

**Application Number**    **Date of Appln**  
124236/FO/2019        14th Aug 2019

**Ward**  
Chorlton Park Ward

**Proposal**    Erection of a 2 storey building to form offices (Class A2 and Class B1) with associated car parking.

**Location**    Garage And Land To The Rear Of 481-501 Barlow Moor Road, 2-10 Malton Road And 3 To 9 Cross Road, Manchester, M21 8AG

**Applicant**    Mr Gary Thompson , B0S2 Manchester, 3A Wynnstay Close, Fallowfield, Manchester, M14 6XG

**Agent**        Mr J Arji, Urbane Forms, 17 Redhill Street, Manchester, M4 5BA

### **Description**

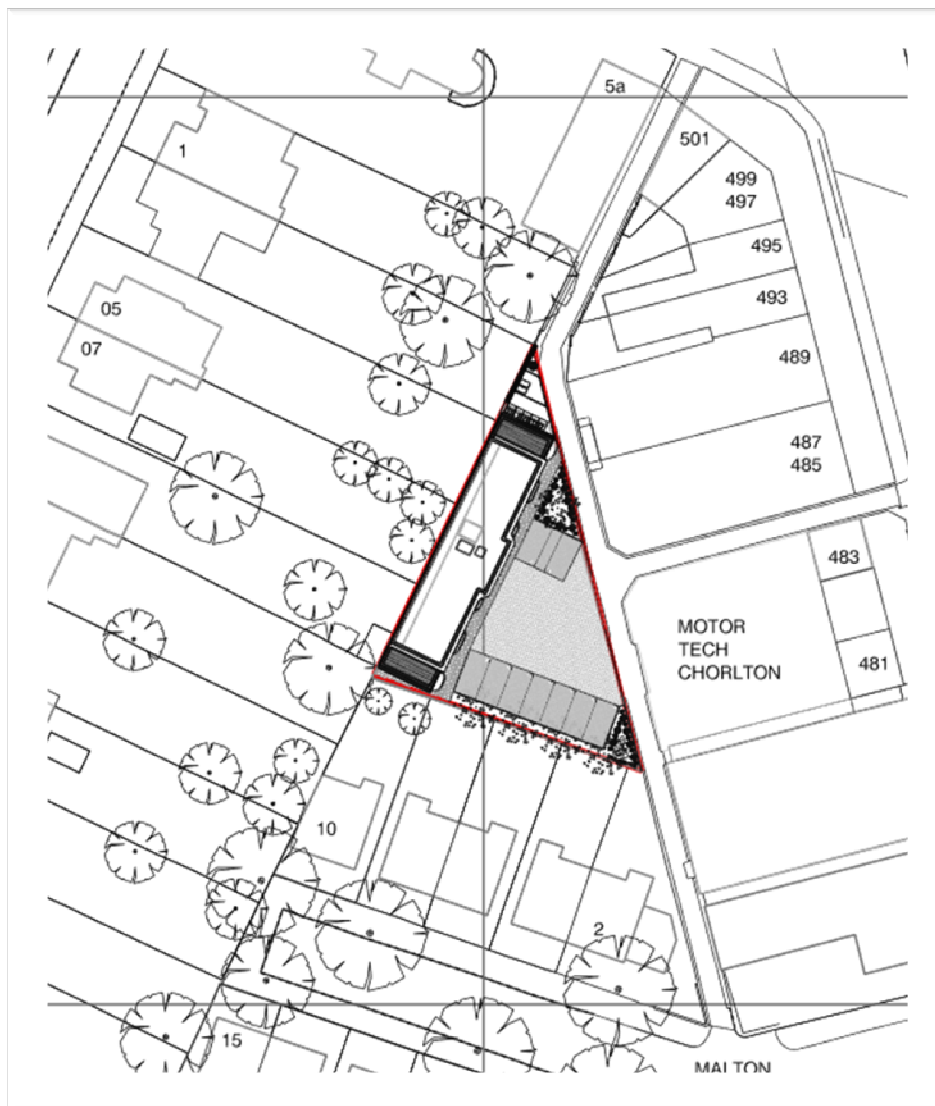
This application relates to a triangular shaped site which is located at the rear of 481 to 501 Barlow Moor Road. To the east of the site there is an alleyway and beyond that the aforementioned commercial properties on Barlow Moor Road. To the west lies the residential properties on Cross Road, namely nos. 3 to 9. To the south, lies further residential properties on Malton Avenue. The site is home to a number of MOT and vehicle repair workshops, which have an L shaped footprint. One wing has a mono-pitched roof, while the other has a dual pitch roof. The site is accessed off an alleyway that runs between High Lane and Malton Avenue and which also links through to Barlow Moor Road. Apart from the commercial properties that front Barlow Moor Road the immediate neighbourhood is residential in nature.

The site is shown below:



The applicant is proposing to demolish the workshops and replace them with a linear 2 storey building to create 260m<sup>2</sup> of Class A2 or Class B1 office space. The office space would be split into four units, two per floor, which are accessed via a central core. Originally the proposed building was three storeys in height and offered 390m<sup>2</sup> of office accommodation. However, in responding to the concerns of local residents the applicant reduced it in height to that now proposed.

The proposed building would run parallel with the rear boundaries of the dwellings on Cross Road. To the front of the building nine parking spaces would be provided, two of which would be demarcated for use by disabled people. Seven of these spaces would be sited to run parallel with the dwellings on Malton Avenue. To the north of the building the applicant is proposing a cycle store and refuse store.



## **Consultations & Notification Responses**

**Local Residents/Businesses** – Thirty-nine letters of objection have been received, the points raised can be summarised as follows:

- The current proposal is less intrusive than the previous one but we feel that in order to protect the surrounding area from what is still excessive intrusion any structure at the rear boundary should be restricted to the height of the existing boundary wall. Any first floor or mezzanine should be restricted to the centre of the site away from the rear and east boundaries. The bulk, area and proposed use of this building all represent an over intensive development of a small backland site.
- The use of Malton Avenue for the collection of refuse would be unacceptable. The action of emptying the bins would reduce the amenities of residents due to the noise associated with it and the comings and goings of the service vehicles would impact on highway safety, especially as children have been known to play in the street.
- Whilst the revised proposals have been lowered slightly by one storey this does not address the vehicular access issues. The small triangular site has narrow access and egress points onto a busy Road, the narrow alley to the rear of the CO-OP is unsustainable for car access and is used to store their bins. The access onto Barlow Moor Road is also extremely narrow with shallow visibility splays, which may cause severe traffic management issues. The health and safety concerns for pedestrians and cycles using Barlow Moor Road are of great concern.
- The new plan proposes a one-way system with traffic entering via the Barlow Moor alleyway and leaving via Malton Avenue. This seems unworkable, as the developer has no power to create a one-way system on a public highway, and residents in Malton Avenue will need a two-way highway for access to their homes.
- The alleyway to the rear of the shops on Barlow Moor Road does not presently provide vehicular access to the site from either Malton Avenue or High Lane and operates as a pedestrian alleyway. This alleyway is barely wide enough to provide access for a small car and is not a fit and proper vehicular access. There are doubts that, even if it was confirmed, the TRO would be properly observed and this would further exacerbate concerns over highways safety.
- Employment numbers proposed appear to be wildly underestimated, the actual employees numbers could be significantly higher thus further increasing car parking and traffic issues especially on the already congested Malton Ave.
- There is insufficient car parking provision. There is no doubt that the overspill car parking from the development would be on Malton Avenue and Cross Road. Car parking here is difficult at the best of times: the avenue is already used by customers at the shops and restaurants in the area. It is a cul-de-sac so all those who do not find a space then have to do three point turns to get out again.
- The proposals should contain a condition to prevent the building being converted into apartments in the future, especially as the site is backland development.
- The proposals are overbearing in height scale and massing, the proposed 6.5 m high wall is only 10m from the Malton Avenue dwellings, thus creating severe overshadowing.

- The design does not relate to any surrounding context and is of a generic design. The massing of the building does not relate to anything within the vicinity and clearly aims to maximize floorspace at the expense of being overbearing to the smaller scale domestic properties. The lack of detailed proposals regarding the materials specifications is also of great concern.
- The windows of the proposed building look directly into the upper floor residential properties from 481 to 501 Barlow Moor Road which are the flats above the commercial properties. This will be intrusive and disconcerting to residents given the offices will be occupied all day and lead directly to a loss of privacy.
- There are only 9 parking spaces for the proposed development of 4 offices, 2 per office. Each office is large and will obviously accommodate more than this, it would appear the assumption in the plans that there will only be 2 people per office is groundless and there to make the lack of parking seem less acute. This lack of parking space will impact congestion in the surrounding residential streets, including Cross Road and Malton Road. Both roads are already congested and used for parking to visit the businesses on Barlow Moor Road making it difficult for residential parking and increasing pedestrian risk.
- The proposed building is 2 storeys high, the existing building is ground storey only. This increase in height would lead to overshadowing of the gardens on Cross Road, thereby reducing amenity. This increase in height would also impact upon the open aspect enjoyed at the rear of Cross Road.
- The comings and goings of pedestrians and vehicles to the site would have a detrimental impact on the residential amenity enjoyed by people who live nearby.
- The proposed materials do not match those of the adjoining Victorian houses.

**Chorlton Voice** – Object to the proposal for the following reasons:

- The erection of 2 storey building on this site would detract from the amenity of neighbouring dwellings. The blank rear facade would have an overbearing affect on the rear aspects and gardens of properties on Cross Road. There would be overlooking and loss of privacy to the gardens and rear elevations of properties on Malton Avenue and to the upper floor accommodation of properties on Barlow Moor Road.
- Although the submitted traffic report concludes that there will not be any net change in the number of traffic movements, there is still concerns that this under-estimates the increase in traffic likely to be generated. Any increase in traffic using such narrow access routes will be detrimental to the area, and particularly to the planned segregated cycle route.
- The submitted construction management report is woefully inadequate. There appears to be no satisfactory method of carrying out the construction without significant adverse impact on neighbouring properties and traffic routes. Deliveries of materials will inevitably arrive on large vehicles that cannot enter the site, so that all materials will have to be transferred to smaller vehicles. The number of such required operations will have a significant impact on the free flow of traffic and operation of the planned segregated cycle route.

**Ward Councillors** – Joint correspondence has been received from the three Chorlton Park councillors, the points raised can be summarised as follows:

- Do not object to the development of the site in principle but feel that this proposal would be overbearing and unsympathetic to the surrounding area, as it has only reduced in height by two metres. There is also access and waste management concerns and detailed on-the-ground attention has not been paid to the real likely impact on traffic in this already congested space.
- The new proposal simply reduces the height by two metres which remains overbearing from the adjoining gardens.
- On Malton Avenue the gardens are not long and the impact would be totally overbearing. The plans still show trees which do not exist in gardens on Cross Road, which therefore wrongly conveys that the impact of the building would be mitigated by tree screening when it will not.
- It would be far more reasonable to construct a smaller building, the current height should be the ceiling for any new building on the site.
- Chorlton cycleway is planned to pass immediately in front of the access on Barlow Moor Road and across the front of Malton Avenue - two of the access points. More vehicles may be crossing the cycle lane, this will have potential impacts on the safety of cyclists. The traffic report still fails to mention of this important future development.
- Access to this site is, along any of the three routes, in effect via narrow alleyways. The alleyway which leads to Malton Avenue in particular has not been used for many years. The new access proposals, a one way system, are unworkable and that any vehicular access will need to be via the widest of the alleyways which is the one which leads from Barlow Moor Road itself.
- The waste arrangements proposed are unworkable in practice and simply unlikely to be reliably adhered to over the long term with deleterious consequence for local residents.
- Residents' concern about how the building will be constructed are shared.
- Should this application proceed to committee it is requested that a site visit be undertaken so that committee members can see these issues for themselves.

**Environmental Health** – Suggests the imposition of conditions concerning refuse storage, deliveries and contaminated land.

**Highway Services** – Highway Services have made the following comments:

- Given its district centre location the site is considered to be suitably accessible by sustainable modes and is in close proximity to a range of public transport facilities including bus and tram.
- It is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns. The transport statement covers the comings and goings for the previous use and for the proposed use. Effectively there were estimated to be 7 two way movements per day when it was a garage whilst it's estimated that there will be 13 two way movements per day when it's an office. Given the small numbers involved it should be manageable.
- The revised floor area is 260m<sup>2</sup> equating to a reduction of 130m<sup>2</sup> from the previous submission. In terms of on-site parking the 9 parking spaces being provided is now acceptable. The proposed accessible parking bay and secure cycle parking provision aligns with MCC Core Strategy standards.

- The access provisions have been reviewed. Having taken into account the revised arrival and departure assessments, it is now considered that a two-way arrangement from the alleyway off Barlow Moor Road is required to minimise disruption to other properties serviced or accessed by the other two alleyways. Rather than the proposed one-way system, double yellow line parking restrictions will need to be provided along the entire length of the alleyway off Barlow Moor Road.
- A Construction Management Plan is required which should take full account of the constrained nature of the site to ensure that local disruption is minimised.
- It is recommended that a travel plan is conditioned as part of any approval to support future transition to the use of sustainable modes of transport.
- Whilst the waste storage and collection proposals are acceptable to Highways in principle, we would recommend that a waste management strategy condition is applied should planning permission be granted.

**Greater Manchester Police (GMP)** – GMP has provided a list of suggested security requirements and recommend that their provision be conditioned.

**Greater Manchester Ecology Unit (GMEU)** – GMEU have no objections to the proposal on ecology grounds.

**United Utilities Water PLC** – Suggests the imposition of two conditions designed to prevent flooding and water contamination.

## **Policies**

**The National Planning Policy Framework (February 2019)** – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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.

Paragraph 102 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 105 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

**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* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

its appearance and retail function. Further small retail units will be appropriate. Development of the evening economy will be carefully managed to ensure that this complements the vitality of the retail and the amenity of nearby residents.

Policy C2 *District Centres* – This policy states that development will support thriving district centres, with distinct local character, providing a good range of accessible key services, including retail, health facilities, public services, leisure activities and financial and legal services.

The policy states further that development in District Centres should prioritise delivery of key 'visitor' services, including retail, public and commercial services and food and drink. The Council will ensure that retail remains the principal use in primary shopping areas, but also ensure that provision is made in District Centres for commercial and service uses, leisure and community facilities and other uses which make a positive contribution to vitality and viability of centres.

Policy C6, *South Manchester District Centres - Chorlton, Didsbury, Fallowfield, Levenshulme and Withington* – This policy states that redevelopment in Chorlton will provide a substantial increase in retail, alongside improvements to other commercial and community services. New development should also make a contribution to the character of the centre, including a range of unit sizes and environmental improvements.

Policy EN1, *Design Principles and Strategic Character Areas* – This policy states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.

Policy EN 4, *Reducing CO2 Emissions by Enabling Low and Zero Carbon Development* – This policy states that all developments must follow the principle of the Energy Hierarchy; to reduce the need for energy through energy efficient design and features; and, meet residual energy requirements through the use of low or zero carbon energy generating technologies.

Policy EN 8, *Adaption to Climate Change* – This policy requires that developments are adaptable to climate change in terms of design, layout, siting and function of buildings and external spaces.

Policy EN 16, *Air Quality* – 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 and at Manchester Airport. 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, including from Combined Heat and Power and biomass plant.

Policy EN 19, *Waste* – States that developers will be required to submit a waste management plan to demonstrate how the waste management needs of the end user will be met.

Policy T2, *Accessible areas of opportunity and need* – Seeks to ensure that new development is easily accessible by walking/cycling/public transport; provided with an appropriate level of car parking; and, should have regard to the need for disabled and cycle parking.

Policy DM1, *Development Management* – This policy states that all development should have regard to the following specific issues 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.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.



- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

**Saved UDP Policies** – Policy DC26, *Development and Noise*, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

**The Manchester Green and Blue Infrastructure Strategy (G&BIS)** – The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is:

By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

### **Guide to Development in Manchester Supplementary Planning Guidance –**

Recognises the importance of an area's character in setting the context for new development; New development should add to and enhance the area's distinct sense of place; Each new development should be designed having full regard to its context and the character of the area; Seeks to ensure high quality development through good and inclusive design; Buildings should front onto streets; Site boundaries and treatment should contribute to the street scene; There should be a clear definition between public and private space; The impact of car parking areas should be minimised; New developments will be expected to meet designing out crime principles; The impact of development on the global environment should be reduced.

The scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings, enhance the street scene and consider their impact on the roof line and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.

### **Issues**

**Principle of the Proposal** – The site has been used for commercial purposes for many decades and pre-dates planning control, as a result the Local Planning Authority has no control on such matters as hours of operation, acoustic insulation and waste management. Given the noise and activity associated with vehicle repair garage the current use would be unlikely to obtain planning permission in this location if submitted now.

This proposal would not only see the removal of a potentially unneighbourly use on the edge of a residential area and the redevelopment of a brownfield site but would also introduce controls designed to protect the levels of residential amenity enjoyed by adjoining residents. The proposed office block would be acoustically insulated to modern standards and would operate within an approved set of opening hours, both that are missing from the current uses.

Notwithstanding this, it is recognised that the proposal has generated significant local objection, specifically in relation to residential amenity and highway safety, and that these issues must be fully assessed to determine the likely impact of the proposal.

**Residential Amenity** – The current workshops can operate without restrictions as they pre-date modern planning controls. The current proposal is a more acceptable use on the edge of a residential area and the imposition of conditions designed to limit the hours of operation and require the implementation of an appropriate insulation scheme would ensure that the development's impact is minimised. The hours of opening would be limited to 8.30am to 6.00pm Mondays to Saturdays only, while deliveries/waste collection would be conditioned to take place between 7.30am to 8.00pm Mondays to Saturdays, while no deliveries/waste collection taking place on Sundays or Bank Holidays. Furthermore, the proposal only has windows in the front façade in order to prevent overlooking of the adjoining residential properties on Cross Road and Malton Avenue. It is also the case that a travel plan condition is recommended in order to reduce the need to travel by car and cycle parking facilities would be provided. These measures would reduce the number of vehicle movements and reduce impacts on neighbouring occupiers.

It is recognised that the rear elevation of the proposed building is taller than the existing workshop, i.e. 5.86 metres as opposed to approximately 3 metres, but as it is located approximately 36 metres away from the rear elevation of the Cross Road dwellings it is considered that any impact would be limited and would not warrant refusal on these grounds. The side elevation facing no. 10 Malton Avenue would be approximately 0.65 metres taller at the eaves than the existing building but as it would be set away from the boundary by a maximum of 1.3 metres it is not considered that its siting in this location would have a detrimental impact upon residential amenity.

In terms of the comings and goings of vehicles and visitors to the site, the reduction in floorspace has in turn reduced the level of future employees and therefore traffic movements would also be smaller. As such it is not considered that the comings and goings associated with the office use would have a detrimental impact on the existing levels of residential amenity.

Objections in respect of overlooking, particularly of the flats on Barlow Moor Road, have been raised. However, as the proposed office block would be located between 21 to 37 metres away from these flats it is not considered that the proposal would have a detrimental impact on the levels of privacy enjoyed by the residents of that accommodation.

**Design** – The building would be constructed from brick and topped with slate cladding, materials that are evident in the surrounding properties. The front façade would be broken up by a series of vertical windows and doors, all framed by wood and helping to lighten this elevation and reduce its massing. The rear and side elevations are without windows in order to protect existing levels of residential amenity. The front elevation is shown below:

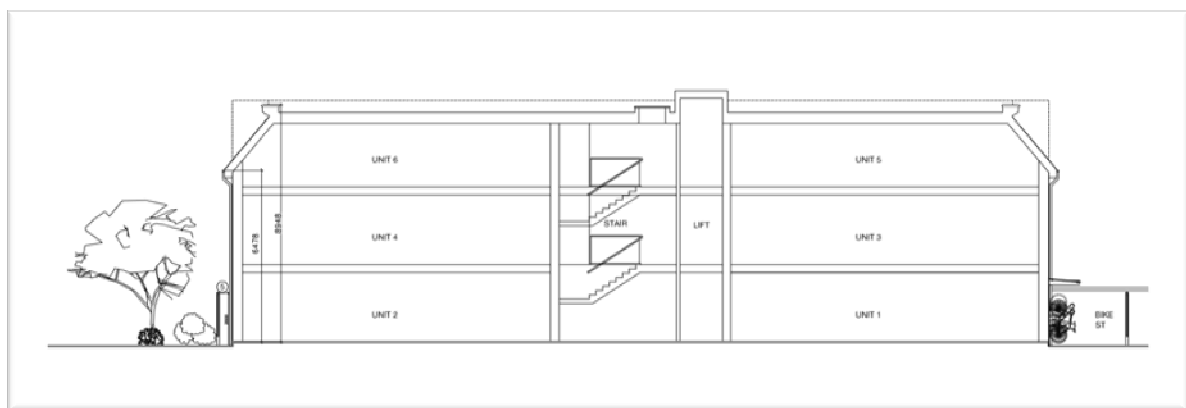
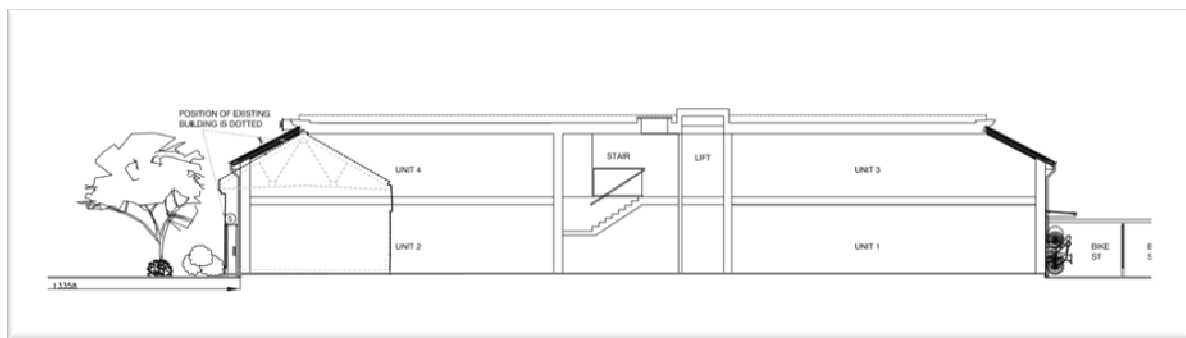


**Visual Amenity** – The existing workshops are of a basic design and construction and so do not lend themselves to conversion. Their replacement with a well-designed modern office block with a much reduced footprint and improved parking and landscaped area to the front would not have a detrimental impact upon the levels of visual amenity enjoyed from the access alleyway.

It is recognised that the rear elevation of the proposed office building is taller than the rear elevation of the existing workshops but as this is approximately 36 metres away from the dwellings on Cross Road it is not considered that the levels of visual amenity enjoyed by the occupants of those dwellings would be unduly impacted upon.

**Scale and Massing** – Originally the proposal stood at 8.9 metres tall at its highest point, with the elevation facing the closest property on Malton Avenue being 6.5 metres in height at the eaves. Given the predominantly two storey nature of the properties in the immediate neighbour and the proximity of no. 10 Malton Avenue, it was considered that this overall height was excessive and would have a detrimental impact on visual and residential amenity. Given these concerns, the applicant removed a floor, reducing the height of the proposed building from 8.9 metres to 5.86 metres. In addition, the elevation facing no. 10 Malton Grove has seen the hipped roofed element enlarged to further reduce the impact, this has resulted in a height to eaves of 4.2 metres, just 0.65 metres taller than the eaves height of the original workshops, which stands at 3.56 metres. This reduction in height is welcomed.

The overall massing of the proposal has also been reduced by the introduction of greater hipped elements at either side, the lowering of the eaves and introduction of a contrasting material for the first floor element. A section of the proposed building is shown below with the originally proposed building below it:



Given the reduction in the height of the building and the fact that properties within the vicinity of the site are between 2 to 3 storeys in height, the scale and massing of the proposed office building is considered acceptable.

**Siting** – The proposed office would be located along the western boundary of the site, occupying a part of the site once home to one of the workshops. The site of the other workshop would be used to house a row of seven car parking spaces, with the two disabled parking spaces being located opposite them. This arrangement allows for vehicles to enter and leave the site in forward gear. Overall, the siting of the office block and car parking spaces is considered acceptable.

**Pedestrian and Highway Safety** – It is acknowledged that the vehicular movements associated with the proposed office accommodation would not be excessive and these journeys would easily be accommodated on the surrounding highway network. However, what is recognised is the concern raised by local residents about the vehicular access to the development via the alleyways referred to in the description above.

Highway Services have confirmed that the alleyways are adopted highways and are technically there for anybody to drive down. At present the MOT and repair garages that operate out of the application site utilise these alleyways on a daily basis. Highway Services have assessed the proposal and consider that the safest solution in accessing the site by car would be the shorter alleyway from Barlow Moor Road, rather than the one-way system proposed by the applicant. The latter is a longer alleyway and would be harder to negotiate/reverse down if two cars met each other coming in opposite directions. Using the shorter alleyway would give motorists better visibility as they would be able to see whether anybody was travelling towards them. To ensure that this alleyway remained unblocked, it is recommended, in line with the advice of Highway Services, that double yellow lines are laid down on either side. This would be the subject of a planning condition.

Given, the anticipated traffic movements associated with the proposal, the proposed access arrangements and the imposition of the condition requiring double yellow lines, it is not considered that the proposal would have an unduly detrimental impact upon the levels of pedestrian and highway safety enjoyed within the vicinity of the site.

**Car Parking** – The Core Strategy suggests for *stand alone offices* one parking space per 35m<sup>2</sup> when the property is located within a District Centre, along with disabled spaces for each disabled employee or 5% of total capacity. Based on the revised floorspace of 260m<sup>2</sup> a maximum of seven spaces should be provided. As the applicant has provided seven spaces plus two disabled spaces the level of provision is considered acceptable for a development of this size.

**Sustainability** – The applicants are aiming to reduce CO<sub>2</sub> emissions by more than the requirements of the current Building Regulations (Building Regulations: Approved Document Part L1A (2010 Edition) Conservation of Fuel and Power) and are incorporating the following design principles in order to improve efficiency levels:

- Minimised reliance on energy produced by gas or electric equipment by maximizing use of energy efficient design for heating, cooling, lighting and natural ventilation.
- The amount of soft landscaping is increased, in and around the development.
- Integration energy efficient lighting in the landscape design through the use of photovoltaic fittings and low energy lights.
- Specifying energy efficient appliances and systems such as low energy bulbs and water efficient boilers and cisterns.
- Providing secure bicycle storage area to assist the occupant fitness and reduce vehicle fuel consumption.
- Providing electric charging point for electric vehicles.

In addition to the above, it is the applicant's intention to utilise on-site renewable energy technologies, in this case photovoltaic cells to utilize solar energy.

Overall, this approach is considered acceptable and would be subject to a planning condition.

**Air Quality** – During the construction phase of the development there is the potential for air quality impacts as a result of dust emissions from the site. Assuming dust control measures are implemented as part of the proposed works, the significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities is predicted to be negligible. It is considered that the imposition of a Construction Management Condition would ensure that appropriate dust management measures are implemented during the construction phase.

It is recognised that during the operational phase of the development there is the potential for air quality impacts as a result of vehicle exhaust emissions associated with traffic generated by the proposal, i.e. the comings and goings of residents and visitors to the commercial elements. However, given the amount of floorspace proposed the overall significance of potential impacts is considered to be low. To further reduce the impact on air quality levels the applicant has introduced an electric charging station for two cars and would provide a cycle store at the side of the building. The applicant has stated that the charging station would be available for use by members of the public outside of normal office opening hours.

Given the above, it is considered that the proposal would not have a detrimental impact upon the air quality levels experienced throughout the site and within the vicinity of it.

**Ecology** – The applicant undertook a bat and bird survey of the site. Based upon the findings of the survey, the existing buildings are absent of bat roost potential and are considered to have ‘negligible’ bat roost suitability. No evidence of bats was observed during the survey, despite the immediate habitat offering reasonable value habitat to Pipistrelle species, in respect of foraging and commuting. There is no historical evidence of birds nesting there and the survey found no evidence of the presence of protected species such as Peregrines or Red Starts. Given the above, it is not considered that the proposal would have a detrimental impact upon any existing ecological features.

Notwithstanding the above, the applicant’s survey does suggest the inclusion of bio-enhancements within the scheme, such as bird and/or bat boxes, and their installation would be the subject of a condition.

**Landscaping** – The applicant has submitted an indicative landscaping scheme which shows planter beds to the front of the building, along with two triangular planter beds at the front of the site. In addition, to improve screening the applicant is proposing to plant four trees along the boundary with Malton Avenue. The applicant has also stated his intention to remove the existing tarmac and replace it with stone setts to improve drainage and to be visually more appealing. The indicative scheme, which can be seen below, is considered acceptable and the submission of more detailed drawings and its implementation would be conditioned.



**Waste Management** – The applicant is proposing to provide three 1,100 litres bins for general waste, pulpable waste and mixed recycling. Whilst this is acceptable it is noted that separate facilities for food waste has not been provided. The applicant has been requested to amend this element of the proposal.

In line with adjoining commercial operations, namely the Co-op supermarket, the applicant is proposing to have the refuse collected from Malton Avenue.

**Crime and Anti-Social Behaviour** – A condition requiring that the proposed physical security measures specified by GMP are incorporated into the development is suggested in this instance.

It is not considered that the proposal would encourage anti-social behaviour on the site.

**Drainage** – As requested by United Utilities, two conditions designed to prevent the increased risk of flooding and to protect against contamination would be attached to any approval granted.

## **Conclusion**

The proposal has been reduced in height by the removal of a floor to reduce its impact on local residents. Notwithstanding this it is recognised that the elevation facing the dwellings on Cross Road is higher than is currently present. However, given the distances between the two properties it is not considered that this increase in height would be unduly detrimental to existing levels residential and visual amenity. The elevation facing the properties on Malton Avenue is less than a metre taller at eaves height than the existing workshops and as such it is not considered that the proposal would have an unduly detrimental impact on people living on that street.

In terms of traffic movements, the reduction in floorspace has reduced future occupancy numbers and as a result traffic to and from the site. It is considered that this, along with the amendments to the alleyway suggested by Highway Services, would ensure that the impact upon pedestrian and highway safety is minimised.

## **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 a right to a fair hearing and to this end the local planning authority 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 Director 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 recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation: APPROVE**

## **Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner to resolve any problems arising in relation to dealing with the planning application.

## **Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse**

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) The development hereby approved shall be carried out in accordance with the following drawings and documents:

- a) Drawing no. 19001 (9-) 01E, stamped as received on 31 March 2020
- b) Drawing no. 19001 (0-) 06E, stamped as received on 31 March 2020
- c) Drawing no. 19001 (0-) 09B, stamped as received on 16 July 2019
- d) Drawing no. 19001 (0-) 15D, stamped as received on 26 September 2019
- e) Drawing no. 19001 (0-) 16D, stamped as received on 26 September 2019
- f) Drawing no. 19001 (0-) 20D, stamped as received on 26 September 2019
- g) Drawing no. 19001 (0-) 21D, stamped as received on 26 September 2019
- h) Drawing no. 19001 (0-) 22F, stamped as received on 26 September 2019

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) No above ground works shall **NOT** commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved 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 policies SP1 and DM1 of the Manchester Core Strategy.

4) No above ground works shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how Secured by Design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a Secured by Design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

5) 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).

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.

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 policies DM1 and EN18 of the Manchester Core Strategy.

6) Prior to the occupation of the development hereby approved, a Contaminated Land Verification Report shall be submitted to the City Council as local planning authority.

Reason - To confirm that appropriate remedial action has been taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Manchester Core Strategy.

7) Above-ground construction works shall not commence until a detailed hard and soft landscaping treatment scheme has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Manchester Core Strategy

8) Above-ground construction works shall not commence until a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

9) The premises shall not be open outside the following hours:-

- a) 8.30am to 6.00pm Mondays to Saturdays,
- b) No work or activity on Sundays and Bank Holidays,

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

10) No deliveries or waste collection in connection with the development hereby approved shall be carried outside of the following hours:

- a) 7.30am to 8.00pm Mondays to Saturdays,
- b) no deliveries/waste collections taking place on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Manchester Core Strategy.

11) The car parking areas shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies SP1 and DM1 in the Manchester Core Strategy.

12) Above-ground construction works shall not commence until the specification of the electric vehicle charging points have been submitted to and been approved by the City Council as local planning authority. The approved electric vehicle charging points shall then be installed prior to the occupation of the office accommodation and remain in-situ in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy

13) Above-ground construction works shall not commence until the specification of the cycle storage facilities have been submitted to and been approved by the City Council as local planning authority. The approved cycle storage facilities shall then be installed prior to the occupation of the office accommodation and remain in-situ in perpetuity.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy

14) The development hereby approved shall not be occupied until a detailed Travel Plan has been submitted to and approved by the City Council as local planning authority. The detailed Travel Plan shall be implemented in accordance with an agreed timeframe.

Reason - To encourage the use of transport other than single occupancy of a car in accordance with the principles of sustainable transport, pursuant to the provisions contained policy SP1 in the Manchester Core Strategy.

15) Above-ground construction works shall not commence until a scheme of amendments to the Traffic Regulation Order to limit and/or restrict on-street parking along the access road shall be submitted to and be approved in writing by the City Council, as Local Planning Authority. The approved scheme shall be implemented and be in place prior to first use of the development hereby approved and thereafter retained and maintained in situ.

Reason - In the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy

16) Vehicular access to and from the site shall only take place from Barlow Moor Road.

Reason – In the interests of residential amenity and pedestrian and highway safety, pursuant to Policy DM1 in the Manchester Core Strategy

17) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN08 and EN14 in the Manchester Core Strategy and national policies within the NPPF and NPPG.

18) Foul and surface water shall be drained on separate systems.

Reason - To secure proper drainage and to manage the risk of flooding and pollution, pursuant to policies EN08 and EN14 in the Manchester Core Strategy and national policies within the NPPF and NPPG.

19) The development hereby approved shall be implemented in full accordance with the measures as set out within the Environmental Strategy, stamped as received by the City Council as local planning authority on 31 March 2020, including: measures to secure predicted carbon emissions and the attainment of specified environmental efficiency and performance. Within 3 months of the completion of the construction of the authorised development a verification statement shall be submitted to and approved in writing, by the City Council as local planning authority, confirming the incorporation of the specified measures at each phase of the construction of the development, including dated photographic documentary evidence of the implementation and completion of required works.

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Manchester Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

20) The premises shall 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. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Upon completion of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to Policy DM1 in the Manchester Core Strategy.

21) Above grounds works shall not commence until details of biodiversity enhancements (bird boxes and/or bat bricks), including a timetable for their installation and maintenance regime, have been submitted to and been approved by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with policy EN15 of the Manchester Core Strategy

22) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

1. the designated route for construction and delivery vehicles
2. the parking of vehicles of site operatives and visitors
3. loading and unloading of plant and materials
4. storage of plant and materials used in constructing the development
5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
6. wheel washing facilities
7. measures to control the emission of dust and dirt during construction
8. a scheme for recycling/disposing of waste resulting from demolition and construction works
9. hours of working

Reason - In the interest of pedestrian and highway safety and residential amenity, as specified in policies SP1 and DM1 of Manchester Core Strategy.

### **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: 124236/FO/2019 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:**

**United Utilities Water PLC  
Environmental Health  
Greater Manchester Police  
Highway Services  
Greater Manchester Ecology Unit  
Chorlton Voice**

**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:**

United Utilities Water PLC  
Ward Councillors  
Ward Councillors  
Environmental Health  
Greater Manchester Police  
Highway Services  
Environmental Health  
Highway Services  
Greater Manchester Police  
Greater Manchester Ecology Unit

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

