

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139235/FO/2024
Date registered valid: 12 February 2024
Proposal: Installation of shutter to front elevation
Address: Unit 3 Sovereign Works, Factory Lane, Manchester, M9 8AE
Ward(s): Harpurhey Ward

Applicant: Mr M Sarfaraz
Agent (if any): Mr Raja Riaz
Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse
Date of recommendation: 2 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 18 March 2024

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

Printed: 20 February 2024 Expired: 12 March 2024

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

The application site relates to 3 Sovereign Works, Factory Lane, Blackley. The application premise is part of a wider site known as Sovereign Works, located on Factory Lane, close to the junction of Factory Lane with Waterloo Street.

The application site comprises of a historic, single-storey brick-built building with a gated vehicular access to the southeastern elevation, which leads to an enclosed rear yard area. The yard includes some curtilage structures, and has historically been used for ancillary purposes, including ancillary storage and vehicular parking. The building is now utilised as a MOT Centre.

Residential properties are located to the rear of the premises on Bromfield Avenue, and to the south-eastern side of the premises on Factory Lane, and opposite on Factory Lane.

Description of development

The application is for the installation of roller shutters to the front of the unit.

Planning History

108085/LP/2015/N1 Application for a Lawful Development Certificate for a Proposed B2 'General Industrial' Use within the building Monday to Saturday between the hours of 08:30 to 18:30. APPROVED 10.06.2015

133022/FO/2022 Installation of roller shutter to front Approved

138071/FO/2023 Elevational alteration to includes new opening and the installation of roller shutter to front of building. Approved.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and two objections and one neutral letter were received from local residents.

The issues raised are as follows.

One neutral letter was received, enquiring why the shutter was required, and if the shutter covered a vehicular entrance, this could prevent car parking outside the premises and potentially displace car parking provision to the nearby residential area.

Two objections, raising concerns that the existing MOT business increases demand for car parking within the area, which has a detrimental impact on residential parking for residents. The objectors also raised the issue that the correct permission has not been obtained and the shutter is to be installed over a window, but it is not clear. Therefore, if an entrance aperture was required, this would impact on the amount of car parking availability at the front of the site, which in turn would force car parking into the neighbouring residential streets. Furthermore, currently, the car parking outside the premises blocks the pathway for able and disabled pedestrians.

Background

The MOT business has been in operation for a number of years and has car parking provision at the rear of the premises. The business was regularised under planning reference number 108085/LP/2015/N1 Application for a Lawful Development Certificate for a Proposed B2 'General Industrial' Use within the building Monday to Saturday between the hours of 08:30 to 18:30. Approved 10.06.2015.

The site is located adjacent to 30mph adopted highway Factory Lane. A slim section of private forecourt separates the site from the adopted footway. 'No Waiting Mon-Fri 8 am 6 pm and Sat 8am-12.30pm' waiting restrictions run along Factory Lane in the vicinity of the site.

Response to objections

The issues raised by objectors relate to the potential impact that any elevation alterations may have on the surrounding area. Especially, the impact on car parking arrangements, due to the creation of a new entrance aperture and concerns how it would impact on car parking and vehicular comings and goings at the site. However, without accurate information, the impact of the proposal cannot be fully assessed.

The applicant has failed to demonstrate the extent of the works behind the proposed shutter and therefore, the impact of the proposal has not been assessed. The importance of receiving accurate information is discussed within the body of this report.

Issues

The following policies are considered relevant in the consideration of this application.
The Town and Country Planning (Development Management Procedure) (England) Order 2015
Unitary Development Plan (UDP) - The UDP has been superseded by the Core Strategy
Development Plan, but certain policies are still considered of relevance:
The Manchester Core Strategy - Development Plan Document 2012-2027 ("the Core Strategy")
was adopted by the City Council on the 11th of July 2012:

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

The National Planning Policy Framework (NPPF, 2021)
- Chapter 12 - Achieving Well-Designed Places
Guide to Development in Manchester - Supplementary Planning Document and Planning
Guidance, adopted April 2007:

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.
To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022.

Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

Issues

Policies SP1, EN1 and DM1 of the Manchester Core Strategy seek to ensure that new development enhances or creates character, protects, and enhances the built environment; and that the design, scale, and appearance of the proposed development is appropriate to its context.

Principle

The principle of allowing elevations alterations to develop commercial premises is generally acceptable in circumstances where there is no overriding unduly harmful impact upon either the character of the property, or upon the visual and residential amenity of neighbouring occupiers. In this instance however, the principle of the proposal is considered unacceptable as the submitted drawings include a number of inaccuracies and discrepancies which means they cannot be approved. It is therefore believed that there are factors of sufficient weight in terms of

inaccurate information that would warrant the refusal of this application.

On balance, the proposal is deemed to conflict with policies DM1, SP1 and EN1 of the Core Strategy as well as the general requirements set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Inaccurate information

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) provides general requirements for the submission of planning applications, namely that these should be accompanied by a plan which identifies the land to which the application relates and any other plans, drawings, and information necessary to describe the development, which is the subject of the application.

With this in mind, it is considered that the information submitted under this application fails to meet the requirements set out in this Order, not least because the existing and proposed plans do not indicate the full extent of the works. The existing ground floor plan shows two windows on the front elevation next to each other. The proposed ground floor plan, show, indicated in red shows the proposed roller shutter. The windows are not shown on the floor plan. Therefore, it is not clear to what extent of works are to be carried out behind the proposed roller shutter.

Therefore, given the quality and accuracy of the submitted information, and the uncertainty of how the proposal may affect the amenities of neighbouring residents, the City Council is unable to support this application, as it conflicts with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Conclusion

For the reasons specified above, it is considered that the proposal is unacceptable due to the inaccurate and inconsistent information submitted, which does not provide an accurate representation of the application property as it currently stands. The applicant and their agent were informed of the above concerns; however, no response was received. As such, the submitted information for this proposal is inaccurate, inconsistent, and unacceptable and, as such, cannot be approved due to its confliction with the principles set out under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The proposal, therefore, cannot be supported by the City Council.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Refuse

Article 35 Declaration

Officers have attempted to work with the agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Significant issues arising from the accuracy of the plans have arisen during the consideration of this application and a satisfactory resolution has not been reached.

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

1) A number of errors have been identified within the submitted drawings. Corrected plans have been requested but not submitted; therefore, given the quality and accuracy of the submitted information, and the uncertainty of how the proposal may affect the amenities of neighbouring residents, the City Council is unable to support this application, as it conflicts with the principles set out in policies EN1, SP1 and DM1 of Manchester's Core Strategy Development Plan Document and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Appendix 1 – List of consultees & neighbours notified

Unit 4, Sovereign Works, Factory Lane, Manchester, M9 8AE
Unit 2, Sovereign Works, Factory Lane, Manchester, M9 8AE
Unit 1, Sovereign Works, Factory Lane, Manchester, M9 8AE
Vehicle Repair Workshop Junction Waterloo Street, Factory Lane, Manchester, M9 3ZZ
Sovereign Works, Factory Lane, Manchester, M9 8EA
121 Factory Lane, Manchester, M9 8AF
C F A Ltd, Sovereign Works, Factory Lane, Manchester, M9 8AE
89 Factory Lane, Manchester, M9 8EA
87 Factory Lane, Manchester, M9 8EA
83 Factory Lane, Manchester, M9 8EA
40 Bromfield Avenue, Manchester, M9 8AG
98 Factory Lane, Manchester, M9 8EA
39 Bromfield Avenue, Manchester, M9 8AG
91 Factory Lane, Manchester, M9 8EA
85 Factory Lane, Manchester, M9 8EA
123 Factory Lane, Manchester, M9 8AF
38 Bromfield Avenue, Manchester, M9 8AG
36 Bromfield Avenue, Manchester, M9 8AG
96 Factory Lane, Manchester, M9 8EA

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 -
Area Team Boundary - Name: NORTH AREA