that existing use of the site is commensurate with the previously authorised uses of the site.

The proposed development involves: the formation of a linked extension to the existing pitched roof industrial building, which has articulated elevations comprising brickwork at its lower sections with slightly projecting vertical metal profile cladding above. The rear elevation of the building abuts the western boundary with Marquis Street and incorporates a large, centrally positioned roller shutter door (4.2 metres (high) x 3.9 metres (wide)) and separate doorway to the eastern elevation. The existing building has dimensions of: 10.4 metres at its widest point and 13 metres at its deepest point. The central apex has a height of 5.7 metres falling to 3.9 metres at the eaves.

The elevational design of the proposed building would match the composition of the existing building, i.e., brickwork at its lower sections with slightly projecting vertical metal profile cladding above. The dimensions would be 14.4 metres at its widest point and 13 metres at its deepest point. The central apex would also be 5.7 metres high falling to 3.9 metres at its eaves. The proposed extension would adjoin the existing by a 1.1 metre wide flat roof link with brick elevations. A roller shutter doorway (3.5 metres (high) x 4 metres (wide)) would be positioned in the eastern elevation and offset from the line of the central apex. A single doorway would be positioned within the eastern elevation. A second doorway would be positioned in the southern elevation. The northern and southern roof planes would respectively incorporate 3 rectangular roof lights. The western elevation would be composed of brick and profiled cladding without windows and partially screened by the existing boundary fencing. The centrally element between the proposed and existing parts of the building incorporate a store room, mess room, showers and WC with doorways providing through routes.

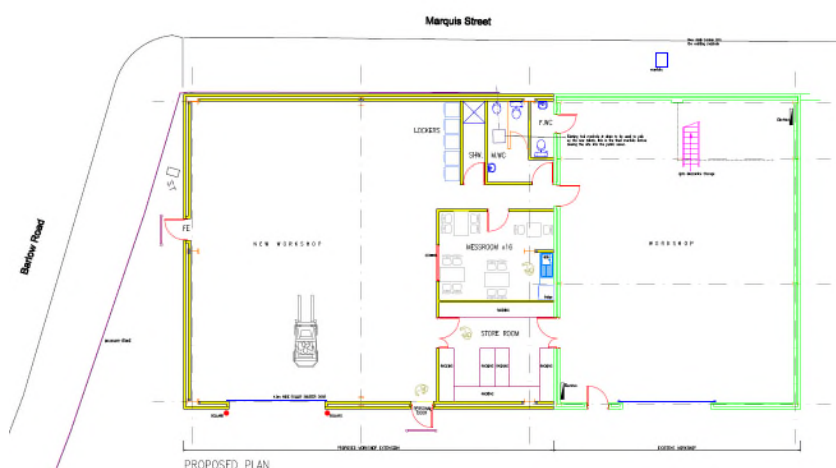


Figure 1 - Layout of extension and existing building

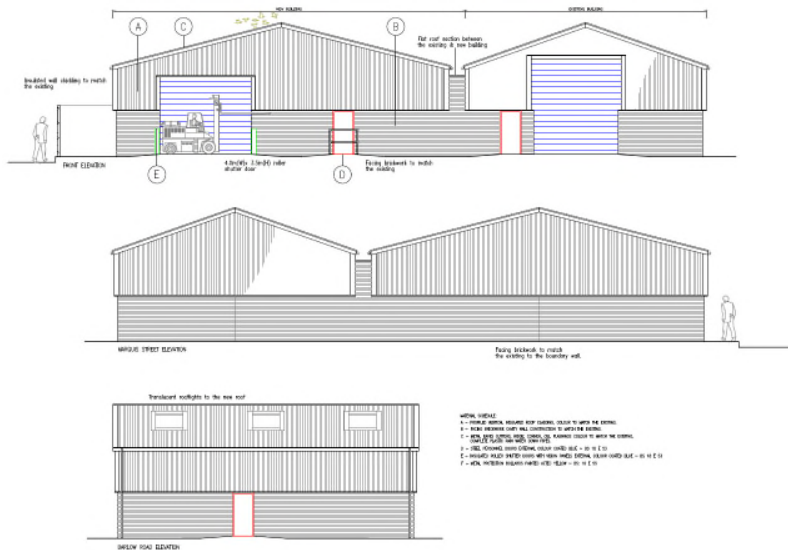


Figure 2 - Elevations

## Consultations

Local Residents – 3 objections (1 email and 2 letters) have been received from local residents and are summarised below:

