The Planning Inspectorate

Appeal Decision

Site visit made on 22 March 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2022

Appeal Ref: APP/B4215/W/21/3283576
305-311 Oldham Road, Manchester M40 7PS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Riaz-Ul-Haq Ghafoor against the decision of Manchester City Council.
- The application Ref 130090/FO/2021, dated 16 April 2021, was refused by notice dated 20 July 2021.
- The development is the proposed change of use from a factory to a prestigious car show room and associated MOT centre.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from a factory to a prestigious car show room and associated MOT centre at 305-311 Oldham Road, Manchester M40 7PS in accordance with the terms of the application, Ref 130090/FO/2021, dated 16 April 2021, subject to the conditions set out within the schedule at the end of this decision.

Preliminary Matters

2. I have changed the address in the heading above as I have been made aware that the address used in the planning application form was incorrect. The new address has been taken from the appeal form, and I note that it was also used by the Council in their decision notice.

Main Issues

3. The main issues are the effect of the proposal on:

   - The living conditions of neighbouring occupiers with regard to noise and activity on site; and,

   - The character and appearance of the street scene.

Reasons

Living Conditions

4. The appeal site contains the remains of a building that I understand had previously been used as a factory, however, I do not know the intensity of this previous use or the opening hours. The site is surrounded by a mixture of wasteland and light industrial uses, including a railway service depot and car mechanic. Nearby there are also residential properties, primarily on the opposite side of Oldham Road. Oldham Road is a dual carriageway which, at the time of my visit, had a high level of vehicular movements.

5. Given the existing use on and surrounding the appeal site, as well as the dual carriageway, I find that nearby residential occupiers would already experience noticeable levels of background noise. The appellant in their statement has submitted the opening hours for the MOT testing station, namely 09:00 to 17:00 Monday to Friday and 09:00 to 16:00 on Saturdays, it would not operate on Sundays or bank holidays.

6. I find that these operating hours are fairly typical and would avoid anti-social hours, including early mornings, evenings and on Sundays or bank holidays. Although the appellant's Environmental Noise Survey was not carried out on a Saturday, I find it unlikely that noise levels would be significantly different to midweek given the dual carriageway. The noise generated on site would be similar to that at the existing car mechanic next door and, as demonstrated within the noise survey, would not significantly exceed typical background noise levels.

7. However, should the testing and servicing of cars be carried out outside of the above mentioned hours, it is likely that the generated noise would exceed that of the background levels. Should this happen, neighbouring occupiers' enjoyment of their homes is likely to be harmed by way of obtrusive and disturbing noise levels, to the detriment of their living conditions. As such these hours would need to be controlled via a condition.

8. Although to a lesser degree, it is likely that journeys to and from the appeal site in relation to the car sales business would also result in some level of noise and disturbance. However, given the associated noise would be akin to that of the highway, I find that it would not be unacceptable for the car sales to be open on Sundays and bank holidays.

9. I note that there are concerns that an insufficient provision of on-site car parking spaces have been provided and that on-street parking would harm the living conditions of nearby occupiers. However, the scale of the development is relatively limited and is unlikely to result in such a significant increase in on-street parking as to noticeably affect the living conditions of neighbouring occupiers as a result of noises associated with the manoeuvring and parking of vehicles.

10. I therefore find that the development would protect the living conditions of neighbouring occupiers with regard to noise and activity on the site. As such the proposal would comply with saved Policy DC26 of The Manchester Plan: The Unitary Development Plan for the City of Manchester (the UDP, July 1995) and Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (DPD, July 2012) which collectively, and amongst other matters, require development to protect the living conditions and wellbeing of surrounding users and occupiers, including regarding noise.

Character and Appearance

11. As outlined above the appeal site contains the remains of a former factory, while I have limited information before me as to its previous appearance, I understand that the building had been three storeys in height. The street scene around the appeal site is characterised by a dual carriageway with a residential area set behind a deep verge on one side and a mixture of primarily commercial uses and wasteland on the appeal site side. The exception to this

is, what appears to be, a mixed commercial and residential building between the appeal site and Collyhurst Street.

12. Given the degree of separation created by Oldham Road, and the different character and appearance present on each side of the road, I find that they are clearly discrete areas. Therefore, the appeal site, by way of its siting is read in connection with the commercial nature of this side of the road.

13. Although I note the Council's concerns regarding the loss of the quality of the original building, it is no longer present in its complete form, and I find that the scale and massing of the proposal would be commensurate with the neighbouring buildings. Moreover, the proposed additions to the building are simple in appearance and would not detract from the detailing on the remaining parts of the existing building. These additions, such as the large first floor windows, would be commercial in nature, and given its surroundings this would not be unacceptable.

