

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129783/FO/2021

Date registered valid: 5 July 2021

Proposal: Installation of mezzanine floor (294 sqm) and associated elevational alterations to connect to existing first floor office space and create ancillary office accommodation.

Address: Little Greene Paint Company, 420 Ashton Old Road, Manchester, M11 2DT

Ward(s): Ancoats & Beswick Ward

Applicant: Mr David Mottershead The Little Greene Paint Company Ltd

Agent (if any): Mr David Hamer Bradshaw Gass and Hope LLP

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Withdrawn

Date of recommendation: 20 May 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 6 July 2021 Expired: 27 July 2021

Neighbour notifications

Printed: 6 July 2021 Expired: 27 July 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:

Tree Preservation Order:

This application relates to a development allowed by the following planning permission:

108951/FO/2015/N2 - Erection of warehouse and manufacturing facility (B2) with ancillary office accommodation and external service areas - Approved 13 November 2015.

The development has now been built and is operating, and the current application seeks permission for the installation of a mezzanine floor (294 sqm) and associated elevational alterations to connect to the existing first floor office space and create ancillary office accommodation.

However, the building is unauthorised as a number of conditions, of the original planning permission, have not been discharged. The applicant was made aware of this. and some attempt was made, to discharge some conditions, but two conditions could not be discharged (nos. 7 and 8) and no attempt has been made to discharge a further 6 conditions (9, 10, 11, 12, 19 and 22) despite requests. Some of these are pre-commencement conditions and some are pre-occupation, and the result is that the building remains unauthorised, until these conditions are discharged.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Makes the following comments:

The proposed floor space is due to increase from 466m² to 760m² (circa 63% increase).

The site accommodates circa 56 ft employees - no detail is proposed regarding if this will increase - this should be confirmed.

There are 45 car spaces, plus 5 disabled spaces and 5 cycle spaces. No detail is provided regarding the utilisation of spaces or how this may be impacted if staff numbers increase.

The cycle storage should be secure and weatherproofed and the provision increased to reflect the increase in floor space - 8 spaces.

It is recommended that there is a travel plan for the site to encourage sustainable travel choices by employees and visitors.

In response the applicant confirmed the following:

- The ground floor space is a relocation of staff from other parts of the facility to free-up storage area so no new staff will be employed.
- The first floor space will provide additional meeting space for current staff, will provide an ability to provide more area per square metre of staff member following Covid-19 considerations and will also provide additional space for new members of staff with a consideration that numbers will increase by approximately 5-10 new office employees over the next couple of years.
- With the above in mind they have provided an updated Proposed Site Plan showing an additional 4 car parking spaces to the rear car park area to accommodate the increase in staff numbers.
- In addition, they have updated the Proposed Site Plan to include the provision of a covered cycle store at the rear of the building to accommodate 8 new cycle spaces. This is located outside the yard managers office so that it is overseen at all times.
- In relation to the provision of a Travel Plan they are happy to accept this as a condition on any approval notice. There are excellent rail and bus links close to the site that will enable them to actively encourage alternative means of transport to their site.

Given the above, Highways Services have confirmed that they have no objections to the application.

Strategic Area and Citywide Support Manager - Recommends that a condition is attached, to any permission, in relation to the acoustic insulation of any external equipment.

Flood Risk Management Unit - No objections and no drainage condition is required.

Greater Manchester Police - Recommended a number of measures to improve security at the site. These have been provided to the applicant as an informative.

Network Rail - No objections.

Issues

Validity of application - The applicant was made aware that the building was unauthorised, due to conditions, attached to the original planning permission, not being discharged. The applicant was given the opportunity to address this, and this application therefore remained

undetermined, to allow them to do this. However, it remains the case that 8 conditions, that require formal discharged, have not been discharged, and it is not even the case that a condition discharge application has been made, in respect of 6 of those conditions. This effectively invalidates the original permission for the site and, as such, an extension/alterations cannot be considered, to an unauthorised development. This application therefore needs to be refused planning permission and the applicant would then have the opportunity to resubmit, should all original planning conditions be discharged in the future, or to make a new application that encompasses the original building and the proposed extension/alterations.

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 applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, and given the opportunity to rectify the matter by discharging planning conditions attached to the original planning permission for the site, but the applicant did not fully take up this option. The proposal is therefore considered to be contrary to planning legislation.

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

1) The application seeks to carry out an extension and alterations to an unauthorised development, due to a breach of 8 planning conditions attached to the original planning permission for the development (108951/FO/2015/N2). The application is therefore contrary to the provisions of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Network Rail
Network Rail
Environmental Health
MCC Flood Risk Management
Highway Services
Greater Manchester Police

Vehicle Repair Workshop Junction Pottery Lane, Whitworth Street, Bradford, Manchester, M11 2DW

NHS PROPERTY SERVICES LTD, The Cornerstone Centre, 2 Graham Street, Manchester, M11 3AA

Flat 8, 51 Falconwood Way, Manchester, M11 3LN

Flat 15, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 14, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 13, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 12, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 11, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 10, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 9, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 8, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 7, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 6, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 5, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 4, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 3, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 2, Turing Court, 1 Turing Close, Manchester, M11 2EE

Flat 1, Turing Court, 1 Turing Close, Manchester, M11 2EE

Turing Court, 1 Turing Close, Manchester, M11 2EE

55 Falconwood Way, Manchester, M11 3LN

53 Falconwood Way, Manchester, M11 3LN

Flat 7, 51 Falconwood Way, Manchester, M11 3LN

Flat 6, 51 Falconwood Way, Manchester, M11 3LN

Flat 5, 51 Falconwood Way, Manchester, M11 3LN

Flat 4, 51 Falconwood Way, Manchester, M11 3LN

Flat 3, 51 Falconwood Way, Manchester, M11 3LN

Flat 2, 51 Falconwood Way, Manchester, M11 3LN

Flat 1, 51 Falconwood Way, Manchester, M11 3LN

Flat 6, 49 Falconwood Way, Manchester, M11 3LN

Flat 5, 49 Falconwood Way, Manchester, M11 3LN

Flat 4, 49 Falconwood Way, Manchester, M11 3LN

Flat 3, 49 Falconwood Way, Manchester, M11 3LN

Flat 2, 49 Falconwood Way, Manchester, M11 3LN

Flat 1, 49 Falconwood Way, Manchester, M11 3LN

Flat 6, 47 Falconwood Way, Manchester, M11 3LN

Flat 5, 47 Falconwood Way, Manchester, M11 3LN

Flat 4, 47 Falconwood Way, Manchester, M11 3LN

Flat 3, 47 Falconwood Way, Manchester, M11 3LN

Flat 2, 47 Falconwood Way, Manchester, M11 3LN

Flat 1, 47 Falconwood Way, Manchester, M11 3LN
1 Wolverton Street, Manchester, M11 2ET

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

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) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH