Application Number	Date of Appln	Committee Date	Ward
091598/FO/2009/N2	2nd Nov 2009	14th Jan 2010	Levenshulme Ward

Proposal Erection of single storey extension to form MOT garage (Class B2) and reception with 4 associated car parking spaces to operate in addition to existing car wash facility

Location 1122 - 1136 Stockport Road, Levenshulme, Manchester, M19 2TJ,

Applicant Mr Sarfraz Chaudury , 1122 - 1136 Stockport Road, Levenshulme, Manchester, M19 2TJ,

Agent Mr Nicholas Mills, Lambert Smith Hampton, 79 Mosley Street, Manchester, M2 3LQ

Description

This application relates to a site, in Longsight District Centre, which has an existing permission (079527/FU/2006/N2) for change of use from petrol filling station to dedicated car wash/workshop and the site has been operating for this purpose for the last 3 years.

There was a subsequent application on the site to convert part of the existing garage/store and to erect a single storey extension to form an M.O.T. garage and associated reception area. The extension was proposed to be constructed in an area in which cars are currently parked, and would be constructed in brickwork with a metal profiled roof, to match the existing. The use would operate from 8.00 am to 6.00 pm, 7 days a week. Planning permission was refused in March 2009, for the following reasons:

1. The proposed development would be detrimental to the amenities of the occupiers of nearby dwellings, by virtue of associated noise and general disturbance as a result of activity generated by the use of the property as an MOT station; as such the proposal would be contrary to policies DC26.1, H2.2 and LL14 of the Unitary Development Plan for the City of Manchester.

2. The proposed M.O.T. station would be out character with the surrounding residential area and would lead to an increase in comings and goings at the site, by vehicular traffic, that would result in disamenity to nearby residents due to an increase in noise levels. The proposal is therefore contrary to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

The current application represents a resubmission of the previous application and it is again proposed to convert part of the existing garage/store and to erect a single storey extension to form an M.O.T. station. The proposed hours of operation are 8.00 am to 6.00 pm Monday to Saturday and 10.30 am to 5.00 pm on Sundays.

The site lies on the busy A6, with residential properties to the south and west, commercial units to the north and a vacant office building to the east.

Consultations

Local residents - Three letters of objection have been received, on the following grounds:
- The existing car was already causes problems to local residents due to noise, traffic generation, general disturbance and visual impact and this proposal would exacerbate these problems.
- The site is too small and too close to houses to be an MOT garage
- The appearance of the rear of the site is very poor with barbed wire and cars parked, and this would worsen if the extension goes ahead.
- The proposal would lead to a loss of outlook.
- On street parking problems currently exist in the area and such problems would be increased.

Head of Engineering - Considers that the site has sufficient storage capacity for vehicles waiting for MOT's and the increase in movement to/from the site will be low, and note that access to Stockport Road is via a separate entrance and exit, which prevents conflicting movements. They therefore have no highway objections.

Head of Environmental Health - No objections, subject to conditions relating to noise insulation, discharge of fumes, delivery times and restricting hours of operation to the following:
8.00 am to 6.00 pm Monday to Friday
9.00 am to 5.00 pm Saturday
10.30 am to 4.00 pm Sunday

Head of Regulatory Services (Contaminated Land) - Require a condition to be attached to any planning permission requiring the installation of a proprietary gas protection membrane, in order to alleviate any possibility of landfill

South Manchester Regeneration - No objections.

Greater Manchester Police - Recommends that all external fittings are to the standards set by the Secured by Design scheme and that the forecourt be covered by a comprehensive CCTV system, if cars are to be parked on the site overnight. Overall, they consider that the proposal would improve site security.

Issues

Relevant National Policies

Planning Policy Statement No.1 Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments that create linkages between different uses and create more vibrant places.

Planning Policy Guidance note 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

PPG24 explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

PPG24 also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.
Relevant Regional Policies

PPG24 states "Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions."

PPG24 confirms, "The impact of noise can be a material consideration in the determination of planning applications." PPG24 also establishes that "people are normally sleeping between 23:00 to 07:00."

Regional Spatial Strategy (RSS) (September 2008)

The Regional Spatial Strategy (RSS) for North West England was adopted in September 2008 and replaces the previously published Regional Planning Guidance (RPG13). The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. There are a number of policies relevant to this development proposal within the RSS including the following:

Policy DP1 'Spatial Principles' outlines the main principles that underpin the RSS to which all other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to. These include to promote sustainable communities, promote sustainable economic development, make the best use of existing resources and infrastructure, manage travel demand, reduce the need to travel, and increase accessibility, marry opportunity and need, promote environmental quality, mainstreaming rural issues, and to reduce emissions and adapt to climate change.

Policy DP2 'Promote Sustainable Communities' states that building sustainable communities are places where people want to live and work. This is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and

equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Unitary Development Plan - The site falls within Unitary Development Plan sub area 12, Longsight and Levenshulme. These are predominantly residential areas, which are densely populated and the general policy for the area LL1 states the council will improve the quality of the local environment. The site lies in Levenshulme District Centre, as identified in the Plan. Policy LL6 states that the Council will improve the safety and quality of the environment of the centre. Policy LL14 states that the Council will permit new developments so long as they do not cause disamenity to residents. Policy LL15 relates to pedestrian safety and off street parking.

Policy H2.2 states that the council will not allow development which would have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the general impact of a development in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy E3.3 relates to sites along radial routes, which includes Stockport Road, and seeks to ensure that all new development, along these routes, is of the highest quality.

Policy DC13.1 relates to non-retail uses in shopping areas and states that, in determining such applications, the Council will have regard to:
a)the contribution of the proposed activity to the viability and vitality of the shopping area; b) the contribution the proposed development would make in terms of urban regeneration; c)the availability of adequate, safe and convenient arrangements for car parking and servicing; d)the effect of the proposed development on the street scene; and e) the balance between retail and non-retail uses in the shopping area.

With regards to development and noise Development Control 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, or visiting, the city. In giving effect to this intention, the council will consider both the effect of the new development proposals, which are likely to be generators of noise.

DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:
a. the effect of new development proposals which are likely to be generators of noise; and
b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take

account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 states that developments likely to result in unacceptably high levels of noises will not be permitted:
a. in residential areas;
b. near schools, hospitals, nursing homes and similar institutions;
c. near open land used frequently for recreational purposes.

DC26.4 states that, where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:
a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 states that exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Principle of the use - The existing use of the premises is as a car wash and the premises have previously been used as a petrol filling station. An MOT station use is considered to be a comparable use in terms of potential for noise and vehicular activity. The impact of the proposed use though has to be added to that of the existing use, which already generates a great deal of traffic, and general activity.

Noise/residential amenity - The concern, at the time of the previous application for the MOT station, was that existing levels of noise and activity, associated with the car wash, would be exacerbated by the additional MOT station use. At present the main area of activity (i.e. the washing of the cars) takes place centrally in the site, close to the Stockport Road frontage of the site. The new use though is proposed in the corner of the site, and closer to residential properties.

As part of the planning application, the applicant has submitted a noise assessment report, which indicated that a survey of background noise levels has taken place, and

assessed against the noise generated by an MOT centre. It is concluded that, at the residential locations surrounding the site, there would be no significant impact, or impact of a marginal significance, and that the situation could be improved further by the following noise mitigation measures:
- Any windows or other openings in the rear elevation of the proposed MOT service bay building are blocked up with brick/block and sealed.
- That the roller shutter doors are closed when any particularly noisy work is being carried out.

The applicants have also stated that maximum number of MOT inspections a garage can do in one day is 10, which would be in addition to the number of vehicles which visit the car wash, which is presently between 16 and 34 per day. It is considered that these are quite low, given that Stockport Road is a very busy route and the previous use of the site was a petrol filling station, which would have generated a significantly higher number of vehicular movements. The Head of Engineering is also satisfied that the proposal does not have any adverse highway safety implications.

Given the above information, it is considered that the increase in vehicular, and general, activity in close proximity to these properties, is at a level that can be accommodated at the site. An Mot station does have different types of noise, to a car wash, due to the repair works which may be necessary to the car. However, the imposition of conditions suggested by the applicant and the Head of Environmental Health should ensure that any additional noise impact is not so great that the proposal would have a detrimental impact on the amenity of surrounding residents.

Hours of operation - The Head of Environmental Health is unable to fully support the proposed hours of operation and has recommended a condition which proposes reduced opening times on a Saturday and Sunday, in the interests of protecting the amenity of surrounding residential occupiers.

Impact of new structure - The new extension would be single storey only and the same height as the existing garage. It would be closer to the adjoining commercial premises, at 1120 Stockport Road which is used as a hairdressers with possible residential above, and would be visible from the rear of 105 Henderson Street, at the rear of the site. A gap of 15 metres would be maintained though and there are no windows on the rear or side elevation of the extension. It is not therefore considered that the proposed extension would have a harmful impact upon the visual amenity of surrounding residents, or the area generally, being of a design that is in keeping with the existing premises.

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

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person’s home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation **APPROVE**

on the basis that the development is in accordance with Regional Spatial Strategy, and policies LL1, LL6, LL14, LL15, H2.2, E3.3, DC13.1 and DC26 in that the proposed building and use would not have a detrimental impact on the character of the area and would not adversely affect the residential and visual amenities of occupiers of neighbouring properties, and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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 drawings numbered L07-030/PL01, L07-030/PL02, L07-030/PL03a, L07-030/PL04 and L07-030/PL05a and the Hepworth Acoustics noise report, stamped as received by the Local Planning Authority on 2nd November 2009, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policies LL1, LL6, LL14, LL15, H2.2, E3.3, DC13.1 and DC26 of the Unitary Development Plan for the City of Manchester.

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

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, pursuant to policies H2.2 and E3.3 of the Unitary Development Plan for the City of Manchester.

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

08.00 to 18.00 Monday to Friday
09.00 to 17.00 on Saturdays
10.30 to 16.00 on Sundays

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

5) The permission hereby granted is for an extension to the existing buildings at the site which is to be used for an MOT vehicle testing station, and associated reception area, only and for no other purpose (including any other purpose within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - Other uses within the same use class may have a detrimental effect on the neighbourhood and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester

6) No body work to any vehicles is permitted within the new extension and all MOT testing and any associated repairs must be done inside the extension with all doors (including roller shutter doors) closed at all times, except for access and egress.

Reason - To protect residential amenity, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

7) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then 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 H2.2 and T2.4 of the Unitary Development Plan for the City of Manchester.

8) Before the building hereby approved is first occupied it shall be insulated in accordance with a scheme 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 property.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) Before first occupation of the development any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme 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 equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

10) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties, pursuant to Policy H2.2 of the Unitary Development Plan for the City of Manchester.

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

Monday to Saturday: 07.30 - 20.00
Sunday and Bank holidays: no deliveries

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

12) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

13) The only openings to be created in the proposed extension are to be those indicated on the proposed front elevation on drawing number L07-030/PL03a, stamped as received by the City Council, as Local Planning Authority, on 2nd November 2009, and No windows/doors or other openings shall be created in the side or rear elevation of the extension at any time, unless otherwise agreed in writing with the City Council, as Local Planning Authority.

Reason
In the interests of the amenities of nearby residential occupiers, pursuant to policies H2.2 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 091598/FO/2009/N2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Engineering Services
Environmental Health
South Manchester Regeneration
Greater Manchester Police
Flat 2, 3 Cringle Road, Manchester, M19 2RW
Flat 5, 3 Cringle Road, Manchester, M19 2RW
Flat 4, 3 Cringle Road, Manchester, M19 2RW
Flat 1, 3 Cringle Road, Manchester, M19 2RW
Flat 3, 3 Cringle Road, Manchester, M19 2RW
Flat 1, 1 Cringle Road, Manchester, M19 2RW
Flat 2, 1 Cringle Road, Manchester, M19 2RW
Flat 3, 1 Cringle Road, Manchester, M19 2RW
1144 Stockport Road, Manchester, M19 2TJ
1142 Stockport Road, Manchester, M19 2TJ
1140 Stockport Road, Manchester, M19 2TJ
1138 Stockport Road, Manchester, M19 2TJ
Mountain Software, Meridian House, 1069 Stockport Road, Manchester, M19 2TH
Caspian Motors, 2 Broom Lane, Manchester, M19 2TW
125 Henderson Street, Manchester, M19 2QT
123 Henderson Street, Manchester, M19 2QT
121 Henderson Street, Manchester, M19 2QT
119 Henderson Street, Manchester, M19 2QT
117 Henderson Street, Manchester, M19 2QT
115 Henderson Street, Manchester, M19 2QT
113 Henderson Street, Manchester, M19 2QT
111 Henderson Street, Manchester, M19 2QT
109 Henderson Street, Manchester, M19 2QT
107 Henderson Street, Manchester, M19 2QT
105 Henderson Street, Manchester, M19 2QT
Drive & Shine, 1122-1136, Stockport Road, Manchester, M19 2TJ
103 Henderson Street, Manchester, M19 2QT
101 Henderson Street, Manchester, M19 2QT
99 Henderson Street, Manchester, M19 2QT
97 Henderson Street, Manchester, M19 2QT
1118a, Stockport Road, Manchester, M19 2TJ
Haylo Hair, 1118 Stockport Road, Manchester, M19 2TJ
Diamonds, 1116 Stockport Road, Manchester, M19 2TJ

Representations were received from the following third parties:

Relevant Contact Officer : Ian Jarvis

Telephone number : 0161 234 4079

Email : i.jarvis@manchester.gov.uk