14. Therefore, in light of the above, the proposed alterations to the building, by way of their siting, massing, scale and design, would not harm the character and appearance of the street scene. It would therefore comply with Saved Policy E3.3 of the UDP and Policies EN1, DM1 and SP1 of the DPD which collectively and amongst other matters require that development positively contributes towards creating well designed places and the character of the area. The proposal would also comply with guidance within The Guide to Development in Manchester Supplementary Planning Document and the National Planning Policy Framework.

Other Matters

15. Whilst there may be an under provision of parking on-site, I noted during my site visit that there are a number of residential streets nearby with a good level of on-street parking available. I find that the small increase in on-street parking resulting from the proposal could easily be accommodated within these streets. As a result, I do not find that there would be a significant or unacceptable impact on highway safety. I note that the Council did not include highway safety as a reason for refusal.

16. Although details for the storage and collection of waste and recycling are limited, such a matter can be dealt with via a suitably worded condition.

Conditions

17. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the National Planning Policy Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording.

18. For certainty I have set out the timescale for the commencement of works. A condition is also necessary for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.

19. It would also be necessary for conditions to require further details to be submitted regarding the external appearance of the development; including the roller shutters, and regarding any features to protect the security of the site or increase energy efficiency. These would be necessary to ensure a suitable

character and appearance, the security of the site and to reduce its environmental impact.

20. As details of the vehicle charging point, bike and waste storage have been submitted it would be unnecessary for further details to be sought. However, conditions would be reasonable to ensure that a vehicle charging point and bike storage are provided in order to support sustainable transport. Facilities for waste and recycling storage would also be necessary to protect the living conditions and nearby users and occupiers.

21. Furthermore, due to the expected noise and activity created at the site, it would also be necessary to impose conditions limiting the hours of operation, when deliveries can be made, and where works can be carried out in order to protect the living conditions of nearby occupiers. However, the AB Acoustics report did not find that sound insulation would be required in order to limit any noise impacts and as such I find that a condition requiring this would be unnecessary.

22. Furthermore, given the scale of the development and that the construction works would be for a temporary, and likely, short period only, it would be unnecessary to require a construction management plan in order to protect the living conditions of neighbouring occupiers. It has not been proposed that any external plant or boundary treatments are to be erected and I therefore find that conditions relating to these would also be unnecessary to protect the living conditions of nearby occupiers.

23. Given the scale of the development and its proposed use, I find that it would be very unlikely for it to significantly affect local air pollution, especially given its siting near an existing garage, dual carriageway and a railway service depot. Moreover, I find that the proposed use would not be unacceptably susceptible to existing contamination on site. Therefore, it would be unnecessary to impose conditions requiring further details and mitigation for these matters.

24. From my observations on site, and the evidence before me, I find that the site is unlikely to accommodate surface water drainage as existing, therefore, although the proposal would result in the rebuilding of the site, this would not significantly or unacceptably affect surface water runoff. Therefore, a condition requiring drainage details would be unnecessary.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Local Plan, 03 Proposed Ground Floor Plan, 04A

Proposed 1st Floor Plan, 05 Proposed 1st Floor Plan, 06 Proposed Roof Plan, 07B Proposed Elevation, 08 Proposed Rear Elevation, 10 Site Layout Plan, 11 Site Layout Plan, 13 Drainage Plan.

3) No development above ground level shall commence until samples and specifications of all external materials have first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the agreed materials.
4) No development above ground level shall commence until details of how the proposal would achieve Secured by Design accreditation have first been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall not be brought in to use until the Local Planning Authority has confirmed that such accreditation has been achieved.
5) No development above ground level shall commence until an Environmental Standards Statement has first been submitted to, and approved in writing by, the local planning authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency. The development shall thereafter be carried out in accordance with the approved measures.
6) Prior to the first use of the development hereby permitted an area for the storage and disposal of refuse and recycling shall be provided in accordance with details first submitted to, and approved in writing by, the local planning authority. Thereafter, this area shall be retained for this use as long as the development is in place.
7) Prior to the first use of the development hereby permitted, the charging point for electric vehicles, as shown on drawing number 03 – *Proposed Ground Floor Plan*, shall be provided, and thereafter the charging point shall be retained for use as long as the development is in place.
8) Prior to the first use of the development hereby permitted, the space and facilities for bicycle parking shall be provided in accordance with the details shown on drawing number 04a – *Proposed 1st Floor Plan*. The space and facilities shall thereafter be retained and permanently reserved for bicycle parking.
9) The MOT testing station shall only operate between 09:00 and 17:00 Monday to Friday and between 09:00 and 16:00 on Saturdays. The MOT testing station shall not operate on Sundays and Bank or Public Holidays. In addition to the times set out above the car showroom may also operate between 10:00 and 17:00 on Sundays and Bank or Public Holidays.
10) Deliveries, servicing, and collections, including waste collections shall only take place between 07:30 and 20:00 Monday to Saturday.
11) All vehicle repairs, servicing and MOT testing shall take place within the building hereby permitted, with the main building entrance roller shutters closed.