

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131608/FO/2021

Date registered valid: 29 October 2021

Proposal: Retention of the use of the land for Use Class B8 (Storage and distribution),

Address: Land To Rear Of Garage Colony , Ruddpark Road, Manchester, M22 0FH

Ward(s): Woodhouse Park Ward

Applicant: Mr Chris Page 18 Mosley Close, Altrincham, WA15 6LB

Agent (if any): Mr Nicholas Rigg Mlp Design 2 Mount Street, Manchester, M2 5WQ

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 December 2021

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit: July 2021

Standard consultations:

Printed: 5 November 2021 Expired: 26 November 2021

Neighbour notifications

Printed: 5 November 2021 Expired: 26 November 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 plot of land that is the subject of this planning application is to the rear of a garage block off Ruddpark Road in the Woodhouse Park ward of the City. The land and the three end garages within the garage block are in the ownership of Magestic Memorials who occupy 23 Rudpark Road. The site is accessed down the access road that leads off Ruddpark Road and into the garage block where the plot of land in question sits to the rear. The site has been fenced in by timber panel fencing on the internal boundaries of the site, and synthetic grass has been laid. The site was previously overgrown. Access to the site is achieved through the garage.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The plot of land and the garages sit behind the commercial parade that faces onto both Ruddpark Road and Portway. To the rear of the plot lie the gardens of the residential properties on Wighurst Walk and Knowe Avenue. The remainder of the area comprises of established residential properties and St Anthony's Roman Catholic Primary School and church.

Description of development

The application is a retrospective application and is seeking consent for the continued use of the land to store the products such as the memorial stones produced by the stone masons at Magestic memorials. There would be no production of the memorial pieces on the land. They would be stored and then subsequently distributed to their retail businesses. The application proposes a 1.8m high timber fence, which does not require planning permission as it does not abut a highway. As such the issue being considered is the retention of the B8 (storage) use of the land. There has been a connecting access created from the first of the end three garages on the end of the block, by punching a hole through the rear wall which leads directly out onto the

storage area. The area would have deliveries/ collections approximately once every two weeks, and would be serviced by a van and a wheeled trolley vehicles would not access the garage block, with the servicing taking place from the highway as currently exists.

Consultations & Notification Responses

Local residents were informed- one letter of objection has been received which raised the following concerns:

I messaged the City Council that a wall was being demolished, and machinery was removing trees and shrubbery. A compliance officer visited the site and advised the applicants of which elements required planning permission, and which elements had to be removed.

The applicants have erected barbed wire on top of the fencing.

The removal of the trees and shrubs will disturb the wildlife and disturb the ecology as they also helped to decarbonise the area being close to the airport.

The removal of the wilding will cause flooding due to an underground spring.

The applicant has stated that there is no industrial or commercial process taking place on the land, however there is noise and dust from angle grinders.

I will not be able to prune my hedge as the access is now blocked.

The works will devalue my property.

Highways-The intended use appears to be for headstone storage, and access to this area is provided via one of the existing car garages. This would suggest that the associated comings and goings are likely to be limited, and that the area would not be accessible by large vehicles. On this basis we consider that the effect on the adjacent highway is likely to be minimal, no conditions are required.

Environmental Health- no objections subject to the attachment of conditions relation to the hours of use and servicing.

Electricity North West- no comments received.

Issues

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy Development Plan but certain policies are still considered of relevance:
DC26

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012:

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EN1 - Design Principles and Strategic Character Areas

The National Planning Policy Framework (NPPF, 2018)

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.

Principle - The proposal seeks to increase the storage facilities in association with the existing established memorials business. The proposed use of the vacant plot is considered to be acceptable in principle, however, consideration must be given as to whether the B8 use (storage) is acceptable in terms of its impact upon visual and residential amenity.

Residential Amenity- It is not considered that the use of the plot of land for additional storage will have a detrimental impact upon the residential amenity currently enjoyed by the neighbouring properties. The fencing is a secure attractive replacement for the overgrown boundaries, it is only 1.8m in height, which is still under the 2m that is permissible under permitted development. The applicants have been advised that the barbed wire and the blue sheeting attached to the fence line must be removed and is not approved as part of the application currently under consideration. The area is to be used purely for additional storage, and not for fabrication/ production of the memorials. A condition to that effect would be attached to any consent granted, together with an hours condition of operation and servicing of the area.

Design and visual amenity - The layout of the site together with the boundary treatments are of a domestic scale and are conducive with the residential layout of the area. The site would be visible from the first floors of the residential properties that back onto the site, however the storage of the memorials is not considered to have a detrimental impact upon the visual amenity of the neighbouring properties nor upon the character of the area within which it is located. It is therefore considered acceptable, pursuant to policies DM1, SP1 and EN1.

Clearance of Land- The site was previously unkempt, having growth of shrubbery and self-seeded trees. None of the trees were covered by tree preservation orders, and neither is the site within a conservation area, as such permission was not required to remove the planting and clean up the site. The site was previously rough land, and now it has been given a more formal maintained appearance due to the site clearance and the erection of the boundary treatment.

Drainage- There are no additional buildings being proposed as part of the development, with a layer of artificial turf having been laid over the existing cleared site, this is to assist with the aesthetics and attempts to identify more with the residential garden nature of the surrounding properties. As such the drainage situation remains as pre- development, and it is not considered that the proposal would exacerbate any existing issues.

Waste Management- given that the proposed use is storage, it is unlikely to generate high levels of waste, and any waste would be disposed of as part of the existing waste management arrangements.

Hours- The hours of use are only to be 09:00 to 16:00 Monday to Friday and are considered acceptable, the servicing will also be within this time frame. In any event conditions will be attached to any consent granted relating to hours of use, and servicing.

Parking- Given that the site is for storage only, and not likely to result in an increase in visitors to the site, it will have no impact upon the level of parking and servicing.

Conclusion - It is considered that with the attachment of conditions to protect residential amenity, the proposal is deemed acceptable, pursuant to policies DM1, SP1 and EN1 of the Core Strategy.

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:

01 A Proposed Floor Plan

2267 - FP - 01 Revision D- Proposed site plan

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 premises shall not be open outside the following hours including servicing:-

09:00 to 16:00 Monday to Friday

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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the site shall be used for any other purpose other than B8 (storage).

Reason - In the interest of residential development pursuant to policy SP1 and DM1 of the Core Strategy of the Core Strategy for the City of Manchester.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) Class J of part 7 of Schedule 2, no hard surface shall be laid to be used for the purpose of the undertaking concerned without the express consent of the City Council as local planning authority.

Reason - In the interests of flood risk management and residential amenity pursuant to policy SP1, DM1 and EN14 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Electricity Northwest

31 Prinknash Road, Manchester, M22 0FE
1 Wighurst Walk, Manchester, M22 0FF
10 Knowe Avenue, Manchester, M22 0FG
4 Knowe Avenue, Manchester, M22 0FG
343 Portway, Manchester, M22 0EJ
7 Wighurst Walk, Manchester, M22 0FF
3 Wighurst Walk, Manchester, M22 0FF
337A Portway, Manchester, M22 0EJ
19A Ruddpark Road, Manchester, M22 0FH
341 Portway, Manchester, M22 0EJ
21 Ruddpark Road, Manchester, M22 0FH
5 Wighurst Walk, Manchester, M22 0FF
23 Ruddpark Road, Manchester, M22 0FH
8 Knowe Avenue, Manchester, M22 0FG
6 Knowe Avenue, Manchester, M22 0FG
2 Knowe Avenue, Manchester, M22 0FG
341A Portway, Manchester, M22 0EJ
339A Portway, Manchester, M22 0EJ
335A Portway, Manchester, M22 0EJ
23A Ruddpark Road, Manchester, M22 0FH
21A Ruddpark Road, Manchester, M22 0FH
339 Portway, Manchester, M22 0EJ
337 Portway, Manchester, M22 0EJ
335 Portway, Manchester, M22 0EJ
9 Ruddpark Road, Manchester, M22 0FH
19 Ruddpark Road, Manchester, M22 0FH
17 Ruddpark Road, Manchester, M22 0FH
11 Ruddpark Road, Manchester, M22 0FH
9 Wighurst Walk, Manchester, M22 0FF
11 Wighurst Walk, Manchester, M22 0FF
37 Prinknash Road, Manchester, M22 0FE
35 Prinknash Road, Manchester, M22 0FE
33 Prinknash Road, Manchester, M22 0FE

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 Zone - All Exceeding 15M
Airport Noise Index Zone - Noise and Nuisance Index - 40-49
Area Team Boundary - Name: SOUTH