

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134760/FO/2022

Date registered valid: 16 February 2024

Proposal: Change of use to Class E (g) (business use) with associated 3-storey extension and associated car parking.

Address: Unit 6 Monsall Mill, Monsall Road, Manchester, M40 8NQ

Ward(s): Harpurhey Ward

Applicant: Revegate Ltd

Agent (if any): Mr A Inman, A & S Inman (Designs) Ltd

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 4 April 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 26 February 2024 Expired: 18 March 2024

Neighbour notifications

Printed: 26 February 2024 Expired: 18 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

This Application relates to Unit 6, Monsall Mill, Monsall Road, Harpurhey. Unit 6 is located to the rear of the main mill complex, accessed down a shared access track to the back of the main mill building, off Monsall Road. Historic Monsall Mill has an established industrial use. The mill has been divided over time into various different industrial type uses. The egress/ingress to the site off Monsall Road is a junction regularly congested by vehicles servicing businesses/uses.

The site is located adjacent to Monsall Vale, which is a large area of public open space. A Planning Application to improve the space was approved in 2005 (076199). A footpath leading into the public open space from Monsall Road passes within the vicinity of the Application site. Residential properties are located along Monsall Road opposite the Monsall Mill site, including opposite the vehicular entrance into the complex.

Planning Permission is sought for a change of use of Unit 6 to a Class E (g) (business use) with associated 3-storey extension and associated car parking.

Planning History

117182/FO/2017 Use of premises as a place of worship (Use Class D1) Refused

113347/JO/2016 Variation of condition 1 (temporary period) appeal decision referenced APP/B4215/W/15/301007 7 to allow extension of the use of the premises as a place of worship until 27 August 2017 Refused then allowed at appeal.

107779/FO/2015/N1 Retrospective application for use of vacant premises as a place of worship (Use Class D1) Refused then overturned at appeal.

098498/FO/2012/N1 Change of Use from General B2 to End of Life Vehicle (ELV) Depollution Facility (Sui Generis) Refused

039155 Change of use to a take-away sandwich bar Approved

037688 Change of use from industrial to the collection and redistribution of non-ferrous scrap metal Approved.

037237 Change of use from light industrial to general industrial Approved

031156 Retrospective application for the use of the premises for vehicle repairs and car body workshop, and for proposed M.O.T. testing Approved.

F14567 Retention of single-storey light industrial building (Previously approved to 31.12.79. under ref: TP 63363 on 18.12.72). Approved.

F11988 Use of land for the storage and dismantling of vehicles. Refused.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and two objections were received. The issues raised are set out below;

- The site is used as an unauthorised car breakers yard.
- Unkempt appearance and general untidiness as a result of littering at the site.
- Current occupiers at the site, park vehicles across pathways and driveways of nearby residential properties.
- Noise and general disturbance caused by comings and goings, including car doors slamming at early hours of the morning.

Councillor Pat Karney-Objected to the proposal on the basis the submission lacks information relating to the proposed use, the hours of operation and commented whether the applicant would undertake community engagement.

Response to Objectors

The overarching objections relate to the existing uses and the activities that currently take place at the site and the conflicts that have taken place between the occupiers of Monsall Mill and the occupiers of the surrounding residential area. Various planning permissions have been granted over a number of years which can be best described as light industrial uses non have been investigated by the planning enforcement team. The issues raised relating to noise and general disturbance, and the issues of the impact of car parking associated with the proposed use cannot be fully assessed due to the lack of information provided with the planning application, and the application has been refused on that basis. Furthermore, the issue raised by the local councillor regarding public engagement by the applicant, is not a matter for planning.

The Highways Team- The highway team were unable to fully assess the application as further details relating to the number of staff to be employed at the site, and requested that information on how the car park for the site at a whole is provided i.e. existing dedicated area of parking for the place of worship and proposed dedicated parking for the proposed use, visitor parking and how parking is managed. Furthermore, it is currently unclear if the development will have dedicated parking on-site and how this will be managed. It is requested that confirmation is provided on where vehicles associated with the office development will park and how this will be managed. It is also requested that more information is provided on the waste collection arrangements in terms of the collection point and how it will be managed with the other uses on-site.

Environmental Health- requested conditions be attached to the consent relating to hours of operation, servicing and delivery restrictions, construction management plan, contained land and an external plant noise attenuation condition be added to the consent should the scheme be supported.

The Flood Team- Raised no objection to the proposal subject to the scheme including a drainage system to prevent the increase of flooding.

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2023)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social, and c) an environmental objective. The following specific policies are considered to be particularly relevant to the proposed development:

- i. Chapter 9. Promoting sustainable transport
- ii. Chapter 11. Making effective use of land
- iii. Chapter 12. Achieving well-designed and beautiful places
- iv. Chapter 14. Meeting the challenge of climate change, flooding and coastal change

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012.