- i. It is considered that an additional workshop would increase the already high level of noise at night and the early hours of the morning. Residents report disturbed sleep as a result of the operation of the site and any additional disturbance would be unacceptable;
- ii. Residents have reported existing waste management issues within the site, which may be exacerbated by the proposed development. These concerns relate to fly-tipping and the dispersal of engine oil;
- iii. Concern is expressed regarding the movement of vehicles, including HGVs, and the resulting adverse impact on pedestrian and highway safety. These concerns relate to the operation of the application site and neighbouring residential units. Incidences of damage to pavements and street lighting have been reported as a result of the manoeuvring of larger vehicles and there is concern that the development would exacerbate these issues;
- iv. The existing building within the application site is considered to be visually obtrusive and this situation would be worsened by the formation of an additional building of the same height. The formation of a continuous line of buildings adjacent to the site boundary would have an overbearing impact on the streetscene to Marquis Street. The combined height and siting of the proposed and existing buildings would add to the sense of enclosure when viewed from neighbouring housing along Marquis Street.

Highway Services – The following comments have been received:

- i. The applicant advises that there are 8 staff are employed and there is no proposed increase in staffing numbers and that around 2 or 3 deliveries are expected per day. It is unlikely that this level of trip generation would materially impact highway

safety or operation. Reference is made to delivery trucks stored at the site being out during the day. These would add to the trips generated by the site. Clarification is sought as to whether it is expected that there would be an increase in the number of trips generated;

ii. The applicant makes reference to 8 on site staff car parking spaces, a visitor space and a disabled bay. However the site plan appears to show 2 spaces and 1 disabled space only. It would be useful if all the spaces were marked on the site plan. The allocation of 1 disabled space is considered appropriate. The applicant is advised that spaces should be 2.4 metre x 4.8 metre and disabled bay should be 3.6 metre x 6.0 metre;

iii. A new dedicated secure cycle store is proposed, this is acceptable in principle;

v. The expected level of servicing is considered acceptable in principle however it would be useful if a swept path assessment could be provided demonstrating that the largest expected vehicle can access/egress in a forward gear when the car park is full.

Environmental Health – The following comments were received in respect of the submitted details:

i. The submitted Sound Breakout Assessment Report No: IB2305161NR, dated 20th June 2016 by Peak Acoustics Ltd and it is understood that a survey of existing background sound levels was carried out on 9 – 10 June 2016. However, section 4 states that the survey dates were 9 – 10 May. An accurate date for the undertaking of the survey should be submitted. The report also states that the time the survey was carried out was 12:15 - 12:00 midnight. However the lowest measured background sound level is then stated to have been between 7.00 pm – 8.00 pm. Given these inaccuracies a request was made for the submission of the survey data as referred to in the submitted report and allow more detailed comments to be made;

ii. Deliveries, servicing and collections, including waste collections should be conditioned so that they are not undertaken outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays;

ii. Whilst other legislation exists to restrict the noise impact from construction / demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on general amenity in the area. Therefore it is considered appropriate to control this impact at the planning application stage and a related condition has been recommended;

iii. Opening hours should be agreed upon receipt of an acceptable noise assessment;

iv. External lighting should be designed and installed so as to control glare and overspill onto nearby residential properties;

v. The extension should be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority;

vi. Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB ( $L_{Aeq}$ ) below the typical background ( $L_{A90}$ ) level at the nearest noise sensitive location;

vii. The approved scheme for the storage and disposal of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Following further comments were received following the receipt of an amended noise report:

