

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139144/FO/2024

Date registered valid: 19 March 2024

Proposal: Erection of vehicle storage unit (sui generis) consisting of 6 car park spaces at the rear of the property and a small office.

Address: KP Hill Service Station, 355 Victoria Avenue, Blackley, Manchester, M9 8WQ

Ward(s): Higher Blackley Ward

Applicant: Mr Isaak Kassam

Agent (if any): Mr Muthahar Khan, Studio Tashkeel Architecture

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 April 2024

Standard consultations:

Printed: 3 April 2024 Expired: 24 April 2024

Neighbour notifications

Printed: 3 April 2024 Expired: 24 April 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

The application site relates to the rear of a petrol filling station and a number of other adjoining businesses including a car wash, tyre fitters and barbers. To the rear is a car repair garage and a number of storage containers.

The site is situated on the southern side of Victoria Avenue and can be accessed from both Victoria Avenue and the side road of Northdale Road.



View from the rear of the service station facing towards the rear gardens of Northdale Road

The proposed building subject to this application, is situated in an area to the rear of the main building which comprises hardstanding used for ad hoc parking associated with the car repair garage and a gas tank, partially enclosed by a raised guard rail.

The site is separated from neighbouring residential properties along Northdale Road by concrete panel fencing with barbed wire above. Due to the topography of the land, the dwellinghouses are positioned at a lower level than the application site.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of the host site and a small commercial parade to the other side of Northdale Road to the west, the immediate area is largely residential in character, mainly comprising two storey dwellinghouses.

Description of development

Planning permission is sought for the erection of a single storey building to the rear of the existing petrol filling station and neighbouring commercial uses.

The flat roof building measures approximately 4.8 metres (h), 18 metres (l) (total) and 6.8 metres (d). The building comprises 3 large bays to enable access to 6 parking spaces, together with a small, attached office. The building would be constructed from metal sheet cladding incorporating 3 separate roller shuttered entrance doors. The building would be off-set from the boundary fence which separates the site from the rear gardens of Northdale Road by approximately 0.5 metres.

The applicant states that the proposed building would be for the storage of vehicles independent of other business operators on site. The small office would be for ancillary use.

Consultations & Notification Responses

Local Residents/Occupiers – 3 representations objecting to the proposal have been received.

Concerns are raised in relation to overshadowing, loss of sunlight, increased noise pollution, air pollution and the harmful impact to visual amenity.

Environmental Health – Conditions are advised in relation to any external lighting, hours of use, construction hours, waste management and a restriction to the use of the class i.e. use for storage purposes only.

Highway Services -

Planning History

094515/JO/2010/N1

Variation of condition 2 attached to approved planning application reference 090843 to allow elevational alterations including to roller shutter doors. *Approved 10 November 2010.*

090843/FO/2009/N1

Erection of single storey rear extension to be used for MOT testing station only, including customer waiting room. *Approved 30 September 2009.*

060673/FO/NORTH1/00

Installation of 3 LPG tanks and additional pump to service station. *Approved 11 January 2001.*

052727/FO/NORTH1/97

Single storey extension to existing mini-market to form new sales area, office and staff WC. *Approved 21 November 1997.*

053702/FO/NORTH1/98

Retrospective application for use of land for car sales and erection of 2.4m high palisade fencing. *Approved 16 April 1998.*

F17568

Use of land at rear of service station as a storage compound for calor gas cylinders. *Refused 28 July 1982.*

034291

Installation of 30,000litre petrol storage tank. *Approved 28 July 1998.*

054498/FO/NORTH1/98

Extension to petrol station kiosk to form office space and new toilet. *Approved 22 June 1998.*

031321

Installation of a lance type car wash. *Approved 13 May 1988.*

021704

Erection of a new canopy with fascia. *Approved 5 June 1984.*

019320

Installation of above ground L P G tanks and dispenser on forecourt of petrol filling station. *Refused 7 December 1983.*

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.

Core Strategy policies

Policy SP1 (Spatial Principle) - 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 (Development Management) - 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.

Place for Everyone (Joint Development Plan) - The Places for Everyone Plan is a strategic plan for nine of the 10 boroughs in Greater Manchester and forms part of the city's development plan.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 'Decision Making' provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 12 refers to 'Achieving Well Design and Beautiful Places'.

Paragraph 135 states:

'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 139 goes on to state:

‘Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’

Issues

Principle

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

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed building would form an unduly prominent and visual intrusive feature that would have a harmful impact to the amenity of neighbouring residential occupiers. As such, the proposal is considered contrary to the aforementioned policy and guidance.

This issue is outlined further below.

Residential/Visual Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing and materials.

The Council's policy is also supported by the National Planning Policy Framework (NPPF).

Paragraph 135 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 139 goes on to state:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes'

In this case and with reference to the policy and guidance outlined, it is the Council's view that the proposed building would be visually incongruous and that in turn, this would affect the visual amenity of neighbouring residential occupiers – in particular, the occupiers of properties that back onto the common boundary at 12-14 and 24-26 Northdale Road.

The proposed building would be 4.8 high and would extend along the common boundary at its highest point for 16.5 metres.

The building would only be offset from the boundary by 0.5 metres and due to the height of the existing fence, the proposed building would be highly visible above the fence line. The impact would be accentuated as the neighbouring properties lie at a lower level than the application site due to the topography of the land.

It is proposed that the building be constructed from metal sheet cladding which would present an industrial, utilitarian appearance. Together with the height and mass of the proposed building and its proximity to the boundary, the building would appear visually strident, oppressive and over-dominant to neighbouring occupiers, significantly affecting their outlook to the detriment of their amenity.

On this basis, the proposed development is considered contrary to policies DM1 and SP1 of the Manchester Core Strategy and guidance contained within the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

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 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 communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed building by reason of its height, mass, use of materials and relationship to the rear boundary, would form an overbearing and visually intrusive feature, harmful to the visual amenity of adjoining neighbouring residential occupiers along Northdale Road. As such, the proposed development is contrary to policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

369A Victoria Avenue, Blackley, Manchester, M9 8WQ
369 Victoria Avenue, Blackley, Manchester, M9 8WQ
Tex's Tyre Shop, 355 Victoria Avenue, Blackley, Manchester, M9 8WQ
Tex's Car Wash, 355 Victoria Avenue, Blackley, Manchester, M9 8WQ
Auto Repairs, 355 Victoria Avenue, Blackley, Manchester, M9 8WQ
355 Victoria Avenue, Blackley, Manchester, M9 3WQ
367 Victoria Avenue, Blackley, Manchester, M9 8WQ
345 Victoria Avenue, Blackley, Manchester, M9 8WQ
343 Victoria Avenue, Blackley, Manchester, M9 8WQ
4 Northdale Road, Manchester, M9 8WG
22 Northdale Road, Manchester, M9 8WG
12 Northdale Road, Manchester, M9 8WG
8 Northdale Road, Manchester, M9 8WG
6 Northdale Road, Manchester, M9 8WG
26 Northdale Road, Manchester, M9 8WG
24 Northdale Road, Manchester, M9 8WG
20 Northdale Road, Manchester, M9 8WG
18 Northdale Road, Manchester, M9 8WG
51 Acre Top Road, Manchester, M9 0WP
45 Acre Top Road, Manchester, M9 0WP
39 Acre Top Road, Manchester, M9 0WP
2 Northdale Road, Manchester, M9 8WG
16 Northdale Road, Manchester, M9 8WG
14 Northdale Road, Manchester, M9 8WG
10 Northdale Road, Manchester, M9 8WG

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
Area Team Boundary - Name: NORTH AREA