The Core Strategy is the key document in Manchester's Local Development Framework. It 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. Of relevance are:

Policy DM1 (Development Management);
Policy SP1 (Spatial Principles);
Policy EC5 (East Manchester);
Policy EN1 (Design Principles and Strategic Character Areas);
Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development);
Policy EN 8 (Adaptation to Climate Change);
Policy EN9 (Green Infrastructure);
Policy EN14 (Flood Risk);
Policy EN15 (Biodiversity and Geological Conservation);
Policy EN 16 (Air Quality);

Policy EN18 (Contaminated Land and Ground Stability);
Policy EN19 (Waste);
Policy T1 (Sustainable Transport).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC26.1 states 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 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.

DC26.4 states 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 noncritical 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 these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 states 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.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007 The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods. Of relevance are paragraphs 2.3, 2.7, 2.14 and 2.16.

Places for Everyone

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.

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'. The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, the Plan and its policies is 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.

The following policies are relevant:

- i.JP- S1- Sustainable development
- ii.JP- S2 - Carbon and energy
- iii.JP- S5 - Flood risk and the water environment
- v. JP-C1- An integrated network
- vi. JP- G9- A net enhancement of biodiversity and geodiversity
- vii. JP- S6- Clean Air

ISSUES

Principle of Development

The application seeks planning permission for the change of use to Class E (g) (business use) with associated 3-storey extension and associated car parking.

The former use within unit 6 Monsall Mill, was a place of worship refused under planning reference number 107779/FO/2015/N1 the proposal was a retrospective application, for use of vacant premises as a place of worship (Use Class D1) Refused by the city council, then was overturned at appeal.

No design and access statement was provided with the application. The business to occupy the proposed unit is unknown. However, the principle of a Class E unit is considered acceptable in this location.

Given the overarching policy context, it is considered that the general principle of the proposed use would be acceptable in this location, given further information relating to the use be provided. However, other considerations are taken into account such as impact on the highway design, visual/ residential amenity and design and appearance. In this instance the applicant has failed to demonstrate how the proposed use would impact the existing highway network and

not cause adverse implications and justify and provide further information in relation to the use of the buildings.

Impact on the Highway

No Transport Statement/Highways Technical Note was provided for Highway Services to be able to fully assess the proposal. Highway Services requested the following information to understand the impact of the proposal to the existing highway network:

It is understood that the place of worship will be removed as part of the development and become office space. The proposed extension will result in approximately 215sqm of additional rental floor area. It is requested that information in relation to the number of staff to be employed and the maximum anticipated staff on-site is provided.

The development has existing vehicle parking on-site. The eastern area provides parking for up to 50 vehicles, the northern car park provides up to 5 vehicles and the western car park provides up to 24 vehicles. Vehicular access to the site is gained from a private access road from Monsall Road.

It is noted that the car park is well used, and some on-street parking does occur along Monsall Road. It is requested that information on how the car park for the site as a whole is provided i.e. existing dedicated area of parking for the place of worship and proposed dedicated parking for the proposed use, visitor parking and how parking is managed. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. Vehicle and pedestrian access will remain as existing from the service road which runs parallel to the mill and is accessed via Monsall Road.

Part of the concrete panel fence and undergrowth will be removed to enable access to the road to be extended to provide improved access to the rear of the site.

It is noted that the development is cited within a wider site with various uses. It is currently unclear if the development will have dedicated parking on-site and how this will be managed. It is requested that confirmation is provided on where vehicles associated with the office development will park and how this will be managed.

Furthermore, the proposal does not include information relating to the servicing of the proposal and parking dimensions at the site, which may result in an unacceptable arrangement for accessing and egressing of the application site by vehicles, to the detriment of highway and pedestrian safety.

The lack of transport information is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy. The proposal is contrary to the policies set out below. Policy SP1 States, 'Development in all parts of the City should create well designed places that enhance or create character and make a positive contribution to the health, safety and wellbeing of residents'. The proposal is contrary to SP1, as the impact of the proposal in term of adequate service provision and car parking provision could impact on the safety of pedestrians in and around the site. Therefore, the proposal is considered to be unacceptable as the applicant has not demonstrated the proposal has adequate servicing arrangements and car parking.

Policy DM1 States, 'all development should have regard to the following specific issues;

- Appropriate siting, layout, scale, form, and massing.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Effects on road safety and traffic generation.
- Community safety.
- Vehicular access and car parking.

The proposal is contrary to policy DM1, as the applicant has failed to demonstrate the effectiveness of the layout of the development, and therefore, potentially, due to the scale of the development could hinder the effective operation of the office business. Therefore, the current proposal may be unacceptable in terms of vehicular access and car parking, to the detriment of community safety.

Policy T1 States, 'developments should take into consideration vehicular access and car parking and should reduce the negative impacts of road traffic and road accident casualties'. The proposal is considered to be contrary to policy T1, as the applicant has failed to demonstrate how the site would safely operate in terms of servicing and whether the amount of space for the safe manoeuvrability of serving vehicles would impact on the proposed car parking provision.

Visual/ Residential Amenity

Policies SP1 and DM1 seek to ensure that new developments have a positive impact on existing residents as well as creating places that make a positive contribution to neighbourhoods of choice. Policy DM1 goes further by stating that the effect on amenity is a key consideration particularly effects on privacy and noise. It is considered that there are three potential impacts associated with this development which require consideration:

- a loss of privacy from overlooking;
- any overbearing or overshadowing impacts; and
- any unacceptable noise and disturbance from comings and goings.

DC26.1 states 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.

This immediate part of Harpurhey, namely Monsall Mill, is dominated by light industrial businesses and is identified within policy as being suitable for such businesses. Given the position of the three-storey building within the site it is considered there would not be any significant, adverse effect upon the conditions of nearby occupiers of the nearby residential properties in terms of loss of privacy or creating an overbearing feature from the proposed building.

During the course of the application, two neighbour and one councillor objectors were received. As no design and access statement was submitted and no further details surrounding the specifics of the use, concern is raised regarding the proposed use of the office building which could lead to increased noise and disturbance. This information is considered necessary given the history linked to the site. No hours of operation were presented to be accessed by Environmental Health, the number of comings and goings is not known due to the lack of Transport Plan/ Design and Access statement which could lead to an adverse impact to noise and disturbance, as well as heavy traffic to the detriment of the surrounding occupying units.

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.

Reasons for recommendation to refuse

1) The applicant has failed to provide sufficient details to fully assess the proposal. A Design and Access Statement is required to provide further details on the use of the three-storey extension and should include:

- Explanation why a development of this size and character is consistent with its urban design setting, particularly in terms of the application site, the immediate surroundings and street scene, and the wider City Centre context.
- Anticipated number of staff and employees.
- The hours of operation.

The applicant has failed to provide details relating to the design, access and use of the proposal, which is contrary to policies EN1 and DM1 of the Manchester Core Strategy and policy DC26 of the Unitary Development Plan for Manchester.

2) The applicant has failed to provide sufficient details to fully assess the proposal. A Transport Statement/Highways Technical Note is required to provide further information/clarification on the impact of the development on the existing highway network.

The applicant has failed to provide details relating to the servicing of the proposal and parking requirements at the site, which results in an unacceptable arrangement for accessing and egressing of the application site by vehicles, to the detriment of highway and pedestrian safety. This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

208 Monsall Road, Manchester, M40 8EN
210 Monsall Road, Manchester, M40 8EN
202A Monsall Road, Manchester, M40 8EN
202 Monsall Road, Manchester, M40 8EN
206 Monsall Road, Manchester, M40 8EN
204 Monsall Road, Manchester, M40 8EN
Unit 2, 200 Monsall Road, Manchester, M40 8EN
Unit 1, 200 Monsall Road, Manchester, M40 8EN
169 Monsall Road, Manchester, M40 8WP
145 Monsall Road, Manchester, M40 8WP
163 Monsall Road, Manchester, M40 8WP
157 Monsall Road, Manchester, M40 8WP
151 Monsall Road, Manchester, M40 8WP
167 Monsall Road, Manchester, M40 8WP
165 Monsall Road, Manchester, M40 8WP
147 Monsall Road, Manchester, M40 8WP
153 Monsall Road, Manchester, M40 8WP
161 Monsall Road, Manchester, M40 8WP
159 Monsall Road, Manchester, M40 8WP
155 Monsall Road, Manchester, M40 8WP
149 Monsall Road, Manchester, M40 8WP
183 Monsall Road, Manchester, M40 8WP
181 Monsall Road, Manchester, M40 8WP
171 Monsall Road, Manchester, M40 8WP
179 Monsall Road, Manchester, M40 8WP
177 Monsall Road, Manchester, M40 8WP
Unit 9, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 12, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 1A, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Premier Auto Bodies, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 2, Monsall Mill, Monsall Road, Manchester, M40 8NQ
First Floor, 2B Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 2A, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 1B, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 5, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 4, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 7, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 10, Monsall Mill, Monsall Road, Manchester, M40 8WN
BILLIE'S BUTTIES, Unit 3C, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 8, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 1 Ground Floor, Monsall Mill, Monsall Road, Manchester, M40 8NQ
First Floor Unit 3A, Monsall Mill, Monsall Road, Manchester, M40 8NQ
SHAFI CARS, Unit 11, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 3, Monsall Mill, Monsall Road, Manchester, M40 8NQ
Second Floor, Monsall Mill, Monsall Road, Manchester, M40 8NQ
175 Monsall Road, Manchester, M40 8WP
Monsall Mill, Monsall Road, Manchester, M40 8NQ
Unit 2C, Monsall Mill, Monsall Road, Manchester, M40 8NQ

173 Monsall Road, Manchester, M40 8WP

Appendix 2 – Planning constraints

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

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 - 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) -

Area Team Boundary - Name: NORTH AREA