- i. The submitted amended noise report contains an assessment on the basis that the hours of operation are 7:30 am – 5:30 pm Monday – Friday and 07:30 am – 12:30 pm Saturday. An additional assessment would be required if the proposed working hours are until 8pm on Saturdays;
- ii. Notwithstanding the above point, section 6.1 of the report recommends mitigation in the form of Automatic Closing Doors and Acoustic Door Seal for the door on the southern façade of the proposed extension to address an 'Adverse Impact' identified in section 5.4 relating to open door breakout noise. The email below refers only to fire and roller shutter doors being kept closed during working times and does not confirm that the mitigation will be installed. This point should be clarified, and further information should be provided on whether the proposed extension door can be ensured to remain closed at all times during working hours. If this is not possible, an assessment will be required of the impact of noise breakout on occasions when the doors may be opened.

The following comments were received from the Environmental Health Officer following direct dialogue with the applicant's noise consultant and further information from his agent:

- i. It is recommended that further information is provided regarding the impact of noise breakout on nearby residents, including those on Nelstrop Road, from the opening of the roller shutter door on the eastern facade. The report only assesses noise breakout from the fire door on the southern façade;
- ii. The applicant has indicated that all doors will be kept closed apart from in the event of a fire and, on the basis of the acoustic report, this would be adequate if the fire door also had the recommended acoustic seal. However, there are concerns regarding the practicality of such arrangements in terms of the operation of the business. Appropriate treatments would need to be also applied to the secondary door to the southern elevation. It is not apparent that proposals for a management plan would be feasible given the potential need to periodically open these doors. However, a further noise breakout assessment would be required to determine the measures that would need to be put in place to secure an effective noise management condition;
- iii. Full clarification of proposed working hours has not been received and the undertaking of extended hours beyond usual daytime hours would require further assessment.

Contaminated Land Section – A condition has been recommended to address known land contamination.

Flood Risk Management Team – On the basis of the submitted information, a site drainage condition is not recommended in this case. However, an informative has

been recommended to ensure that the development incorporates drainage design and reduces flooding.

Greater Manchester Police Design for Security – It is recommended that the development incorporates the following measures:

- i. Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards;
- ii. All aspects of the extension, particularly doorways should be illuminated with dusk until dawn lighting;
- iii. CCTV will need to be reviewed to check all new areas are covered;
- iv. An intruder alarm should be installed or if there is an existing one within the current building for the coverage of this to be reviewed and extended to cover the proposed development.

Stockport MBC – No objections

## **Issues**

National Planning Policy Framework - This Framework came into effect on 27th March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 14 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless:

Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

National Policy Framework has been related to the proposed development, with particular emphasis given to the following:

Core planning principles - Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan making and decision-taking.

The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 1: Building a strong, competitive economy - By securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future;
- ii. Chapter 7: Requiring good design - Reflects upon the importance of design to the built environment and its contribution to sustainable development and making places better for people. With this in mind, the design of the substantive development has been assessed in relation to the quality and cohesion of its composite building, as well as the function and appearance of public and private spaces';
- iii. Chapter 8: Promoting healthy communities - States that the planning system can play an important role in: facilitating social interaction and creating healthy, inclusive communities, in forming safe and accessible environments where crime, disorder and the fear of crime, do not undermine quality of life or community cohesion and securing safe and accessible developments;
- iv. Chapter 10: Meeting the challenge of climate change, flooding and coastal change - States that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change;
- v. Chapter 11: Conserving and enhancing the natural environment - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. This policy is relevant given the identified land conditions.

National Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The NPPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG:

- i. Consultation and pre-decision matters - The NPPG reasserts that local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application. Furthermore any comments should be taken into account it is important to make comments before the statutory deadline. The NPPG also affirms that the NPPF states that statutory consultees should provide advice in a timely manner throughout the development process. The NPPG also states that where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary, particularly when:
  - a. Objections or reservations raised in response to the original consultation stage substantial and, in the view of the local planning authority, enough to justify further publicity;
  - b. Proposed changes significant;
  - c. Earlier expressed views are related to the proposed changes.
  - d. Issues raised by the proposed changes likely to be of concern to parties not previously notified.

- ii. Air quality – The NPPG states the relevance of air quality to a planning decision will be dependent upon the proposed development and its location. Consideration should be given to the likelihood that the development would:
- a. Significantly affect traffic in the immediate vicinity of the proposed development site or further afield;
  - b. Introduce new point sources of air pollution;
  - c. Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality;
  - d. Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations;
  - e. Affect biodiversity.

Where necessary mitigation measures should be put in place that are specifically related to the location of the development and proportionate to the likely impact. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.

iii. Flood Risk Planning and Flood Risk – The proposed development has been assessed to determine if it represents a flood risk. For the purposes of applying the National Planning Policy Framework, 'flood risk' is a combination of the probability and the potential consequences of flooding from all sources, including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial source.

iv. Health and well-being – States those local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in planning decision making. Public health organisations, health service organisations, commissioners and providers, and local communities should use this guidance to help them work effectively with local planning authorities in order to promote healthy communities and support appropriate health infrastructure.

v. Land affected by contamination – States that the contaminated land regime under Part 2A of the Environmental Protection Act 1990 provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment. The regime does not take into account future uses which could need a specific grant of planning permission. To ensure a site is suitable for its new use and to prevent unacceptable risk from pollution, the implications of contamination for a new development would be considered by the local planning authority to the extent that it is not addressed by other regimes. It is recognised that contamination is more likely to arise in former industrial areas but cannot be ruled out in other locations including in the countryside (e.g. by inappropriate spreading of materials such as sludge, or as a result of contamination being moved from its original source). In addition, some areas may be affected by the natural or background occurrence of potentially hazardous substances, such as radon, methane or elevated concentrations of metallic elements. Only a specific investigation can establish whether there is contamination at a particular site, but the possibility should always be considered particularly when the



development proposed involves a sensitive use such as housing with gardens, schools or nurseries.

- vi. Noise – States that noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment. Local planning authorities should take account of the acoustic environment and consider:
- a. Whether or not a significant adverse effect is occurring or likely to occur;
  - b. Whether or not an adverse effect is occurring or likely to occur; and
  - c. Whether or not a good standard of amenity can be achieved;
  - d. In line with the Explanatory Note of the Noise Policy Statement for England, this would include identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. As noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.

Where noise effects are identified the related impact needs to be assessed and consideration given to the potential to incorporate appropriate mitigation measures.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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.'

The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- i. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- ii. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- iii. 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 EC1 Employment and Economic Growth in Manchester – The relevant sections of policy EC 1 include the contribution of the development to:

- a. Improving access to jobs for all via public transport, walking and cycling;
- b. Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- c. Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;
- d. Improving digital infrastructure delivery to businesses and residents; Creating business destinations by enhancing the primary business use with ancillary commercial facilities;
- e. Ensuring the continued social, economic and environmental regeneration of the City;
- f. Ensuring connectivity to international markets for the import and export of goods to ensure competitiveness in international markets.

Policy EC1 also states that development proposals should have regard to:

- a. Climate change resilience demonstrating how CO2 emissions will be minimised with an aim of zero carbon emissions, through energy efficiency, renewable energy and contributing to low and zero carbon decentralised energy infrastructure;
- b. Ensuring design makes the best possible use of a site or building in terms of efficient use of space, enhancing the sense of place of the wider area and minimising detrimental impacts on adjacent uses, considers the needs of users/employees of a site/building for access via walking, cycling and public transport and reduction of opportunities for crime by applying current best practice in security design;
- c. Flood risk through the Manchester- Salford- Trafford Strategic Flood Risk Assessment (SFRA).

Policy EC 2 Existing Employment Space - The Council will seek to retain and enhance existing employment space and sites.

Policy EN1 (Design Principles and Strategic Character Areas) - States that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. In this case that relationship of the proposal to both the existing building and the surrounding context, including neighbouring housing.

Policy EN8 Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case of this application reference has been given to the adaptability of the development to climate change with particular reference to:

- i. Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rain water permeability;
- ii. Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls and increased tree cover;

- iii. The need to control overheating of buildings through passive design;
- iv. The opportunity to provide linked and diverse green space to enhance natural habitats, which will assist species adaptation.

Policy EN 14 Flood Risk – States that in line with the risk-based sequential approach, development should be directed away from sites at the greatest risk of flooding and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA).

Policy EN16 Air Quality - States that the Council will seek to improve the air quality within Manchester, and particularly within Air Quality Management Areas, located along Manchester's principal traffic routes. Developers will be expected to take measures to minimise and mitigate the local impact of emissions from traffic generated by the development, as well as emissions created by the use of the development itself. When assessing the appropriateness of locations for new development the Council will consider the impacts on air quality, alongside other plan objectives.

Policy EN18 Contaminated Land and Ground Stability - States that any proposal for development of contaminated land must be accompanied by a health risk assessment. This application has been assessed by the Contaminated Land Section whose recommendations are capable of being related to the development by condition.

Policy T1 Sustainable Transport - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The policy states that the Council will support proposals that, amongst other things:

- i. Improve choice by developing alternatives to the car;
- ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- iii. Improve pedestrian routes and the pedestrian environment;
- iv. Reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Furthermore, development should take account of the needs of road users according to a broad hierarchy consisting of (in the following priority):

- i. Pedestrians and disabled people;
- ii. Cyclists, public transport;
- iii. Commercial access;
- iv. General off peak traffic;
- v. General peak time traffic.

Policy T 2 Accessible areas of opportunity and need - The Council will actively manage the pattern of development and the relevant sections of the policy include:

- i. Ensuring that all new development should provide appropriate car

parking facilities, including meeting the needs of disabled people and the provision cycle parking;

ii. The provision of proportionate traffic impact assessments and travel plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 Development Management - States that all development should have regard to the following specific issues, which are relevant in relation to the proposed development:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- c. Development should have regard to the character of the surrounding area;
- d. 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;
- e. Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes;
- f. Community safety and crime prevention;
- g. Design for health;
- h. Adequacy of internal accommodation and external amenity space;
- i. Refuse storage and collection;
- j. Vehicular access and car parking;
- k. Effects relating to biodiversity, landscape, archaeological or built heritage;
- l. Flood risk and drainage;
- m. Existing or proposed hazardous installations.

Saved Unitary Development Plan (UDP) Policies – The following saved policies are considered to be relevant:

The following saved City –wide saved UDP policies are also considered to be relevant:

#### Part 2 policy

Policy DC26 Development and noise – The following elements of policy DC26 are considered to be relevant:

Policy DC26.1 - 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 DC26.3 - Developments likely to result in unacceptably high levels of noises will not be permitted:

- a. In residential areas;
- b. Near schools, hospitals, nursing homes and similar institutions;
- c. Near open land used frequently for recreational purposes.

Policy DC26.4 - Where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. Engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. Layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- c. Administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

Policy DC26.5 - 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 - States that throughout the City, the Council will encourage development that complements 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. The proposed development has been assessed with the Guide in mind.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

In this case, 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. Discussions were undertaken with the applicant will view to reducing the impact of the siting of the extension on Marquis Street through the insertion of a landscaped band between the side wall of the proposed extension and the western boundary. However, the applicant did not consider that such an

approach was appropriate as it would interrupt internal linkage between the proposed extension and the existing building was not considered to be appropriate. The applicant did not wish to pursue a suggested re-siting of the extension to position adjacent to the northern boundary with a link to the eastern elevation. In the absence of any suitable amendments to the siting of the proposed extension, it is considered that the concerns of the local planning authority (LPA) have not been responded to the proposed development has been assessed in its submitted form.

Principle of the development – The planning application site is occupied by an operational and established business, which involves industrial processes of mechanical repair and assembly. However, the site has a relationship to residential uses and the proposed development has been assessed in respect of this relationship of the site to neighbouring residential uses. Central to this assessment has been the impact of the proposed development in relation to the increased intensity of the use of the site, potential for additional noise and disturbance and the visual impact of the proposed extension. Whilst there may be scope for a suitably sited and proportionate addition to the existing building, it is the case that the proposal would more than double the operational area of the substantive building. There is some concern that the applicant has not demonstrated that the site has the capacity to accommodate an intensification of the existing use through a comprehensive management plan. On balance, it is considered that any benefits that may be related to the expansion and adaptation of the existing business operation would not outweigh the detrimental impact of the development on residential and visual amenity. It is therefore considered that the development would fail to secure compliance with Core Strategy policies SP1, EC1, EN1 and DM1, saved UDP policy DC26 and NPPF Chapters 7, 8 and 11.

Residential amenity – It is considered that the proposed development would intensify the use of the site. Whilst there is scope for some of this associated activity impacts to be potentially managed to addressed, such as noise, disturbance and additional activity through a management plan and suitable conditions, there are other concerns which are not.

Significant concerns relate to the impact of the siting, height and massing of the proposed extension on residential and visual amenity. Notwithstanding, the relationship of the planning application site to the neighbouring industrial estate, it is considered that the character of the area changes around the junction of Marquis Street and Barlow Road where it becomes more residential. It considered that the amenity of neighbouring residents would be harmed by the cumulative impact of an enlarged building sited along the western boundary of the site and facing towards habitable room windows of properties on Marquis Street. The outlook from houses [on Marquis Street], to the west of the site, is partially affected by the siting of the existing industrial buildings. However, there is currently an open view across the south-west corner of the planning application site that provides an open aspect above the existing boundary fencing. This 'openness' would be lost as a result of the siting of the proposed extension. By linking the proposed extension to the southern elevation of the existing building a continuous built form would be sited immediately adjacent to the western boundary. The development would, for the reason set out below would fail to meet the requirements of Core Strategy policies SP1, EC1, EN1 and DM1 and NPPF Chapters 7, 8 and 11.

Character of the streetscene - The proposed extension would bring the presence of industrial building into closer proximity to Barlow Road. Given the height and continuous expanse of the substantive building (25.5 metres) along the western boundary and returning to Barlow Road, it is considered that the character of the adjacent streetscene would be significantly and adversely affected by the development. The proposed extension would rise above the existing boundary fencing and present a magnitude of development that would have an incongruous relationship to the scale and proportions of neighbouring houses. By siting the proposed extension directly adjacent to the western and southern planning application site boundaries its proportions would be fully emphasised in relation to the streetscene being detrimental to the character of this part of Gorton and visual amenity. On this basis, it is considered that the proposed development would fail to meet the requirements of Core Strategy policies SP1, EC1, EN1 and DM1, saved UDP policy DC26 and NPPF Chapters 7, 8 and 11.

Noise – The applicant has not demonstrated through the submitted noise assessment that the extension could operate without undue noise outbreak. It is noted that the operation of the existing building occurs with roller shutter doors open. As noted by Environmental Health, there are concerns regarding how the substantive building could be operated behind closed and sealed doors and the applicant has not provided a comprehensive management plan to demonstrate how this may be achieved. It is considered that, due to the close proximity of the proposed extension to the application site boundaries and the cumulative impact of its operation in conjunction with the existing building, there would be the potential for additional noise disturbance attributable to activity in and around the application site. It is acknowledged that there is also potential for any additional noise disturbance to be managed through appropriate design and noise insulation. Whilst noting that the development would increase activity around the site, it is not considered that the management of noise is insurmountable and that the requirements of Core Strategy policies SP1 and DM1, saved UDP policy DC26 and Chapters 7, 8 and 11 of the NPPF could be potentially achieved. However, at this time, it is the absence of this information that is a concern.

