

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135361/FO/2022

Date registered valid: 20 December 2022

Proposal: Sub-division of an existing commercial unit to form vehicular repair garage (Class B2) and retention of light industrial unit (Class E), together with the provision of a vehicle parking area/forecourt to the front and low frontage dividing wall to separate the two forecourts created

Address: Unit 6, 6 Longden Road, Manchester, M12 5SR

Ward(s): Levenshulme Ward

Applicant: Mr Stoyan Ishoviyarov, Autostar Motors Ltd

Agent (if any): Mr Neil Boughey Acorn Planning Ltd

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

Recommendation: Refuse

Date of recommendation: 7 March 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 10 January 2023 Expired: 31 January 2023

Neighbour notifications

Printed: 10 January 2023 Expired: 31 January 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: Not applicable

Tree Preservation Order: Not applicable

This application relates to a unit on an existing industrial estate that otherwise lies in a mostly residential area, with the overall estate being surrounded by residential properties to the north, west and south, with a large expanse of open land to the east. The site has historically been used as a factory and laundry and in more recent times has been divided into a number of industrial units. This application relates to a centrally located unit on the southern side of the estate, fronting Longden Road, where 6-7 units have been created.

Retrospective planning permission is sought to regularise the sub-division of the application site (an existing commercial unit), to form 2 units, and the change of use, of one of the units, which is currently being used as a Class B2 vehicle repair garage, with the retention of a Class E light industrial use, in the second unit. The unit, subject of this application, has a floor area of 66 square metres and the second unit would have a floor area of 10 square metres. The proposal also includes the provision of a vehicle parking area/forecourt to the front and low frontage dividing wall to separate the two forecourts created. However, no formal parking provision is identified in this area. The unit has a shuttered bay, for which planning permission does not appear to have been granted, and retention of this bay is also sought.

The applicant (Autostar Motors Limited) state that they took over the lease of the application property in October 2021, which at the time was already operating as a vehicle repair garage, and had been established by the subdivision of the unit, which took place from 2019 onwards.

The applicant states that this is a low level business, which he generally operates on his own. The main business is stated to be major and complex vehicle repairs, and that this physically limits the number of client vehicles that are worked on at any one time. It is stated that the

theoretical daily maximum capacity of the workshop would be one vehicle in the unit being serviced/repaired and 2 parked outside awaiting servicing, although it is stated this capacity has never in practice been achieved. It is indicated that works take place with the roller shutter door closed, and the applicant would be happy with a planning condition requiring that the roller shutter doors remain closed when repair works are taking place in the building.

The applicant has also indicated that the following hours of working:
Monday to Friday - 9.30am to 6pm and 9.30 am to 1.00 pm on Saturdays (with no working/opening on Sundays and Bank Holidays).

Consultations & Notification Responses

Local residents/adjoining occupiers - 20 objections have been received, from local residents, for the following reasons:

- There are already a high number of car garages in this area, including 2 on this side of Longden Road, and another one will make life more difficult for residents.
- It is a residential area but in recent months with excessive noise and traffic it appears to have become full industrial area which is not fair for the neighbourhood. There shouldn't be so many car garages on a residential road.
- The repair of vehicles causes noise, extending late into the evening. Sometimes recovery trucks have brought vehicles to the site after 11pm.
- These units have minimal space in front of the property and there is insufficient dedicated parking provision, to meet the needs of this development. Roads and driveways are blocked, by recovery and customers vehicles. Sometimes vehicles are there for weeks at a time, creating an eyesore, in addition to the traffic difficulties.
- There are significant traffic problems with large vehicles having difficulty turning due to narrow streets and cars, from the garage, parked on-street and on the corners of road junctions. Residents cannot park near their homes and have difficulties manoeuvring into/out of the street.
- Previously this was a single factory with the vehicular entrance, historically, being on the other side of the building. The sub-division of the building has therefore resulted in vehicular access points being created, onto Longden Road, where none previously existed.
- The street is not safe for children, due to the amount of traffic
- Health implications of residence and pedestrians due to vehicle emissions within the confined areas.
- One resident states that when they did the sound testing, for the acoustic report, they weren't actually doing the work which is normally undertaken in the workshop during the day, so it is not true representation of the work conditions and noise levels.

An objection has also been received, from a ward member, who lives in the area, who indicates that they find it very difficult to park their car, outside their property, due the constant on-street parking of vehicles associated with the car repair business. A second ward member has also commented stating that they agree with residents, as it is a nightmare when the garages store and repair vehicles on the streets.

Highway Services - Makes the following comments:

TRIP GENERATION AND JUNCTION CAPACITY:

The level of trips generated by the proposals is anticipated to be minimal. As such, no highways concerns are anticipated.

SITE ACCESSIBILITY:

The site is reasonably well accessed by sustainable modes with numerous bus services operating within walking distance of the site along Stovell Avenue, Matthews Lane and A6 Stockport Road.

PARKING AND ACCESS:

Submitted application documents make reference to 2no. off-road car parking spaces to cater for the vehicle repair unit and 1no. off-road parking space to serve the industrial unit. It is unclear where these parking bays will be provided and how these bays will be accessed. Highways request a plan showing the location of these bays together with associated dimensions, access routes and associated boundary treatments.

Based on information provided by the applicant, current operations at the vehicle repair unit allow for 1no. vehicle to be serviced internally with up to 2no. vehicles awaiting servicing (parked within the designated parking bays). Based on the data provided, the proposed level of car parking provision for the vehicle repair garage therefore appears acceptable, however, the operator should manage ongoing operations (i.e. via an appointment system) to ensure no car parking takes place on the adopted highway. Fleet/HGVs would not be safely accommodated within the designated car parking area and so the applicant should confirm that such vehicles would not be serviced prior to any approval.

It appears that no formal car parking provision was previously provided for the light industrial unit use and so the Highways has no objection to the principle of 1no. car parking space to cater for this unit, subject to further details/assessment. It is unclear whether existing vehicular crossovers provide access to the proposed parking bays. Confirmation is therefore required. Any new vehicular crossover will need to be built in accordance with MCC construction standards under a Section 184 vehicle crossing licence/agreement.

CYCLE PARKING:

In line with MCC Core Strategy cycle parking standards, secure and sheltered cycle parking provision should be made available within the curtilage of each unit unless shared provision currently exists across the wider site. Given the use class of the units, cycle parking provision for 2no. cycles should be provided for each unit.

BOUNDARY TREATMENTS:

The proposals show provision of a 900mm high boundary wall. Although the location of the wall is unclear in the context of the proposed parking spaces, should the wall fall within the visibility splay for vehicles accessing/egressing the parking bays then this will need to be reduced in height to max. 600mm or made of permeable construction. This is also the case for the existing walls should these also be located within the vehicular visibility splays.

REFUSE AND SERVICING:

A refuse storage area is noted within each unit with servicing to take place from the highway in alignment with existing operations. Whilst this is considered to be appropriate in ensuring no obstruction on the adjacent highway, further information is required with regard to potential tyre and oil storage and disposal practices associated with the vehicle repair garage operations.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to hours of operation, servicing, waste management and to ensure that all repair works take place only inside the building and with external shutters closed. In relation to the final proposed condition, it was stated that the noise report submitted concludes that the roller shutter doors should remain closed to prevent significant adverse noise impacts at the nearest noise sensitive receptor (residential properties opposite), and notwithstanding that a condition is proposed, they are sure that this is controllable from a planning point of view.

The comments of the resident, who suggested that the acoustic report was not a true representation, were forwarded to Environmental Health Officers, who responded as follows:

It is considered that the resident has misinterpreted the technical points they raise regarding the submitted acoustic report, and their previous comments still stand.

The residents comments regarding car repairs being undertaken with the shutter door open, and the photos they have provided of such occurrences (as well as vehicles clearly being repaired outside of the unit), echo their own previously raised concerns regarding this matter and the enforceability of the suggested condition.

Regarding the residents claim that they can still hear the noise with the roller shutter closed; this is possible as the noise from the garage was not predicted to be inaudible at the resident's property, but was concluded to be not likely to result in a significant adverse effect at the nearest noise sensitive receptor (closest residential façade in this instance), which is deemed acceptable under current national guidance. It is also not clear where the resident was positioned to hear the noise (e.g. in the road outside, in his garden, or inside his property), and whether the roller shutter door was fully closed (again this raises concerns re condition enforceability).

The resident also claims that there is noise from cars being repaired in the "late evenings"; it's not clear that this relates directly to the application premises as they state there are a number of garages in the area, but the hours of operation for the above app do not extend past 6pm, which would be enforceable for these premises.

Flood Risk Management Unit - No drainage condition is required and an informative is proposed, in relation to drainage at the site.

Greater Manchester Police - No objections in principle, although a number of security improvements are recommended.

Issues

National Planning Policy Framework (July 2021) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

It states that 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 visibly 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.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 127).

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.

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.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

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

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.

Policy DM 1 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:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC26.1 states that 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.

Principle - The site does lie in what is now a small industrial estate. However, it does lie on the southern side of the estate and directly faces onto a number of residential properties. The applicant has referenced the following permissions, which have been granted on the estate:

099981/FU/2012/N2 - Change of use from warehousing to car servicing and car repair garage, Unit 4 Longden Road- Approved 1 November 2012
107140/FO/2014/N2 - Change of use from B1 light industrial unit to B2 vehicle repair, service & MOT centre, Unit 9a Longden Road - Approved 12 December 2014.

However, these units are centrally located, on the estate, and neither are positioned on the Longden Road side of the estate, or positioned in such close proximity, to residential properties, as the application site.

Planning permission was also granted, in 2012, for a vehicle repair, service and MOT garage (Use Class B2) at Unit 5, which does front onto Longden Road (097205/FO/2011/N2). However, this unit is located at the westernmost end of Longden Road, and adjacent to the large expanse of open land. It does not therefore lie in such close proximity, to such a large number of residential properties, and no residential property faces directly onto that site. Also, this scheme included the provision of 10 car parking spaces, dedicated to the proposal, and it was deemed that this would be sufficient to meet the needs of the repair garage, without leading to traffic difficulties for the surrounding residential area.

It is not therefore considered that any of these permissions justify the granting of planning permission, in relation to the application site, and the application site has a different location, and is closer to a large number of residential properties, which is not the case with the above applications. It is therefore considered that this proposal creates greater potential for disturbance to those residents, and it is not considered that it is a suitable use in what is a predominantly residential location. It is considered that a vehicle repair garage is not conducive to residential amenity or the character of what is a predominantly residential area.

Notwithstanding that it can be said that the unit is part of an industrial estate, it is on the outer edge of the estate, with its frontage directly facing residential properties, whereas more central units, on the estate are further away from residential properties, with access arrangements that are not directly opposite people's homes. The general principle of a car repair garage, in this location, is not therefore considered to be acceptable.

Traffic - It is apparent that the area has a degree of on-street car parking which may be partially attributable to other users of the industrial estate. The applicants have indicated only a small amount of activity at the premises, and it is suggested that the forecourt can accommodate 2 vehicles. However, given the need to allow movement into/out of the unit, it is more realistic to assume that only one dedicated space is provided, and that the use is otherwise relying on parking on the street. It is clear, from the views expressed by local residents, that on-street parking is a problem in the area, with vehicles being parked for long periods, and the frequent visits of recovery vehicles, for which there is no dedicated space for them to park and offload. It is clear that this operation has given rise to a level of vehicle activity which is having an adverse impact upon residents, due to these increased comings and goings and on-street parking, and that this is having implications for highway safety, with implications for children and other people living in the area.

Noise Disturbance - It is considered that the use is not appropriate within a residential area and, notwithstanding the comments of the Environmental Health Officer, it is not felt that the noise and disturbance associated with the use can be effectively addressed by condition. The potential disturbance is related not only to the moving of vehicles within the vicinity of the site, but also noise emanating from the range of activities undertaken in and around the premises. The applicant has given assurances about work taking place inside the building and behind the closed roller shutter doors, but the comments of residents suggests that work also takes place outside the building. In addition, it is also considered that the operation of the premises with closed shutters may be impractical at the busiest times when there is a need to move vehicles in and around the premises, which would lead to noise spilling out onto the adjoining residential areas.

Smells and vapours - It is likely that odours would be emitted from the premises in association with the processes undertaken within the premises, and that these have the potential to be detrimental to residential amenity. This again raises questions regarding the suitability of the use in such close proximity to housing.

Residential amenity - For the reasons outlined above, it is considered that the continued use of the premises as a vehicle repair garage will cause disamenity to neighbouring residents and undermine the essentially residential character of the area.

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

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

1) The continued use of the site for motor vehicle repairs would be unduly detrimental to the amenities that occupiers of adjacent residential properties might reasonably expect to enjoy, by virtue of increased comings and goings associated with customer activity, deliveries and vehicle movement, together with the noise and disturbance associated with the undertaking of repair work and the insufficient arrangements for the parking of vehicles within the curtilage of the site and the resulting exacerbation of existing on-street parking, highway difficulties and traffic congestion in the area, to the detriment of pedestrian and highway safety. As such the proposal would be contrary to saved policy DC26, of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

6G Longden Road, Manchester, M12 5SJ
Unit 6F, Longden Road, Manchester, M12 5SJ
29 Longden Road, Manchester, M12 5SR
27 Longden Road, Manchester, M12 5SR
25 Longden Road, Manchester, M12 5SR
23 Longden Road, Manchester, M12 5SR
21 Longden Road, Manchester, M12 5SR
19 Longden Road, Manchester, M12 5SR
17 Longden Road, Manchester, M12 5SR
15 Longden Road, Manchester, M12 5SR
Unit 9C, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Longden Road Industrial Estate, Longden Road, Manchester, M12 5SG
Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 2, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 3, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 9B, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 9A, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 11, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 5, Longden Road Industrial Estate, Longden Road, Manchester, M12 5SJ
Unit 4, Longden Road Industrial Estate, Longden Road, Manchester, M12 5SG
Unit 1, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 16, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5SG
Unit 15, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 14, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 13, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
Unit 10, Longden Road Industrial Estate, Hemmons Road, Manchester, M12 5ST
31 Longden Road, Manchester, M12 5SR
1 Newdale Road, Manchester, M12 4GG

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 Zone - All Exceeding 90M
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA