MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130090/FO/2021
Date registered valid:	21 May 2021
Proposal:	Change of use of former factory to a car show room and associated MOT garage (sui generis) together with associated elevational alterations
Address:	305-311 Oldham Road, Manchester, M40 7PS
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Mr Riaz - Ul - Haq Ghafoor 21 College Drive, Manchester , M40 7PS
Agent (if any):	Mr Talat Zeria HSH Enginering Design Service 428 Cheetham Hill Road, Manchester, M8 9LE
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	16 July 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:
Printed: 2 June 2021 Expired: 23 June 2021

Neighbour notifications
Printed: 2 June 2021 Expired: 23 June 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

Listed building: Not applicable

Conservation area: NO

Tree Preservation Order: no

Description of site/building

The application site relates to a vacant dilapidated building facing Oldham Road and is bound by Farina Street.

The site is partially enclosed by wooden panel fencing and comprises of red brick with stone detailing. Remnants of the building remain such as the a three storey corner to the front of the building however, the reminder of the building above the ground floor has been removed.

The site is adjoined at the rear by a railway service depot and railway line which is off Oldham Road via Ferdinand Street and to the other side of Oldham Road lies residential properties and further along Oldham Road an apartment building is bound by Oldham Road and Johnsons Square.

Description of area

With the exception of the application site and the neighbouring site the immediate area is principally residential in character. A short distance to the south of Oldham Road a main arterial route contains a mixture of uses, whilst adjoining the site to the south is a vacant site.

Description of development

Planning permission is sought for the change of use of former factory to a car show room and associated MOT garage (sui generis) together with associated elevational alterations erection of a large, double height building divided into two units roof to form a car repair garage (Class B2).

The building requires substantial physical interventions to bring it back into use . The building work includes the creation of a three storey building with a flat roof constructed from breeze block and render.

It is unclear as to the specific detailing and modelling of the building however, the accompanying design and access statement, states that the extension works include white rendered breeze block , powder coated rollers shutter on the round floor elevation and the introduction of windows to three elevations. It is unclear whether the existing corners brick and stone element would be rendered to match the extension.

Internally, the ground floor of the building would incorporate an office/staff room,a public waiting area, electric charging area, an inspection pit/brake testing equipment, a vehicle lift, waste bin and wash room. A parking area to accommodate 8 car parking spaces 4 of which are for staff and MOT costumers parking spaces will be provided inside the building. The first floor of the building would largely be used for the storage of vehicles to be sold. It would also have a stock room and cycle stand facility both for customers and staff. The second floor would comprise of a car show room with capacity for 16 Vehicles.

The MOT Service Station will be opened between 9 am to 5 pm, Monday to Friday and 9 am to 4 pm on Saturdays. It will be closed for business on Sundays and Bank Holidays. The car show room will open in addition to this on Sundays and Bank Holidays between the hours 10am to 5pm. The MOT testing element of the scheme would have approximately 6 vehicles on a daily basis. It is anticipated that four staff members would be required to run the service. All Vehicles will enter the building via the side access door from Ferdinand
Street and leave the building via the doors in front on to Oldham Road.

A previous application at the site ref:128545/FO/2020 Change of use to MOT motor vehicle repair centre (Class B2) and elevation alterations to the existing building

Consultations & Notification Responses

Local Residents/Occupiers - 5 letters of objection have been received. The main concerns are summarised below:

o The proposal does not have adequate car parking and will exacerbate car parking issues in the area.

o Due to the of lack of car parking in the area cars are being parked outside residential premises and hindering access.

Highway Services - It is noted that the proposed development is to provide 8 off-street parking spaces for use by both staff and customers.

The applicant indicates that 4 of the parking bays will accommodate staff vehicles, with the remaining bays retained for customers / repairs. Whilst this amount of parking is considered acceptable for the ground floor use, we consider that the overall level of
parking provision is insufficient when account is taken of the need for customer parking associated with the car showroom.

In the absence of any specific waste collection details we assume that these will be made via Ferdinand Street. It should be noted that we would not support the storage of bins on Ferdinand Street and these should be stored internally until collection is about to take
place.

In terms vehicular egress out of the building onto Oldham Road dropped kerbs would be required.

Environmental Health - Have requested that further information be provided to assess the impact of the development in relation to nose sensitive locations. Environmental health were are in receipt of an Environmental Noise Survey by AB Acoustics, dated March 19.
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and commented that the garage is planning on operating over the weekend, both Saturday and Sunday. Background noise levels should be assessed on these quieter days. (when construction noise is not adding to the noise levels) . It would be also useful to have more noise measurements when it is not rush hour, and more representative of the opening hours applied for.There have been 'worst case' measurements, confirmation is needed regarding the number of cars that can be serviced/MOTd at the same time. Also, what other (if any) machines/equipment could possibly be used which may add to the noise levels.

MCC Flood Risk Management - There is no evidence of proposed surface water management for the site or an assessment of the surface water pollution risk. The applicant should be contacted to provide this information.

Greater Manchester Police- Made recommendation regarding security of the site.

Issues

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.
'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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further,

development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved Policy E3.3 (Environmental Improvement and Protection) of the Unitary Development Plan (UDP) seeks to enhance the visual amenity of prominent access corridors and to achieve high standards of development and environmental treatment on sites adjoining orbital routes around the City Centre.

Policy DC26 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 Guide to Development in Manchester (2007) contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system `only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through `which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that `at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following

iv. Chapter 11: Making effective use of land - e) support opportunities to use the airspace above existing residential and
commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress.

v. Chapter 12: Achieving well-designed places 130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be
used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

Issues

Principle of the Development

The proposed use by its very nature involves a level of activity that is not appropriate close to a residential area due to heighten levels of comings and goings to the site during the hours of operation including weekends, coupled with the lack of car parking within the curtilage of the site. Furthermore, the extension to the existing building would result in the over intensification of the use of the site and the appearance of the building due to its height, scale and massing would be an inappropriate form of development and out of character along a major ariel route in and out of the city centre of Manchester, where environmental improvements are an essential catalyst for regeneration and economic growth in Manchester.

In this case, the proposed development relates to a vehicle MOT garage and car showroom to be situated immediately adjacent to residential properties on Oldham Road, including a refurbished residential building north of site. It is believed that the proposed use of the site would cause unreasonable levels of noise and activity which would be harmful to residential amenity.

It is further considered that the site layout and design of the new structure have been poorly conceived and the appearance would be a visually intrusive feature, detrimental to the visual appearance of the street-scene and the character of an area which is largely residential in character.

The proposed layout and specifically the vehicular entrance from Ferdinand Street which is the main access into the building lies on a road that forms the main service road to the commercial site behind 305 -311 Oldham Road, which is utilised by commercial vehicles regularly and the proposal also includes two vehicular exit points onto Oldham Road crossing the footpath. The layout of the site is inappropriate as it does not allow for adequate servicing arrangement expected for this type of development. The expectation would be for this type and scale of development that generates large amount of activity would usually take place within the curtilage of the site. However, given the physical constraints associate with the site the proposal

only contains built form and omits areas where adequate servicing and car parking would usually take place. Therefore, the level of servicing and car parking that would take place outside the site which would have detrimental impact on the amenity of the occupiers of the surrounding areas.

Given the above, the City Council considers that the principle of the proposal is not acceptable and is contrary to saved policy DC26 and E3.3 of the UDP, policies EN1 DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Residential Amenity

Policy DM1 of the Core Strategy states that regard should be had to the amenity of residents in considering development proposals.

Policy SP1 states further within the Core Development Principles section that all development should make a positive contribution to neighbourhoods of choice including 'making a positive contribution to the health, safety and wellbeing of residents'.

In this instance, the proposed vehicle MOT garage and car showroom immediately lies opposite a large residential housing estate facing the site on the opposite side of Oldham Road and an apartment building lies north of the site.

Due to the nature of the use which will involve constant vehicular activity, revving of engines, comings and goings and noise generated by staff, it is considered that the proposed use would have a significantly harmful impact upon the living conditions of neighbouring occupiers.

Insufficient information has been provided to assess the impact of the development in relation to nose sensitive locations. Environmental health assessed the environmental Noise Survey by AB Acoustics, dated March 19 and commented that the garage is planning on operating over the weekend, both Saturday and Sunday. Background noise levels should be assessed on these quieter days. (when construction noise is not adding to the noise levels) and noise measurements be provided when it is not rush hour, and more representative of the opening hours applied for and no details of machines/equipment could possibly be used which may add to the noise levels.

Furthermore, The front elevation has two large door apertures that have roller shutters that forms the vehicular exists for the entire building, where noise would emanate from the building which could further contribute to unaccepted noise outbreak from inside the building.

A requirement for such a measure is indicative of use that is not appropriately sited in relation to residential properties.

National Planning Guidance (NPG) prepared by the Government in relation to noise states that:
Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Taking account of the above, it is believed that the proposed is likely to result in a significant adverse impact and that a good standard of amenity is unlikely to be achieved as a consequence of the development due to anticipated noise climate to be created by the proposed development.

Aside from this it is maintained that that there is a distinct difference between the impact of a what could constitute a statutory noise nuisance and a nuisance to amenity caused by levels of activity and associated noise and disturbance.

Typically noise assessments do not take account of peaks and troughs of audible disturbance i.e an isolated noise generating incident and the disturbance created is can be more of an amenity issue than detectable differences between measurable noise levels since loss of amenity caused by increased activity, noise and disturbance can often occur at lower levels of noise than would constitute a statutory noise nuisance.

The proposed use will involve frequent vehicle movements and other activity along Oldham Road frontage, but also along Ferdinand Street. The size of the site and the number of potential visitors in particular to the car showroom would increase the need for car parking which would be solely reliant on on-street car parking within the vicinity. There have been a number of objections from residents in relation to unacceptable number of cars parking on the road and in front of buildings along Oldham Road as a result of inadequate car parking provision at other close by business premises within the area. The size of the proposed building along with the nature of the use would further contribute to the already existing car parking problem within the area, which in turn, creates noise and disturbance by far greater than occupiers of residential accommodation should be expected to endure.

For these reasons, the proposed development is not appropriately located and would have a significant, adverse impact upon nearby residential occupiers, particularly those that immediately adjoin the application site.

Design, Scale and Appearance and Impact upon Visual Amenity

The Guide to Development in Manchester (SPD) advocates that consideration should be given to the scale of new developments and ensure that they are informed by their context.

Saved Policy E3.3 (Environmental Improvement and Protection) of the Unitary Development Plan (UDP) seeks to enhance the visual amenity of prominent access corridors and to achieve high standards of development and environmental treatment on sites adjoining orbital routes around the City Centre.

Policy DM1 of the Core Strategy along with the Guide to Development in Manchester (SPD, also requires that consideration be given to the layout of new developments, ensuring that they respond to the surrounding context and maximise frontages with the street scene.

Policy DM1 states further, that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

o Appropriate siting, layout, scale, form, massing, materials and detail.
o 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.

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high-quality development alongside major orbital road routes

Supplementary to this, The National Planning Policy Framework (NPPF) provides guidance on the design of new development at Section 7 which outlines the Governments expectations in respect of new developments:

Making effective use of land - e) support opportunities to use the airspace above existing residential and
commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress.

v. Chapter 12: Achieving well-designed places 130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be
used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)

In this case it is considered that as a consequence of an ill-conceived site layout which has dictated the poor quality of the design of the building. The architecture of the building has been compromises by the necessity to allow the building to function within the obvious constraints associated with the site. The site does not includes any car parking for visitors to the showroom and has restricted servicing provision, more importantly the only vehicular exits for the whole development takes place through two large door apertures consisting of roller shutter which are highly visible on the principle elevation of building and as a result would present a negative, intrusive feature in the street-scene to the detriment of visual amenity. This in turn would undermine the character of the area. It appears that the restrictive nature of the site has contributed to the inappropriate appearance of the building and represents an inappropriate form of design that fails to improve the character and appearance of Oldham Road, to the detriment of visual amenity.

The remnants of the dilapidated building in terms of the materials and the window formation suggests that the building would have had considerable architectural merit in its day. However, the extension in terms of its façade does make a positive contribution to the architecture of the building, the large windows introduced at second floor level to allow for visual permeability into the car showroom detracts from architecture of the building as does the two large roller shuttered exit points at ground floor level. The size and scale of the building along with its architecture would create a visually intrusive feature in the street-scene, along the key radial route of Oldham Road.

The proposed development by reason of its siting, massing, scale and design, would create a visually intrusive feature in the street-scene, along the key radial route of Oldham Road and does not enhance the overall image of the City Centre by requiring good designs and high quality development alongside major orbital road routes.

It is therefore considered that the development represents an inappropriate form of design that fails to improve the character and appearance of Oldham Road, to the detriment of visual

amenity. As such the development is considered contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies EN1, DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

In light of the above it is not considered that the overall scale, design and layout of the proposed development results would result in a satisfactory relationship with neighbouring buildings and given the policy framework outlined above, the proposed site layout, design, scale and appearance of the development would have a harmful impact upon visual amenity and specifically, the appearance of the street-scene.

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 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 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: Refuse

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have discussed with the applicant to outline the concerns in respect of this proposal. The application is not considered to be in accordance with the development plan and is determined in a timely manner.

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

1) The proposed use would have a detrimental impact upon the living conditions of adjoining residential occupiers by way of unacceptable levels of activity, vehicle movements and general noise and disturbance. The proposed uses combined would result in an over intensification of the use of the site, with excessive levels of noise, disturbance and activity within the proposed building and around its ancillary car parking and servicing areas. The proposed use is therefore contrary to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

2) The proposed development by reason of its siting, massing, scale and design, would create a visually intrusive feature in the street-scene, along the key radial route of Oldham Road. It is therefore considered that the development represents an inappropriate form of design that fails to improve the character and appearance of Oldham Road, to the detriment of visual amenity. As such the development is considered contrary to saved policy E3.3 of the Unitary Development Plan for the City of Manchester, policies EN1, DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

29 Droitwich Road, Manchester, M40 8ED
3 Johnson's Square, Manchester, M40 7QW
1 Johnson's Square, Manchester, M40 7QW
Flat 7, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 6, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 5, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 4, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 3, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 2, Johnson House, 327 Oldham Road, Manchester, M40 7PS
Flat 1, Johnson House, 327 Oldham Road, Manchester, M40 7PS
325 Oldham Road, Manchester, M40 7PS
Johnson Square, Oldham Road, Manchester, M40 7PS
3 Droitwich Road, Manchester, M40 8ED
47 Droitwich Road, Manchester, M40 8ED
41 Droitwich Road, Manchester, M40 8ED
35 Droitwich Road, Manchester, M40 8ED
23 Droitwich Road, Manchester, M40 8ED
15 Droitwich Road, Manchester, M40 8ED
9 Droitwich Road, Manchester, M40 8ED
1 Droitwich Road, Manchester, M40 8ED
45 Droitwich Road, Manchester, M40 8ED
43 Droitwich Road, Manchester, M40 8ED
39 Droitwich Road, Manchester, M40 8ED
37 Droitwich Road, Manchester, M40 8ED
33 Droitwich Road, Manchester, M40 8ED
31 Droitwich Road, Manchester, M40 8ED
27 Droitwich Road, Manchester, M40 8ED
25 Droitwich Road, Manchester, M40 8ED
21 Droitwich Road, Manchester, M40 8ED
19 Droitwich Road, Manchester, M40 8ED
17 Droitwich Road, Manchester, M40 8ED
13 Droitwich Road, Manchester, M40 8ED
11 Droitwich Road, Manchester, M40 8ED
7 Droitwich Road, Manchester, M40 8ED
5 Droitwich Road, Manchester, M40 8ED

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 High Risk - Name: DEVELOPMENT_HIGH_RISK_AREA
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH1