

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137517/JO/2023

Date registered valid: 20 July 2023

Proposal: Variation of condition 4 of planning permission ref: 069322/FO/2003/N2 to allow Unit 2 to open between the hours of: Monday to Friday 8.00 am to 9.00pm, Saturday 8.00 am to 6.00 pm and Sunday 8.00 am to 6.00 pm.

Address: Apollo Business Park, First Floor, Unit 2, Apsley Grove, Manchester, M12 6AW

Ward(s): Ardwick Ward

Applicant: Miss Cheeks Carr Hip Hop Dance Institute

Agent (if any):

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 22 September 2023

Application details

Type of application: Variation or Removal of Condition

Development type: Major Industry

Date of site visit: 31 August 2023

Standard consultations:

Printed: 10 August 2023 Expired: 31 August 2023

Neighbour notifications

Printed: 25 August 2023 Expired: 15 September 2023

Site notice

Posted: 31 August 2023 Expired: 21 September 2023



Press advert

Published: 5 September 2023 Expired: 19 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

This planning application relates to the first floor of a purpose built light industrial / commercial building. It originally comprised of four units but sub-division into smaller units has occurred within the same use class. The surrounding area comprises business and light industrial units. The northern (rear) elevation is presented to Hyde Road. To the east is Selco builders warehouse with a car parking area located to the south. The Apollo Theatre is located to the west. The site is accessed from Stockport Road via Apsley Grove and Marshall Street.

The application has curved roof and comprises three storeys. The wider site is supported by a car parking area that is accessed from Apsley Grove and enclosed by fencing.



Fig.1 – Views of the application site

Description of development

The proposal seeks to use the application premises as a dance studio, which would be a use permitted within the historically established Class E use. The proposal seeks to amend the opening hours condition that relates to the entire building through planning permission ref: 069322/FO/2003/N2. The changes to the opening hours are set out below:

Permitted hours:

Monday to Friday 8.00 a.m. to 6.00 p.m.

Saturday 8.00 a.m. to 2.00 p.m.

Sunday 8.00 a.m. to 12 noon.

Proposed hours:

Monday to Friday 8.00 am to 9.00pm

Saturday 8.00 am to 6.00 pm

Sunday 8.00 am to 6.00 pm.

Site history

i. 069322/FO/2003/N2: Approved - 03.12.2003

Apsley Grove, Ardwick

Two storey building to create four light industrial units with 32 parking spaces.

ii. 085706/FO/2008/N2: Approved - 06.05.2008

Unit 3 Second Floor, Apollo Business Park, Apsley Grove, Ardwick, Manchester, M12 6AW,
Installation of 8 windows at 2nd floor and new loading bay opening with roller shutter at 2nd floor to existing industrial unit

iii. 088978/FO/2009/N2: Refused - 13.05.2009

Part Of Second Floor, Unit 1, Apollo Business Park, Apsley Grove, Manchester, M12 6AW,
Change of use of part of second floor to form place of worship with associated communal facilities

iv. 090532/FO/2009/N2: Approved - 12.10.2009

Unit 1 Apsley Grove, Ardwick, Manchester, M12 6AW.

Retrospective application for the external alterations to existing building including new windows and roller shutters to create loading bays

v. 093470/FO/2010/N2: Approved - 08.09.2010

Selco, Apsley Grove, Ardwick, Manchester, M12 6AJ.

Formation of new left turn lane from Hyde Road and an associated access road to existing car park with erection of 2.4 metre high gates

vi. 100113/AOH/2012/N2: Refused - 27.09.2012

Affinity, Apollo Business Centre, Apsley Grove, Ardwick, Manchester, M12 6AW

Display of 2 no. externally illuminated advertisement hoardings (96 sheet) on side elevation of existing building

Consultations & Notification Responses

Local businesses – No comments received.

Environmental Health – Have advised that the amended operation hours may have the potential to result in noise activity on Sunday morning that may be harmful to residential amenity due to the reduction in background noise levels attributed to traffic on Hyde Road. It is therefore recommended that the opening hours on Sunday be limited to: 10.00 am to 6.00 pm. If the commencement of opening hours at 8.00 am on Sunday is to be proceeded with, it is recommended that the premises be related to a noise insulation condition.

Highway Services – No objection.

Greater Manchester Police Design for Security - No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in September 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

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. The following aspects of the Framework.

- i. Section 7: Ensuring the vitality of town centres - Identifies leisure uses as being appropriate in town centres with a potential need for an assessment of potential harm when such development is located outside such centres. In this case the development is permitted use resulting in the introduction of a small-scale dance studio with no consequential impact on town or local centres. The development would thereby accord with Chapter 7.
- ii. Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. Given the scale of the development and its context it is not considered that the proposals would unduly harm residential amenity. Given the proposed cessation of opening hours, it is not considered that the security of the wider site would be comprised by the proposal and Section 8 would thereby be accorded with.
- iii. Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:
 - a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - b) Safe and suitable access to the site can be achieved for all users; and
 - c) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

It is considered that, given the magnitude of the development, the generation of traffic and vehicular movement would be predictable and capable of being accommodated within the local highway infrastructure. The development would also be supported by a dedicated car park and is in a sustainable location, in terms of access to public transport. The development would thereby positively related to Section 9.

- iv. Section 11: Making effective use of land - States that planning decisions should promote an effective use of land. It is considered that chapter 11 has been positively responded to as it would deliver a sustainable use with an employment contribution. Section 11 would thereby be positively related to.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource 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 PPG:

- i. Consultation and pre-decision matters
- ii. Health and well-being
- iii. Noise

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 - 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 would improve access to facilities that promote exercise and active lifestyles and thereby contribute positively to health and well-being. The proposals would also secure a sustainable use for the premises. It is considered that the development would be appropriately related to policy SP1.

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 Impact on the character of the surrounding area;
- o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- o Accessibility - With regard to the provision of inclusive access for people with disabilities and also, access to all via sustainable transport modes;
- o Community safety and crime prevention;
- o Design for health;
- o Refuse storage and collection.

The assessment of the development has been related to the proposed impact of the expansion of operating hours to allow activity into the evening period. On balance, it is not considered that the extended opening hours would unduly harm residential amenity. As state waste and recycling would be managed through the existing arrangements. The development would positively contribute to health and well-being. It is not apparent that the development would comprise site security. Policy DM1 would thereby be positively responded to.

Policy EC 1 - Relates to employment and economic growth in Manchester and identifies the need to manage the provision of employment land within the city.

Policy EC 2 - Has been related to the loss of the application site for business purposes and the potential do the proposed use to be a consequential generator of employment. This policy states that Council will seek to retain and enhance existing employment space and sites.

The development would be appropriately related to policies EC1 and EC2 as it would secure a sustainable use for the application premises and provide a small-scale employment opportunity.

Policy EN19 Waste - Requires consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. How the sustainable waste management needs of the end user will be met.

The use would utilise the existing arrangements.

Policy T1 - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The siting is located in a sustainable location with access to public transport. The site is also supported with car parking facilities. The proposals would thereby be positively related to policies T1 and T2.

Unitary Development Plan - The following saved policies are relevant:

Policy DC26.1 - Has been related to the proposals contribution to the local noise environment and the impact of existing noise sources on the development has been assessed, particularly in relation to the proposed residential units.

Policy DC26.5 - Has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation

Notwithstanding the comments of Environmental Health, the use currently can be undertaken in accordance with the existing opening hours, i.e., 8.00 am opening Monday to Sunday inclusively. The assessment of noise impacts has been limited to the extension of hours into the evening period. Given the characteristics of the area, it is considered that the resulting noise impacts would be acceptable.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1 December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems, which arise during the determination of the planning application. In this case, the provision of sufficient and satisfactory information has allowed the appropriate assessment of the planning application.

Principle of the development - The proposal would secure a sustainable and managed use for the application premises and could be undertaken in accordance with the existing opening hours. The consideration of the application has therefore been limited to the potential harm caused by the extended opening hours. It is considered that the proposed opening hours would be acceptable given the busy nature of the surrounding locality and its background noise climate. The proposed hours are therefore considered to be acceptable.

Noise and residential amenity – Notwithstanding the comments of Environmental Health, it would be unreasonable to restrict Sunday morning opening hours to 10.00 am given the existing authorised opening times. Similarly, the inclusion of noise insulation condition would also be an onerous requirement in these circumstances.

Waste management – The existing arrangements would be utilised.

Crime reduction and security – It is not apparent that the wider security of the site would be compromised by the extended opening hours.

Highways issues – As stated the development is in a sustainable transport location with access to a car parking area. The development would not generate any apparent adverse traffic impacts associated with the expansion of the opening hours.

Access - The building entrance has a level threshold, but upper floor access would be via stairs. There is no scope to change these circumstances within the context this application and given that the use would be permitted with Class E.

Conclusion - It is considered that the expansion of opening hours would 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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this case, the provision of sufficient and satisfactory information has allowed the appropriate assessment of the planning application.

Condition(s) to be attached to decision for approval

1) The planning permission hereby granted relates to the first floor of Unit 2, Apollo Business Park, Apsley Grove, Manchester, M12 6AW as a dance studio and does not relate to the operation of any other unit within the Apollo Business Park.

Reason – For the avoidance of doubt and in the interests of the amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority on 11 July 2023 and 20 July 2023:

Planning application forms
Location plan with a red edge.

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 for the City of Manchester.

3) The premises at Unit 2, Apollo Business Park, Apsley Grove, Manchester, M12 6AW shall not be open outside the following hours:

Proposed hours:
Monday to Friday 8.00 am to 9.00pm
Saturday 8.00 am to 6.00 pm
Sunday 8.00 am to 6.00 pm.

Reason - In interests of residential amenity and in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) Deliveries, collections and servicing (including waste collections) associated with the development shall be restricted to the following hours:

8.00 a.m. to 8.00 p.m. Monday to Saturday.

No deliveries or collections on Sundays.

Reason - In interests of residential amenity and in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

5) The details of any external lighting required in support of the development shall be submitted to and approved in writing by the City Council as local planning authority. Any external lighting shall be designed and installed so as to control glare and overspill on to nearby residential properties.

Reason - To safeguard the amenities of the occupiers of nearby residential properties, pursuant to with policies SP1 and DM1 of the Core Strategy for the City of Manchester

6) There shall be no open storage of materials or equipment on the site.

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

7) The planning permission hereby granted does not confer consent for the display of advertisements.

Reason – For the avoidance of doubt and in the interests of the amenities of the area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Greater Manchester Police

STS Touring Productions, Ground Floor Unit 1, Apsley Grove, Manchester, M12 6AW
Sarwar & Sons Knitwear, Unit 1, Apsley Grove, Manchester, M12 6AW
Felice Studio, Unit 2, Apsley Grove, Manchester, M12 6AW
Luxe To Kill, Unit 2, Apsley Grove, Manchester, M12 6AW
Muse - The Agency Unit 2, Apsley Grove, Manchester, M12 6AW
Basit Knitwear, Unit 3, Apsley Grove, Manchester, M12 6AW
Stylo Knitwear Unit 3, Apsley Grove, Manchester, M12 6AW
Express Taablecloths And Textiles International Limited Unit 3, Apsley Grove, Manchester, M12 6AW
Celeb Look, Unit 4, Apsley Grove, Manchester, M12 6AW
Shah & Sons Knitwear Unit 4, Apsley Grove, Manchester, M12 6AW
Anam Knitwear Unit 4, Apsley Grove, Manchester, M12 6AW
Booker Wholesale, Stockport Road, Manchester , M12 6AJ
Selco Ardwick, Hyde Road, Manchester, M12 6AJ
Unit 3B, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
Unit 3A, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
Unit 3, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
Apollo Business Park, Apsley Grove, Manchester, M12 6AW
Second Floor Unit 4, Apollo Business Park, Apsley Grove, Manchester, M12 6AW
Unit 1, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
16 - 18 Hyde Road, Manchester, M12 6BW
UGGBUGG FASHION LTD, Second Floor Unit 2, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
Ground Floor, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW
First Floor, Apollo Business Centre, Apsley Grove, Manchester, M12 6AW

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA