

Planning

Growth & Development

Delegated officer report for planning application

Application no. 127146/FO/2020
Date registered valid: 15 August 2020
Proposal: Change of use of car showroom (sui generis) to retail (Class A1)
Address: 218 Bury New Road, Manchester, M8 8DY
Ward(s): Cheetham Ward

Applicant: Mr Kasbia, 181 Wigan Road, Standish, Wigan, WN6 0AE
Agent (if any): Mr R Raja MAKERFIELD DESIGN PARTNERSHIP Princess House,
62 Princess Street, Wigan, WN3 4HW
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: s.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 10 September 2020

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 27 August 2020

Standard consultations:

Printed: 25 August 2020 Expired: 15 September 2020

Neighbour notifications

Printed: 18 August 2020 Expired: 8 September 2020

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 relates to a vacant, single storey steel framed building formerly used for car sales. The building which incorporates a shallow, dual pitched roof has an approximate floor area of 288 sqm. Internally, the building comprises a car display area, a garage workshop, office and reception space.

The building fronts Bury New Road, with vehicular access served from Ashworth Street - a small cul-de-sac which leads to a public right of way.

The building is surrounded on three sides by a tarmac surfaced car park and former car sales area along the western boundary. The site is enclosed by combination of chain link fencing, bollards and metal rails along the front (western) and northern boundaries and metal fencing along the rear and southern boundaries.

Along the rear of the site lies a dense area of landscaping and mature tree planting that separates the fenced north-eastern boundary from the back gardens of residential properties along Fairy Lane which occupy an elevation position in comparison to the application site.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site lies on the eastern side of Bury New Road – a busy main arterial route that links north Manchester with the city centre.

With the exception of residential properties which occupy an elevated position above the north eastern boundary of the site, the immediate area is largely commercial in character comprising low rise, warehouse style buildings with medium to large floor plates. These include a Motormart and Enterprise car hire businesses opposite and a Pure Gym which neighbours the site to the south. Immediately to the north, is an overgrown area of open space which forms a likely future development site.

A short distance to the north of the site is the administrative boundary with Salford MBC.

Description of development

Planning permission is sought to change the existing building from a car showroom/workshop (sui generis) to a non-food retail outlet (Use Class A1). It is anticipated that the use will be for the retail sale of fashion garments.

Externally, the building will be much the same as existing, but with the addition of new roller shutters and signage. The signage of which will be subject to a separate application for advertisement consent.

The existing demarcated car park area will remain almost the same, but with the addition of 4 new space, new fencing and access gates along the front and northern boundaries, as well as new gates fronting Ashworth Street to secure the car park. A new pedestrian access point is proposed off the Bury New Road frontage.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Highway Services – It is noted that there are no waiting at any time restrictions on Ashworth Street and Bury New Road. Bury New Road is also subject to weekday, peak hours loading restrictions. The site is considered suitably accessible by public transport via bus services along Bury New Road.

Based on the TRICS database the net trip generation for the proposed development will result in a decrease of 3 two-way vehicle trips during the AM peak hour and an increase of 7 vehicle two-way trips during the PM peak hour. This change in trips is unlikely to have a material impact on the existing road safety or operation of the local highway network.

Vehicular access is from Ashbury Street. It appears that part of Ashbury Street is adopted at the junction with Bury New Road. Dropped kerbs and tactile paving should be provided across the car park entrance/Ashworth Street to assist pedestrians using the nearby bus stop.

There appears to be a redundant dropped kerb adjacent to the site on Bury New Road, this should be reinstated as footway.

Any works to the adopted highway should be taken forward as a S278 agreement with the highway authority.

The car park is accessed from Ashworth Street. It is proposed that of the existing 29 car parking spaces and a further 2 spaces will be allocated as disabled spaces - this is circa 10% and this allocation is considered appropriate. The car park layout is acceptable.

The gates to the car park open inwards. It is recommended that at the point of vehicle egress that fences/boundary treatments are visually permeable from 600mm upwards.

A dedicated gated bins storage compound area will be provided on the northern section of the car park. The waste bins would be wheeled out to an area of hardstanding adjacent to the site access at the junction of Ashworth Street and Bury New Road for collection. These arrangements are acceptable in principle.

It is proposed that cycle storage for 3 bicycles will be located within the car park. It is recommended that the cycle storage is secure and weatherproofed.

No detail is provided regarding a staff/visitor travel plan. To better encourage sustainable travel to/from the site it is recommended that a travel plan is considered for the site.

Any arrangements for fit out impacting the adopted highway should be detailed in a conditioned CMP.

Environmental Health – Conditions are advised with respect to hours of use, external equipment insulation and lighting glare. The submitted waste management strategy is considered acceptable.

Flood Risk Management – The site is within Flood Zone 1 and at medium risk of surface water flooding. The change of use does not result in a change in Flood Risk Vulnerability Classification. No mitigation is required.

Greater Manchester Police (Design for Security) - Having looked at the proposals for the security measures, GMP are satisfied that the applicant is incorporating the recommendations set out in the consultation, It is also recommend that all measures are certified to SBD standards.

Salford MBC - In accordance with paragraph 86 of the National Planning Policy Framework, local planning authorities should apply a sequential test to all planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date local plan. Unless Manchester City Council's development plan makes provision for retail uses in this location (i.e. the proposed change of use would be in accordance with an up to date development plan) Salford City Council would consider it necessary for the applicant to undertake a sequential assessment considering sequentially preferable

There is no objection on Highways grounds

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC26 of the Unitary Development Plan;
- Policies DM1, SP1, C9, T2, EN14-17, EN19, EC1 and EC2 of the Core Strategy;
- National Planning Policy Framework (NPPF);

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In the case of this application, the principle of the proposed development is considered acceptable and compliant with the aforementioned development plan policy and associated guidance.

The proposed use would allow for the reuse and improvement of a vacant building along a major arterial route and within the context of a predominantly commercial environment and contribute to the Council's economic objectives by allowing the improvement and retention of an existing employment site. More specific planning issues are outlined further below.

Use and Location

Whilst the proposed use of the building for retail is within an out of centre location, Policy C9 of the Core Strategy advocates that where such proposals would not have unacceptable impacts, either individually or cumulatively with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of the City Centre and designated, out of centre uses can be acceptable where they are appropriate in terms of scale and function to the location. The impacts can vary across the site and should be considered on a case of case basis.

In this case, the based on the limited gross floorspace (282 sqm) and as the application site relates to a non-food use within a concentration of what are now Class E uses, it is considered that the proposed use of the building is appropriate in the terms of its scale and function and given its location, is unlikely to harm the vitality or viability of nearby neighbourhood centres.

Policy C9 also considers that development of less than 650 square metres gross will generally be of local significance and when also taking into account national planning guidance, it is not considered that an impact assessment or sequential approach to site selection is considered necessary in this instance.

A condition has been included to safeguard the function of the area, which restricts the use of the host building to non-food retail use only.

Residential Amenity

The nearest residential properties are situated beyond the rear of the site, occupying an elevated position along Fairy Lane. A substantial area of landscaped screening separates the rear car park area and the garden areas of these properties and provides a decent buffer between the existing residential properties and the application site.

It is believed that due the separation distance involved, the previous of the site and the existing commercial context of the site along a major thoroughfare, levels of activity and any associated noise and disturbance is unlikely to be significant and not too dissimilar to previous levels of activity associated with the site previously. On this basis, the impact upon nearby living conditions and residential amenity is considered acceptable.

Impact upon the Highway

Highway Services considered that based on the anticipated trip levels which would result in a decrease of 3 two-way vehicle trips during the AM peak hour and an increase of 7 vehicle two-way trips during the PM peak hour, the change in trips in comparison to the existing authorised use, is unlikely to have a material impact on existing road safety or the operation of the local highway network.

The proposed car park includes 29 spaces (including 2 accessible spaces), representing an increase of 4 spaces. Given the nature of the proposed use, the limited amount of floorspace proposed and the highly accessible nature of the site, this car parking ratio is considered satisfactory and unlikely to lead to any demand for on-street parking in the locality. The proposed car park will utilise an existing and established access off Ashworth Street. Highway Services are satisfied with the proposed parking ratio and parking arrangement,

On this basis, the impact upon the highway is considered acceptable. It is recommended however that cycle parking be provided to aid travel by non-car modes and that existing vehicular crossovers are reinstated with footway, including tactile paving to pedestrian access points. Suitable conditions have been included in this regard.

Boundary Treatment

The proposed development includes the installation of new boundary treatment to replace the existing poor quality perimeter and is proposed following consultation with Greater Manchester Police.

This includes 1.2 metre high powder coated weld mesh fencing to the Bury New Road frontage to replace the chain link fence and bollards and 1.8 metre high weld mesh fencing and double access gates to the northern perimeter and car park access facing Ashworth Street. This arrangement is considered acceptable from both a security and visual perspective and represent an improvement to the current situation.

Waste Management

An enclosed waste storage area is proposed within the car park area. This includes 1 x 240 litre receptacle for general waste, 1100 litre bin for pulpable waste, 1100 litre bin for mixed recycling and 1 x 240 litre bin for food waste. Internally two wheeled waste cages for collapsible packing and cardboard waste are proposed which will be taken by staff to the defined waste storage area outside. Bins are to be managed by staff and collected fortnightly by a private waste contractor.

Given the location and specification of the waste storage area coupled with management arrangements, the strategy is considered acceptable and to the satisfaction of Environmental Health. A condition has been included to ensure the waste strategy is adhered to.

Climate Change and Air Quality

In comparison to the former use of the premises for car sales, it is anticipated that vehicular movements will not be too dissimilar. Given that the site is located adjacent to a busy, main arterial route and transport corridor, it is considered unlikely that there would be any significant or harmful contribution to air quality or climate change above and beyond the existing situation, as a consequence of vehicular movements or ongoing activity.

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 20.19-PL-OS/A, 20.19-PL-01/A and 20.19-PL-03/B received on 13 July 2020 and 28 August 2020 respectively.

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) Any 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 premises is occupied.

Upon completion of the development a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements in the approved acoustic consultant's 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to saved policy DC26 of the Unitary Development Plan and policies DM1 and SP1 of the Manchester Core Strategy.

4) The development hereby approved shall only be implemented in accordance with the submitted Waste Management Strategy and bin store shown on drawing numbered 20.19-PL-01/A, received by the City Council as Local Planning Authority on 13 July 2020.

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

5) If any external lighting associated with 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 SP1 and DM1 of the Core Strategy.

6) The car parking indicated on drawing numbered A received by the City Council as Local Planning Authority on 13 July 2020 shall be for the sole use of the development hereby approved and shall be available at all times whilst the site is occupied.

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

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

08.00 - 20.00 hrs Monday to Friday;
08.00 - 21.00 hrs Saturdays;
10.00 - 17.00 hrs Sundays and Bank Holidays.

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

8) 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, servicing and all collections, including waste collections shall take place on Sundays and Bank Holidays.

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

9) The development hereby approved shall only be implemented in accordance with the boundary treatment and access gates shown on drawing numbered 20.19-PL-01/A and accompanying fence specification brochure, received by the City Council as Local Planning Authority on 13 July 2020.

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

10) Notwithstanding details submitted, no part of the development shall be occupied until secure and covered 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..

11) The development hereby approved shall incorporate security measures as detailed within the submitted letter from Greater Manchester Police (Design of Security) (Ref: 2020/0498/CLT/01) dated 6 August 2020 and received by the City Council as Local Planning Authority on 15 August 2020.

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

12) The development hereby approved shall only be implemented in accordance with roller shutters shown on drawing numbered 20.19-PL-03/B received on 28 August 2020. The development shall be implemented in accordance with the approved details prior to the first use of the development and retained thereafter.

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

13) Within one month of any part of the development first being occupied, all redundant vehicular crossovers adjacent to the site shall be reinstated with pavement and all associated pedestrian access points should include the installation of tactile paving as part of strategy that shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be carried out in accordance with a programme and timescale to be approved by the City Council as Local Planning Authority.

Reason - In the interests of highway safety and visual amenity, pursuant to policies DM1 and SP1 of the Core Strategy.

14) 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) the retail unit hereby approved shall solely be used for the sale of non-food products and goods only and shall not be used for any other purpose within Class A1 as set out within the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of A1.

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

15) 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) the building shall not be further subdivided to form additional units.

Reason - To prevent an over-intensive use of the site, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy.

Informatives

- 1) New signage indicated on the submitted drawings will require a separate application for advertisement consent.
- 2) On the advice of Greater Manchester Police, all new external fittings and security measures should be certified to 'Secured by Design' standards.
- 3) Any works to the adopted highway should be taken forward as a S278 agreement with the highway authority.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Salford City Council

199 Bury New Road, Manchester, M8 8DY
15 Sanderling Drive, Manchester, M8 8YT
5 Sanderling Drive, Manchester, M8 8YT
11 Sanderling Drive, Manchester, M8 8YT
9 Sanderling Drive, Manchester, M8 8YT
7 Sanderling Drive, Manchester, M8 8YT
3 Sanderling Drive, Manchester, M8 8YT
1 Sanderling Drive, Manchester, M8 8YT

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
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH1