

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138071/FO/2023

Date registered valid: 12 September 2023

Proposal: Elevational alteration to includes new opening and the installation of roller shutter to front of building.

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: Approve

Date of recommendation: 27 November 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 26 September 2023.

Standard consultations:

Printed: 6 November 2023 Expired: 27 November 2023

Neighbour notifications

Printed: 14 September 2023 Expired: 5 October 2023

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 premises 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 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, 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

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one objection was received, rising concerns regarding the existing MOT business, increase demand for car parking within the area impacting on local residents.

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 and the submitted plans indicate that the proposals would not increase the existing facility's floor area and would not give rise to additional operations at the site. Furthermore, the business was operating during the site visit and car parking was present at the site within the curtilage of private land. Therefore, it is not anticipated as a result of the proposal would have an adverse impact on car parking within the area.

Environmental Health-Commented the roller shutter should be closed in accordance with the hours of operation.

Issues

Policy

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development.' In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Framework has been related to the proposed development, with regard to the following:

i. Chapter 8: Promoting healthy and safe communities Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

It is considered that the proposal would be related appropriately related to the existing use and immediate character of the street scene. Chapter 8 would thereby be complied with.

ii. Chapter 12: Achieving well-designed places

Paragraph 126 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 states that planning and decisions should ensure that developments:

- o Function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- o Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- o Are sympathetic to local character;
- o Maintain a strong sense of place;
- o Create places that are safe, inclusive and accessible and which promote health and wellbeing and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

In this case, it is considered that the development would be suitably related to the composition of the existing building with no apparent harm to the appearance of the street scene. It would thereby accord with Chapter 12.

National Planning Policy Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The NPPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the NPPG, which would be accorded with:

i. Consultation and pre-decision matters

ii. Health and well-being

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development.

Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles)

Policy SP1 specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well-designed places that enhance or create character; making a positive contribution to the health,

safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;

b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The proposal relates an existing garage premises, which provides a source of local employment. The potential impact of the development on the well-being of residents is capable of being mitigated through operational management of the site given the proposed intensity of development. The proposed development would therefore, be appropriately related to the surrounding context to secure compliance with policy SP1.

Policy EC1 (Employment and Economic Growth in Manchester)

The relevant sections of policy EC 1 have been related to the contribution of the development to:

- o Improving access to jobs for all via public transport, walking and cycling;

- o Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;

- o Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;

- o Ensuring the continued social, economic and environmental regeneration of the City.

The proposal relates an existing garage premises, which provides a source of local employment, and which would contribute to the local economy and thereby policy EC1 would be accorded with.

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN 1 requires and assessment of the design of new development and its relationship to the context and character of the local area. In this case, the development would be related appropriately to the composition of the existing building and would not involve the installation of visually obtrusive roller shutter boxes. A condition has been included to ensure that the roller

Policy DM1 (Development Management)

Policy DM1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document.

Relevant considerations in this case are:

- o Appropriate siting, layout, scale, form, massing, materials and detail;

- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;

- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;

- o Community safety and crime prevention;

- o Design for health;

Policy DM1 points a - h (inclusive) the development involves a limited intervention in toe the elevational composition of the building to facilitate its on-going uses. The design, on balance, is considered to be appropriate and capable of appropriately securing the building. The

development would not appear to have any direct additional impact on residential amenity and policy DM1 would thereby be accorded with.

Issues

Principle

The development would be related to the existing use without apparent impact on the existing operational circumstances or character of the area.

Residential and Visual Amenity

The proposed elevational alterations to the building are considered to be acceptable as it is deemed that the impact upon visual amenity would be minimal given the appearance of The building being industrial/commercial in nature. Therefore, the proposal would not affect or unduly alter the existing circumstances.

Environmental health considered the above application and advised that there may be adverse noise impacts on nearby residents from the proposed roller shutter if operated during quieter times. The application does not include hours for the business or any noise data for the shutters and recommend that a condition is imposed on any permission granted restricting the days and hours of operation of the roller shutter to within normal working days/hours.

Therefore, Environmental Health are seeking to restrict the hours of operation in line with comments and a condition has been added to the consent. The applicant has confirmed in an email the shutter will be down when the business is not in operation. An hours condition has been added to the consent in line with the agreed hours of operation approved under planning reference number 108085/LP/2015/N

Design

The proposed roller shutter will match the existing shutters situated across the application site. For the avoidance of doubt, a condition has been included to ensure that the design of the roller shutters incorporates powder colour coating and that the shutters are perforated.

Highways

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 8am-6pm and Sat 8am-12.30pm' waiting restrictions run along Factory Lane in the vicinity of the site.

The proposals involve provision of a new opening and roller-shutter at the building's Factory Lane frontage. It is assumed that the new opening will accommodate vehicles associated with the operational MOT/Service facility.

Submitted plans indicate that the proposals would not increase the existing facility's floor area and would not give rise to additional operations at the site.

Flush kerbs are provided along the site frontage and so a new dropped-kerb access will not be required. Highways had no objection to the proposal. Therefore, the proposal is considered to be acceptable on highways terms. .

Conclusion

The development would be appropriately related to the existing building and would facilitate the operation of business. The development is thereby considered to be acceptable.

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: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to guide the application through all the stages of the planning process and resolve any issues that arose in dealing with the application.

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

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 following drawings and documents:

Drawings Titled, ' Proposed Elevations, Proposed Floor Plan', Proposed Cross Section and the Location Plan, stamped as received on the 12 September 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Prior to the installation of any roller shutters, full details of the proposed roller shutter specification, including colour, shall be submitted to and approved in writing by the City Council as Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.

Reason - In the interests of visual amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) The hereby approved roller shutter shall not be operated (opened and closed), outside the following hours Monday to Saturday 08:30 to 1800 and the roller shall remain shut outside the agreed hours of operation.

Reason- To safeguard the amenities of the occupiers of the building and/or occupiers of nearby properties pursuant to policy DM1 of the City of Manchester Core Strategy and saved Unitary Development Plan Policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

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
37 Bromfield Avenue, Manchester, M9 8AG
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
34 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