

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130975/FO/2021

Date registered valid: 16 August 2021

Proposal: Change of use from a warehouse to a motor bike showroom and workshop facility (Sui Generis) and associated elevational alterations.

Address: Princess Pottery Ltd, Fairy Lane, Manchester, M8 8DD

Ward(s): Cheetham Ward

Applicant: Mr Philip Youles, Youles Motorcycles, Pendle Street, Blackburn, BB1 1NG

Agent (if any):

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23 September 2021

Standard consultations:

Printed: 2 September 2021

Expired: 23 September 2021

Neighbour notifications

Printed: 2 September 2021

Expired: 23 September 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site comprises a single storey, double height warehouse building previously used as a cash and carry furniture warehouse and latterly understood to have been used for the hire of vehicles. The building incorporates a dual pitched roof and is of predominantly masonry construction with a steel framed roof structure with trapezoidal roof cladding.

The site incorporates yard/parking areas to the front and side (west) and is enclosed by 1.8 metre high (approx.) Palisade fencing. Vehicular access is achieved via a crossover off Fairy Lane.

The building is adjoined to the rear of a Halfords autocentre to the west, an existing, two storey 'Triumph' showroom and workshop to the north and a two storey, residential dwellinghouses to the east. Opposite is a vacant area of land.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated within a mixed-use area, just off the main arterial route of Bury New Road (A56) which links north Manchester with the city centre.

The immediate area comprises a number of large, single storey double height warehouses accommodating various businesses, including storage facilities, car showrooms, a gym, autocentres and alike, which are situated along Bury New Road.

Adjoining the site to the east is a residential estate of dwellinghouses, whereas immediately opposite to the other side of Fairy Lane is an overgrown area of land considered to be a development site.

Description of development

Planning permission is sought for a change of use of an existing warehouse to a motor bike showroom and workshop facility (sui generis), together with elevational alterations.

The proposal is to change the use of the existing building into a Honda Motorcycle showroom with ancillary workshop.

Externally, it is proposed to upgrade the appearance of the building to incorporate Honda branding and also involves new signage (subject to separate advertisement consent), new frameless glazing to the front and side (west) elevations, micro rib cladding to replace existing areas of masonry façade and new central roller shutter door to the main frontage.

The principal intention of the businesses is for the display and sale of motorbikes. An ancillary workshop will enable repairs/servicing. No MOTs are proposed.

Consultations & Notification Responses

Local Residents/Occupiers – 1 representation has been received from a neighbouring occupier. In summary, concern is raised in relation to unreasonable levels of noise coming from the premises in the early hours of the morning and late in the evening.

Further concern is raised about the use of the car park for anti-social and criminal activities.

Highway Services – The following comments are made:

Trip Generation

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

A TRICS assessment has been undertaken and shows that a total of 15 two-way trips are proposed in the AM peak and 12 two-way trips are proposed in the PM peak. The proposed trip rates and associated two-way trips are acceptable to Highways.

Parking

There are seven car parking spaces (including one accessible parking space) and four motorcycle spaces located within the site's curtilage.

The existing vehicular and pedestrian access via Fairy Lane will be retained.

Cycle Parking

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. It is recommended that secure and sheltered cycle parking be in place.

Boundary Treatment

It is recommended that all fencing / railings adjacent to the adopted highway are visually

permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Refuse and Servicing

A refuse storage area is noted within the site. Bins will be taken to/from the bin store to the collection point on Fairy Lane. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

A weekly collection for Waste Oil, Batteries and Oil Filters will be in place and kept within the waste collection area. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Waste tyres will be stored internally and collections will occur as and when required, but it is anticipated that this will not occur often. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Deliveries

The applicant has confirmed that the following deliveries/servicing shall be in place:

- Motorcycle delivery by 7.5 ton wagon a maximum of once a week;
- A large panel van; and
- The occasional AA/RAC recovery vehicle.

Swept Path Analysis has been undertaken for a 3.5t Panel Van and 7.5t Box Van. The drawings show that both vehicles can enter and exit the site in forward gear and do not impinge onto the footway. This arrangement is acceptable.

Flood Risk Management - Usually if a site is within a Flood Zone 2 then a FRA is required even for a change of use application. However, having reviewed this application, it is advised that a FRA would not be required, given that the change of use does not change the vulnerability classification of the site from 'less vulnerable' and that only a very small proportion of the site is within the Flood Zone 2. It should be confirmed that existing ground floor levels will not be lowered as part of the proposed change of use, as this would put the site at a greater flood risk.

Greater Manchester Police (Design for Security) – Various security specifications relating to external fittings are recommended.

Environmental Health – Conditions are recommended in relation to hours of use, servicing, adherence to the submitted waste management strategy and external equipment.

Following a review of the submitted Noise Impact Assessment and a subsequent e-mail from the acoustician, it is further recommended a noise management plan be submitted and agreed.

Planning History

131315/AO/2021

Installation of internally illuminated fascia signs and internally illuminated 5.2m high totem. Approved 22 October 2021.

028139

Variation of hours condition on planning permission F27743 to permit the proposed wholesale warehouse to be open between the hours of 18:00 to 19:30 hours on Thursday, and 10:00 to 16:00 hours on Sunday. Approved 19 January 1987.

027743

Erection of a single storey building for use as a wholesale cash and carry furniture warehouse with 12 parking spaces. Approved 12 November 1986.

Policy

The below policy and guidance is considered relevant to the consideration of this application.

- Saved policies DC26 and E3.3 of the Unitary Development Plan for the City of Manchester.
- Policies DM1, SP1, EC1, T2 and EN16-19 of the Manchester Core Strategy;
- National Planning Policy Framework (NPPF).

Issues

Principle

The proposed use would lead to the reuse and refurbishment of a redundant warehouse for a use that closely aligns with neighbouring land uses within a mixed-use area.

Whilst the site also adjoins a residential area, it is considered that the proposed would not create any significant undue impact in terms of levels of activity when compared to the existing authorised use of the premises as furniture cash and carry business. It is believed the level of potential activity is not materially significant and any impact can be effectivity controlled through the use of planning conditions i.e those relating to hours of use, servicing and noise management.

Given the daytime operation of the business and the opportunities that can be realised in terms of environmental improvements, the proposed use is considered acceptable and on balance, compliant with the aforementioned policy and guidance.

Impact upon the Highway

In this case, a total of 7 car parking spaces are proposed within the site, with 1 being an accessible space, located to the front of the building. 2 of the spaces will be allocated for staff parking, with the remainder being available for customers to use.

It is also confirmed that an area for motorcycle parking is to be provided along the eastern boundary of the site.

The application has been accompanied by a Transport Statement and Servicing Management Plan which details the accessibility of the site, parking arrangements, servicing requirements, accident data and trip generation.

The report notes that The traffic likely to be generated by the proposal is not considered not to have a material impact on the operation of the local road network, particularly when taking into account the existing use of the site and the fact that this will be a motorcycle rather than a car dealership.

Highways Service have assessed the submitted statement and consider that in comparison to the former use, the level of trips generated is anticipated to not be dissimilar and as such there are no concerns in terms of trip generation.

A TRICS assessment has been undertaken and shows that a total of 15 two-way trips are proposed in the AM peak and 12 two-way trips are proposed in the PM peak. This range of trips is considered acceptable.

In terms of parking, the proposed provision is anticipated to meet anticipated demand and not give rise to significant on-street problems.

The servicing strategy demonstrates that motorcycle delivery will be undertaken by 7.5 ton wagon a maximum of once a week, with further deliveries involving a large panel van and the occasional recovery vehicle.

Swept Path Analysis has been undertaken for servicing vehicles expected to service the premises and shows that vehicles can enter and exit the site in forward gear and do not impinge onto the footway. On this basis, the impact to the highway is considered satisfactory.

Cycle Storage

To ensure staff and customers have a range of travel options and to promote the Council's objectives of encouraging travel by non-car modes, a condition has been included which requires detail of cycle storage to be agreed.

Visual Amenity

The existing building is presently of a tired appearance. The proposed development will allow the creation of a replacement façade, with a more contemporary appearance. Together with the new branding, new boundary treatment and enlivenment of the building, it is considered that the proposal would uplift the appearance of the building to the benefit of visual amenity and the general appearance of the street-scene.

Boundary Treatment

The existing site incorporates metal Palisade fencing to the site perimeter, including to the main frontage.

It is considered the existing boundary treatment is of a negative and industrial appearance and whilst the applicant has communicated their intention to retain the existing boundary treatment, this is not considered acceptable.

New uses and development should look to improve upon the existing situation and create environmental improvements. On this basis, a condition has been included which requires details of new boundary treatment to be submitted and agreed, prior the proposed use becoming operational.

In all other respects, the position of the boundary treatment and existing access arrangements are considered acceptable.

Residential Amenity

Whilst the re-use of the building will be noticeable, due to the period of non-use, the proposed use is not expected to be too dissimilar to the existing, authorised warehouse use class and will not likely involve a material difference in the level of vehicular trips and activity.

In terms of the physical, external alterations to the building, these are to existing openings to the front and side elevations of the building and will not involve any new windows or opening which could overlook or affect neighbouring residential properties. The existing relationship with neighbouring residential properties would therefore be maintained.

Having regard to the relationship of the existing building with surrounding residential properties, it is necessary to assess the impact of the activities taking place, particularly due to the relationship of the building to neighbouring residential properties.

The proposal involves a vehicle showroom and a related workshop. There is therefore concern that the proposed use could affect levels of amenity in terms of noise generation, particularly given the use involves motorcycles.

In response, the submission includes a noise impact assessment which includes an inspection of the site and surrounding area, measurement of background noise levels, measurement of noise levels associated with the workshop, an assessment of the potential noise impact on the nearest dwellings and recommendation of appropriate mitigation measures.

The assessment of potential noise impact associated with workshop activities includes a Saturday morning period when the background sound levels can be expected to be at their lowest during the proposed hours of business, and therefore potential noise impact would be at its highest.

The results of the survey indicate that the proposed use would result in a 'low impact' and no adverse noise impact in terms of the relevant British Standards.

Environmental Health have considered the results of the Noise Impact Assessment and consider that the proposed use should include a number of mitigation measures within a Noise Management Plan to safeguard nearby residential occupiers from any potential, negative impacts associated with noise-breakout. The Plan should include details of how roller shutter doors will be kept closed at all times during work / maintenance, confirmation that no MOT's are to be undertaken, confirmation that motorbikes will not be kept running / idling when not required and details of the management of revving engines outside or inside the workshop and how this will be managed and enforced. The Plan will need to be agreed prior to the use becoming operational and a condition has been included in this regard.

In general, all repair and maintenance work carried out on motorcycles is stated to be undertaken in the workshop area within the building with the roller door closed. All associated equipment will be located within the building and the fan associated with the exhaust fume extract will be positioned on the western elevation away from neighbouring residential dwellings.

It is considered that given the existing mixed use context of the area, the former use of the building and through the successful implementation of a Noise Management Plan and control over the hours of opening/serving, any potential harmful impact to the living conditions of neighbouring residential occupiers can be sustained. The impact to residential amenity is therefore considered satisfactory.

Waste Management

The submission includes a waste management strategy, including details of the storage and disposal of plastic, consumables, tyres, cardboard, scrap metal. Waste is to be stored either internally or within a secure compound. Environmental Health and Highways have reviewed the proposed arrangements and considered the waste management strategy to be acceptable. A condition has been included to ensure the submitted strategy is adhered to.

Security

GMP advise that all new external fittings be certified to 'Secured by Design' standards and external lights be installed to new entrances. An appropriate Informative has been included.

Climate Change

Given no increase in floorspace proposed, and as the proposed level of vehicular trips is not expected to be significant, it not considered that there would be significant change in air quality or impact to climate change as a consequence of vehicular emissions.

Whilst there will be some negative effects during the fit-out of the premises, these will be limited and temporary in duration.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in 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:

Drawings numbered 01, 02, HO025_1136 6a/A and HO025_1136 6b/A, received by the City Council as Local Planning Authority on 7 July 2021.

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

3) The development hereby approved shall only be implemented in accordance with the external materials detailed on drawing referenced HO025_1136 6a/A received by the City Council as Local Planning Authority on 7 July 2021.

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 Core Strategy.

4) Notwithstanding details submitted, the use hereby approved shall not become operational until there has been submitted to and approved in writing by the City Council as Local Planning authority a plan indicating the position, design, materials and type of replacement boundary treatment. The agreed boundary treatment shall be completed prior to occupancy and shall thereafter be retained.

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, in order to comply with saved policy E3.3 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

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

08:30 to 18.00 hrs Monday to Friday;
08.30 to 17.00 hrs Saturdays;
10.00 to 16.00 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.

6) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

07.30 to 20.00 Monday to Saturday.
No deliveries/waste collections on Sundays and Bank Holidays.

Reason - To safeguard the amenities of nearby occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

7) The development hereby approved shall only be implemented in accordance with the waste management strategy and accompanying site location plan received by the City Council as Local Planning Authority on 27 July 2021.

Reason - In the interests of amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) Notwithstanding the submitted information, 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. 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 approved scheme shall be completed before the equipment becomes operational.

Upon completion of the installation, a verification report will be required to be submitted to and approved 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 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 amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

9) The development hereby approved shall only be implemented in accordance with the submitted Noise Management Plan (NMP) produced by Hepworth Acoustics (Ref: MEMO P21-355-M01v3) received by the City Council as Local Planning Authority on 23 November 2021. The agreed NMP shall remain in place so long as the use hereby approved is operational.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

10) Prior to the installation of any external lighting, full details of the lighting scheme shall be submitted to and agreed in writing by the City Council as Local Planning Authority.

Reason - To safeguard amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

11) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as Local Planning Authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

12) The use hereby approved shall not be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Informative

1) Greater Manchester Police (Design for Security) advise the following:

- All external doors (single and double leaf) must be compliant with and certified to BS PAS 24:2012, STS02, or LPS 1175 SR2

- Any sliding doors should be tested and certified to ENV 1627-30 (WK2+). At the very least, the sliding doors should incorporate laminated glazing, have multi-point locking (preventing sliding and lifting) and be protected by a shutter (certified to LPS 1775 SR2) out-of-hours

- Any shutters / sectional overhead doors must be tested and certified to LPS 1175 SR2.

- All windows, where possible, should be certificated to BS PAS 24:2016 or BS 7950

- It is strongly recommended that a monitored alarm system is provided, with a response facility (be that an alert to the key holder, or to a security patrol team).

External lighting must be provided to pedestrian routes within the site in accordance with BS 5489.

Dusk 'til dawn lights, operated by photoelectric cell/daylight sensor, should be installed to all external doors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
8 Holbeton Close, Manchester, M8 8BA
6 Holbeton Close, Manchester, M8 8BA
2 Holbeton Close, Manchester, M8 8BA
75 Derby Street, Manchester, M8 8HE
94 Derby Street, Manchester, M8 8JW
88 Derby Street, Manchester, M8 8JW
92 Derby Street, Manchester, M8 8JW
90 Derby Street, Manchester, M8 8JW
96 Derby Street, Manchester, M8 8JW
98 Derby Street, Manchester, M8 8JW
100 Derby Street, Manchester, M8 8JW
73 Derby Street, Manchester, M8 8HE
184 Bury New Road, Manchester, M8 8DY
186 Bury New Road, Manchester, M8 8DY
Apartment K, 116 Fairy Lane, Manchester, M8 8YD
Apartment J, 116 Fairy Lane, Manchester, M8 8YD
Apartment H, 116 Fairy Lane, Manchester, M8 8YD
Apartment G, 116 Fairy Lane, Manchester, M8 8YD
Apartment F, 116 Fairy Lane, Manchester, M8 8YD
Apartment E, 116 Fairy Lane, Manchester, M8 8YD
Apartment C, 116 Fairy Lane, Manchester, M8 8YD
Apartment B, 116 Fairy Lane, Manchester, M8 8YD
Apartment A, 116 Fairy Lane, Manchester, M8 8YD
1 Willerby Road, Manchester, M8 9YG
Apartment L, 116 Fairy Lane, Manchester, M8 8YD
Apartment D, 116 Fairy Lane, Manchester, M8 8YD
Apartment I, 116 Fairy Lane, Manchester, M8 8YD
124 Fairy Lane, Manchester, M8 8YD
118 Fairy Lane, Manchester, M8 8YD
110 Fairy Lane, Manchester, M8 8YD
10 Holbeton Close, Manchester, M8 8BA
128 Fairy Lane, Manchester, M8 8YD
126 Fairy Lane, Manchester, M8 8YD
122 Fairy Lane, Manchester, M8 8YD
120 Fairy Lane, Manchester, M8 8YD
114 Fairy Lane, Manchester, M8 8YD
112 Fairy Lane, Manchester, M8 8YD
108 Fairy Lane, Manchester, M8 8YD
12 Holbeton Close, Manchester, M8 8BA
4 Holbeton Close, Manchester, M8 8BA

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1