

Application Number	Date of Appln	Committee Date	Ward
132069/FO/2021	29 Oct 2021	20 Jan 2022	Didsbury West Ward

Proposal Temporary change of use of car parking area to form builders compound (installation of welfare unit, WCs, car parking spaces and storage area) for a period of 12 months to be used in connection with the redevelopment of the former Didsbury Police Station

Location Former Police Station Car Parking Area, Davenfield Grove, Manchester, M20 6UA

Applicant Mr Wasil Hussain , HUS Property Developments Limited, 11 Warwick Road, Manchester, M16 0QQ,

Agent Mr Derek Watmough, 4mation architecture ltd, 27 Blythe Avenue, Stockport, SK7 1EU

Executive Summary

The applicant is proposing to use the former police station car park as a temporary site compound for 12 months in connection with the redevelopment of the former Didsbury police station on Wilmslow Road.

Objections have been received from six local residents and Councillor Hilal. Objections have been raised in respect of the impact on residential amenity, resulting from noise and general disturbance; the impact in visual amenity; insufficient parking; and the impact on pedestrian and highway safety due to the comings and goings of contractors' vehicles and delivery wagons.

Description

This application relates to a rectangular plot of land located at the southern end of Davenfield Grove. To the south of the site lies a terrace of dwellings, namely nos. 12 to 26 Whitechapel Street, while to the north there are further residential properties, namely no. 2 Davenfield Grove and nos. 10 to 16 Davenfield Road. To the east there is a car park and servicing area associated with several commercial properties on Wilmslow Road. To the west there are a number of terraced dwellings on Crossway.

The site was formerly used as car park associated with the police station on Wilmslow Road but is it currently being used as a temporary site compound in connection with the conversion of the former police station into six apartments (approved under ref: 128136/FO/2020). The location of the application site is shown edged in red below with the former police station annotated with a star.

The applicant is applying retrospectively to use the site as a temporary compound for a period of 12 months. The compound would consist of two steel containers (a welfare unit and storage container), two portable WCs and a site generator. In addition, the applicant has indicated that it would provide parking for at least four vehicles and an area designated for the storage of materials. It is believed that the use of the site as a temporary site compound commenced mid-November 2021.

The layout of the compound, in relation to the neighbouring properties, is shown below:



- Site storage area
- Car Parking
- Steel Container
- Welfare Unit
- WCs and Generator



Consultations

Local Residents – Six letters of objection have been received from local residents, the comments are summarised below:

- Davenfield Grove is a cul-de-sac that already suffers significantly from parking issues due to its proximity to Didsbury Village high street and lack of resident parking permits. Demolition works have already commenced within the Old Didsbury Police Station for which this planning application is linked and that work has resulted in significant blockages of the cul-de-sac by works vehicles for the loading of waste.
- The pandemic has changed working habits for many, with 'working from home' now much more common. The cul-de-sac is usually a quiet area, however, since the demolition works have started on the old police station, the workmen have caused significant noise disruption. This includes leaving their generator on all night to the detriment of residents' sleep. In addition, the use of plant equipment in the middle of the street to break up materials for waste transfer has caused significant noise disruption. The loading of waste in the middle of the street on to lorries has also caused significant noise disruption.

- The contractors have already moved on to the site that this planning application refers to; however, they have shown great disregard to the neighbours whom they are disrupting almost daily. Despite having access to the car park, they are blocking the cul-de-sac to commence loading/unloading, completing what is considered to be unsafe working practices regarding the cutting up of materials within the street in an area not protected from the public. They have refused on several occasions to use/load/work from the car-park for reason of laziness and it is not considered that granting this application will result in any meaningful reduction in the disruption.
- The entrance to the compound itself is at the end of a sharp, single lane, T junction and is incredibly narrow and due to the number of parked cars has limited visibility splays. This has already created access issues for the compound's vehicles on more than one occasion, creating disruption for residents who cannot access Davenfield Grove whilst the vehicles navigate the narrow entrance, or who have been asked to move their vehicles to ease access for the compound's vehicles. Access for emergency vehicles is also severely impacted by this.
- It is an inappropriate use for a residential area and the activities are detrimental to residential amenity. It is having an impact on the residents' health and wellbeing.
- The nature of the proposed development is not in keeping with the character or appearance of the area, and there are no details within the application to reduce the visual impact the compound will have on the area.
- The height of the proposed steel container will cause an unacceptable loss of light for houses on both Davenfield Road, Davenfield Grove and Whitechapel Road. There is also not sufficient space between the proposed compound structures and existing dwellings to avoid problems of overshadowing or the over-dominant appearance affecting existing dwellings.
- Residents have already been disturbed by the additional activity generated by the land being used as a builder's compound. This includes but is not limited to: noise from a generator being left on overnight (the one in the proposed plans), loading and unloading of building materials, use of power tools and excessive noise from builders early in the morning (before 7.30am).
- The roads that will be used as access to the compound are already incredibly congested with parking and traffic. Crossway has been identified within Manchester City Council's Extant Unitary Development Policies (Area 15 - Didsbury, DB7) as a road that is 'currently suffering with severe parking congestion'. And as such the Council will be implementing traffic management measures. Parking on adjacent roads including Davenfield Road and Davenfield Grove is just as bad. These are the main roads the compound will rely on for access, both for contractors and construction deliveries. Due to parking congestion Davenfield Road and Grove are both single track roads, and at the best of times deliveries, bin collections and traffic can cause congestion and delays for residents trying to access their streets. The parking/congestion can also cause bin collections to be missed for residents due to access issues caused by awkwardly parked cars. Additional traffic caused by the compound will magnify these issues further.
- The additional heavy goods vehicles and construction vehicles will also contribute to an unnecessary increase in vehicle emissions that could lead to adverse health effects for residents.

- Due to the nature of the roads the majority of cars park on the pavements on Davenfield Road and Crossway. This makes the pavements around Davenfield Road and Crossway inaccessible, most of the time, to pedestrians. An increase in construction traffic would cause safety concerns for pedestrians who, the majority of the time, must use the road, as well as cyclists who have little room to manoeuvre on the narrow roads.
- The owner of the land to be used in the proposed conversion had a fence erected around the property in August and had workmen dig up tree stumps and other debris on the site. The work was disturbing for residents both in terms of noise and traffic/parking. In addition, the owner of the land has moved the boundaries of the car park land to incorporate the communal alleyway between this land and a number of the dwellings on Whitechapel Street, Crossway and Davenfield Road. This has sealed off a number of gateways and prevents access to and from the rear gardens.

Ward Councillors – A letter of objection has been received from Councillor Hilal, the comments are summarised below:

- The current work has been taking place for over 6 months after 6 pm causing a considerable amount of noise including traffic/parking issues. The site has not been cleared of rubbish which is unsightly and may lead to problems with vermin.
- There are already considerable parking issues on Davenfield Road and surrounding streets as they are so close to Didsbury Village. Taking into consideration the size of the vehicles, and the narrow turning of the road residents feel (despite parking provision being provided) drivers will still feel tempted to use the road for parking therefore, blocking residents' access and parking. The amount of contractors visiting the site who will be wanting to park their cars will further exacerbate the parking issue.
- The end of Davenfield Road adjoining Davenfield Grove is a narrow road with no off-street parking for residents and frequently used by visitors to Didsbury Village high street as free parking. The parking situation makes it a difficult road to drive on or park on owing to the narrowing of the lane caused by parked vehicles. Large commercial vehicles will add to this problem and are at risk of causing damage to residents' vehicles. There have been instances of workman asking residents to move their cars so the large vehicles can gain access to the site. Biffa also have experienced problems collecting the bins.
- Many residents are still working from home and appreciate how quiet their surroundings are. However, previous work has caused major disruption and residents are concerned that although the proposed site is to be used for storage and parking, activity will take place involving preparing materials for the main construction site and the noise from machinery for up to 12 months.

Didsbury Civic Society – No comments received.

Greater Manchester Police – No comments received.

Highway Services – The development (former police station site) is located within a district centre for which there are significant challenges in terms of access, storage and parking. On balance, it is considered that the temporary provision of a compound in this location would minimise the impact on the district centre during construction. Accordingly, the proposal is supported.

Environmental Health – Suggests the imposition of conditions designed to protect residential amenity, acoustic insulation of external plant and hours of operation to match the construction management plan approved in connection with application 128136/FO/2020.

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework 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 National Planning Policy Framework 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 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.

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.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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.
- Flood risk and drainage.

Saved UDP Policy DC26, “Development and Noise” – Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

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

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

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.

Issues

Principle of the Proposal – Given the former use of the site as a car park, planning permission would not be required to use it solely for contractor parking. However, given the requirement to store equipment, materials and vehicles on the site it would clearly constitute a site compound. Planning permission is not usually required for a temporary site compound if it is located next to or within a development site, i.e. it constitutes permitted development. In this case, as this application site is located approximately 40 metres to the south of the former police station, planning permission is required to use it as a temporary site compound and this, if approved, would allow the Council to control its use and subsequent impact via the imposition of planning conditions.

Given the difficulties of undertaking development within the Didsbury District Centre, due to restricted parking and loading facilities on Wilmslow Road, the principle of using this former car park as a temporary site compound is considered acceptable. Notwithstanding this, the impact of the temporary use on the existing levels of visual and residential amenity enjoyed within the vicinity of the site, as well as upon existing levels of pedestrian and highway safety on Davenfield Grove, must be assessed.

Previous Activity on the Site – A number of the objections received from members of the public and the Ward Member make reference to previous work undertaken on the site, particularly site clearance and the blocking up of alleyways. It should be noted that this work has been undertaken by the owner of the site prior to it being leased to the developer of the former police station. The applicant is not using the disputed area as part of the compound.

The image below shows where the fence has been erected and it clearly shows that those properties which had access to the alleyway no longer do so. Unfortunately, as the alleyway is not an adopted highway or in Council ownership, the Council is unable to intervene. As a result, the local residents who raised this matter have been informed that they would potentially need to initiate private legal proceedings to rectify the matter.



Residential Amenity – It is recognised that compounds such as that proposed have the potential to cause disamenity if not properly controlled. This compound would be used primarily as a place to store materials, contractors’ vehicles and equipment, as well as a base for welfare facilities such as the WCs and the mess unit. While small scale construction work might take place within the compound, such as the cutting up of materials, it is more than likely that such work would take place within the former police station site given the distance between the two.

While it is considered that the majority of the activities within the compound would not produce excessive noise, it is considered prudent to attach a condition limiting when the compound could be used to limit any potential disamenity. The proposed hours of use are the same as those stated in the Construction Method Statement that was approved under application CDN/21/0601, namely:

- Monday to Friday - 0730hrs to 1800hrs,

- Saturday - 0830hrs to 1400hrs

A number of residents have raised concerns about the use of the generator, particularly that it has been run throughout the night on a number of occasions. In order to prevent this happening in the future a condition is suggested (condition no. 5) which would limit its use to the hours referred to above. In addition, condition no. 4 would require any such plant or machinery to be selected and/or acoustically insulated to ensure that it operates 5dB below the typical background noise levels measured at the nearest noise sensitive location.

It is understood that there have been instances where contractors have undertaken work on Davenfield Grove. While the powers available to the Planning Service to prevent this from happening are limited Neighbourhoods have been contacted to see if they could intervene. Any response will be reported to the Committee.

Finally, concerns have been raised about the noise and disturbance associated with comings and goings of contractors to the site. However, given the relatively small scale of the development and the number of contractors that would be employed on site, it is not considered that the traffic movements to and from the site compound would be of such a level so as to prove detrimental to existing levels of residential amenity. The lawful use of the application site is for a car park which was used in connection with the former police station and there were no controls over comings and goings associated with that car park.

It is also the case that the compound would only be in place for a temporary period so any impacts would be short term. The proposed compound allows a secure area to be used during the construction period which can be controlled through the suggested conditions. If the former car park was not used for this purpose then activity associated with the conversion of the former police station would be likely to cause greater disruption as it could not be contained within the application site.

Visual Amenity – This site is not highly visible from the public highway and the steel containers (storage and welfare units) themselves cannot be seen from Davenfield Grove, as demonstrated by the photograph below.



The steel containers have been sited in the south-eastern corner of the site (as can be seen below), in a part of the site that is directly overlooked by only a small number of dwellings.



It is recognised that the steel containers and to some degree the portable WCs, can be seen from the upper floor windows of these dwellings and that this would have some impact upon outlook and existing levels of visual amenity. However, given the temporary nature of the proposal, the limited number of dwellings that directly face the containers and the fact the individual units are only single storey in height, it is not considered that this impact is so severe as to warrant refusal on the grounds loss of visual amenity.

Pedestrian and Highway Safety – As can be seen below, Davenfield Grove is a relatively narrow street and could not accommodate parked cars on both sides of it. For this reason, the use of part of the compound for contractor car parking is welcomed. There would be nothing to prevent contractors' vehicles from parking on street if the compound was not available for use.



While it is acknowledged that deliveries to the compound would occur and that this might necessitate some local residents having to temporarily relocate their cars when larger delivery vehicles are used, the applicant has confirmed that large scale deliveries of building products would likely take place via Wilmslow Road, using the loading bay to the front of the former police station site.

Furthermore, as the redevelopment of the former police station site is of a relatively small scale, it is considered that the number of contractors coming to and from the site would be small and unlikely to add to the congestion levels already experienced in the neighbourhood.

Given the above and the comments of Highway Services, it is not considered that the proposal would have an unduly detrimental impact upon the levels of pedestrian and highway safety enjoyed on Davenfield Grove or the adjoining highway network.

Waste Management – The storage and recycling of waste material within the compound was approved as part of the discharge of the *Construction Method Statement* condition (ref. CDN/21/0601) attached to the planning permission for the redevelopment of the former police station.

Conclusion

Given the size of the compound and the limited time it would be in place, it is not considered that the proposal would have an undue impact upon existing levels of residential and visual amenity, or upon existing levels of pedestrian and highway safety. Notwithstanding this, the concerns of local residents are recognised and it is considered prudent to attach a number of conditions designed to limit when the compound could be used and the noise levels generated by any on-site plant or machinery.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the 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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation TEMPORARY APPROVAL

Article 35 Declaration

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

Conditions to be attached to the decision

1) This planning permission is granted for a limited period expiring on 31 January 2023 and all buildings, works, uses of land or other development hereby permitted shall be removed or discontinued and the land reinstated in accordance with a scheme previously approved within one month of the compound being vacated or before the expiration of the period specified in this condition, whichever is sooner.

Reason - In the interests of residential and visual amenity, pursuant to Policy DM1 of the Manchester Core Strategy.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received on 29 October 2021 and 11 November 2021:

- a) Location Plan
- b) Drawing no. 1000c
- c) Supporting information on shipping container, welfare unit and w.c.

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 work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours:-

Monday to Friday - 0730hrs to 1800hrs,
Saturday - 0830hrs to 1400hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

4) a) 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 (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. 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.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

5) No generator, plant or similar machinery shall operate on Sundays or Bank Holidays and on all other days its use shall be confined to the following hours:-

Monday to Friday - 0730hrs to 1800hrs,
Saturday - 0830hrs to 1400hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

6) a) Before the use hereby approved commences any external lighting to be used within the compound shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation 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 light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have 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 criteria.

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

7) The details of an emergency telephone contact number for the developer and their agents shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete unless otherwise agreed in writing by the City Council as local planning authority.

Reason - To prevent detrimental impact on the amenity of nearby residents and in the interests of local amenity, pursuant to Policy DM1 in the Core Strategy Development Plan Document for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 132069/FO/2021 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
Greater Manchester Police
Didsbury Civic Society

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:

Highway Services
Environmental Health

Relevant Contact Officer : David Lawless
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