Siting – It is acknowledged that the area surrounding the application site is characterised by a mix of industrial and residential uses. However, the proposed extension would be sited 17 metres from the nearest house on Marquis Street. An oppressive and overbearing impact would be formed between the enlarged building and neighbouring houses, which have limited spaciousness due to their shallow front gardens. The resulting sense of 'enclosure' within the street would be harmful to residents' visual amenity. The undue prominence of the substantive building at the junction of Barlow Road and Marquis Street would also have an adverse impact on the wider streetscene. The siting of the proposed extension, in conjunction with the existing building, would thereby have an incongruous and over bearing impact on the streetscene and be detrimental to the residential amenities of the area. The proposed development would thereby be contrary to Core Strategy policies SP1, EN1 and DM1.

Height, scale and massing – The height of the proposed central ridge height (5.7 metres) and eaves (3.9 metres) would match that of the existing. However, the proposed extension would have a notably larger footprint than the existing building,

i.e., 65 sq metres. The resulting expanse of the elevation presented to Marquis Street would emphasise the impact of the height of the substantive building, which would rise at its highest point to 3.5 metres above the existing 2.2 metre high boundary fencing. Given the nature of the proposed construction, there would be little architectural detailing to relieve the massing and proportions of the elevational composition. The prominence and height of the proposed extension would also affect the relationship of the site to the streetscene when viewed from the junction of Marquis Street and Barlow Road. The development would thereby present a substantive built form that would be poorly related to the scale of surrounding houses. The close proximity of the proposed extension to the western boundary would further emphasise its height to further undermine the visual and residential character of the surrounding area. It is thereby considered that the proposed height, scale and massing of the extension would be poorly related to the surrounding context and Core Strategy policies SP1, EN1 and DM1 have not been accorded with.

Employment – It is recognised that the application site is a source of local employment and potential design solutions have been explored to enable the existing building to expand without having an unduly harmful impact on residential amenity. Whilst the applicant has provided additional proposals to mitigate against noise disturbance, including the operation of the extension with closed external doors, the proposed measures have not been sufficient to address the LPAs concerns at this time. As set out above there are significant concerns regarding the height, scale, siting and appearance of the proposed extension. The applicant has declined to respond to these concerns through the re-positioning or re-siting of the extension to reduce its impact on neighbouring housing. On this basis and for the reasons set out in this report, it is not considered that the impact of the proposed development can be appropriately mitigated against and secure compliance with Core Strategy policies SP1, EC1 and DM1.

Highways Issues – The proposed development would be located in a section of the site that is currently used for the external storage of plant. The applicant has not indicated that the development would involve an increase in existing staffing levels but would facilitate the on-going and potentially expanded operation of the site. On this basis it is not considered that the proposed development would substantially affect the existing arrangements for car parking and servicing. Notwithstanding the comments of Highway Services, it is the case that the existing site access and egress arrangements would be unaffected by the proposed development.

Cycle parking – The applicant has incorporated 5 cycle spaces, which would be appropriate given the scale of the operation of the site.

Operating hours – The applicant has indicated the following working hours of Monday to Saturday – 7.30 am to 8.00 pm, with no deliveries / waste collections on Sunday and Bank Holidays. It is considered that the proposed opening hours would need to be reviewed should a more suitable scheme be brought forward as part of a site management plan.

Design – It is acknowledged that the ‘design’ of the proposed extension is reflective of the existing building. However, the additional impact of the magnitude of the proposed extension and its impact on the character of the streetscene or amenities of



neighbouring residents have not been addressed. The development would represent a further encroachment of industrial buildings into a section of the streetscape, which is predominantly residential. By failing to recognise this context the application would introduce a development that has an incongruous relationship to neighbouring housing and thereby fail to be appropriately related to Core Strategy policies SP1, EN1 and DM1 and Chapter 7 of the NPPF.

Crime and security – It is considered that the concerns of Greater Manchester Police Design for security could be addressed should an appropriate development proposal be brought forward.

Sustainable design – The proposed development has been related to the BREEAM UK New construction of simple buildings criteria. The proposed development relates to an extension of an existing basic industrial unit with predominantly natural ventilation and domestic scale sanitary facilities. As such the development would not fall within the criteria for a BRE assessment.

Waste Management – The applicant has confirmed that the existing arrangements are in place:

- i. Waste oils and grease are stored in dedicated containers ready for recovery and disposal by an approved and registered waste carrier;
- ii. Metal waste is stored in a dedicated skip within the yard and collected for collection by an established recycling company;
- iii. Paper waste, cardboard and plastic are stored separately in a dedicated area for collection and disposal by a registered company;
- iv. Confirmation of the applicant hazardous waste registration has been provided.

It is considered that the site has the capability accommodating any additional waste requirements through the existing arrangements should an appropriate scheme be brought forward.

Land contamination – It is considered that issues relating to land contamination could be addressed through planning condition should a suitable development proposal be brought forward.

Conclusion - The height, magnitude and siting of the proposed extension would have an incongruous relationship to neighbouring housing and the streetscene. It is not considered in this instance that the positive benefits of the expansion and adaptation of the existing business would not outweigh the harmful effect of the development. It is therefore considered that the development would therefore fail to comply with or related to Core Strategy policies SP1, EC1, EN1 and DM1 and Chapters 7,8 and 11 of the NPPF.

**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 policies 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. Discussions were undertaken with the applicant will view to reducing the impact of the siting of the extension on Marquis Street through the insertion of a landscaped band between the side wall of the proposed extension and the western boundary. However, the applicant did not consider that such an approach was appropriate as it would interrupt internal linkage between the proposed extension and the existing building was not considered to be appropriate. The applicant did not wish to pursue a suggested re-siting of the extension to position adjacent to the northern boundary with a link to the eastern elevation. In the absence of any suitable amendments to the siting of the proposed extension, it is considered that the concerns of the local planning authority (LPA) have not been responded to the proposed development has been assessed in its submitted form.

**Reason for recommendation**

1. The proposed extension would, by virtue of its height, scale, massing and elevational design, have an oppressive and overbearing impact upon the streetscene and present a disproportionately large and bulky built form, which would be poorly related to neighbouring houses on Marquis Street. The resulting impact would be harmful to residential and visual amenity and thereby be contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester and Chapter 8 and 11 of the National Planning Policy Framework.

2. The proposed extension would introduce, in conjunction with the existing building, a continuous built form along the western site boundary with Marquis Street and return to the prominent boundary with Barlow Road. The siting of the proposed extension would have an incongruous relationship to the neighbouring residential scale of development on Marquis Street and Barlow Road. The proposed development would thereby have a harmful impact on character of the area and visual appearance of the streetscene along Marquis Street and Barlow Road. The cumulative impact of the development would thereby be contrary to policies SP1,

EN1 and DM1 of the Core Strategy for the City of Manchester and Chapter 7 of the National Planning Policy Framework.

### **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: 112000/FO/2016/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:**

Highway Services  
Environmental Health  
MCC Flood Risk Management  
Contaminated Land Section  
Greater Manchester Police  
Stockport Metropolitan Borough Council



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:**

542 Nelstrop Road, Manchester, M19 3JL  
1 Marquis Street, Manchester, M19 3JZ  
3 Marquis Street, Manchester, M19 3JZ

**Relevant Contact Officer :** Carl Glennon  
**Telephone number :** 0161 234 4530  
**Email :** c.glennon@manchester.gov.uk



 Application site boundary  Neighbour notification  
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