

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133563/FO/2022

Date registered valid: 10 May 2022

Proposal: Erection of a single storey modular building to form office within existing yard area.

Address: The Ponderosa, Dobbinets Lane, Manchester, M23 9NB

Ward(s): Baguley Ward

Applicant: Alan Sproton, Alan Sproton Fencing Ltd, Badgerwood, Dobbinets Lane, Manchester, M23 9NB

Agent (if any): R.F. Whitelegg, Via Email

Case officer: Constance Phillips
Tel: 0161 234 5792
Email: constance.phillips@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 4 July 2022

Standard consultations: No consultations have been printed and sent.

Neighbour notifications: Printed: 17 May 2022 Expired: 7 June 2022

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

The application relates to a timber yard/building materials merchant. The large site contains a 65m long single storey warehouse for the storage of materials with loading bays, with outdoor storage areas and a central track for vehicles, plus several containers in the north corner.

Description of area

The site is located on Dobbinetts Lane within Baguley, close to the border with Trafford. The site is south-west of Wythenshawe Hospital and north of the residential modern estate Jack Brady Close.

Description of development

The applicant is seeking permission to install a single storey modular building, with 3 parking spaces, within the front portion of the site, adjacent to the road and the boundary with the neighbouring housing estate.

Consultations & Notification Responses

Local residents, as per appendix 1 – One letter of objection was received, which raised the following concerns:

- *The Business has outgrown the current facility, without any consideration to the residence around. The business now employs several staff but does not provide adequate employee parking. Current employees park their cars on Jack Brady Close,*

half on the pavement and half on the road and this makes it impossible to drive in or out of the Close safely. With the erection of this building customers will now be visiting the premises and will also utilise Jack Brady Close for parking, or Dobbinetts Lane.

- Due to the expansion of this business, HGV's waiting to enter the premises illegally park on Dobbinetts Lane, half on the pavement and half on the road over a single yellow line. This has been previously reported to Manchester Council. A showroom will also increase traffic to and from the congested entrance to Sproston, this area of Dobbinetts Lane has recently had another entrance to the new houses built on the bend.
- With the addition of a showroom facility there can be an increase in pollution from extra noise, vehicle fumes and extra traffic using a facility that is now not fit for purpose in a residential area. The yard is at breaking point, used by excessive vehicles, HGV's, lorries, tractors, excavators etc. operating most of the day and all work days. The Site Plan provided shows articulated lorries using this facility, this happens frequently with deliveries using Dobbinetts Lane. Both entrances to Dobbinetts Lane, i.e. from Floats Road and Clay Lane, have large sign posts advising that the road is 'Unsuitable for HGV's' - this is ignored by the drivers.
- I would therefore suggest traffic monitoring carried out over a long period, in partnership with the Highways Commission to provide data on the traffic numbers and size of vehicles using Dobbinetts Lane to access Sproston, before any decision is made allowing further expansion of this business.



Policies

The following policies are considered relevant in the consideration of this application.

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

- Policy DM1 - Development Management
- Policy SP1 - Spatial Principles
- Policy EC2 – Existing Employment Space
- Policy EC10 – Wythenshawe

The National Planning Policy Framework (NPPF, 2021):

- Chapter 6 – Building a strong competitive economy
- Chapter 12 – Achieving well-designed places

For reasons to be outlined below, it is considered the proposal accords with the principles of these policy documents.



Issues

Principle – Installing a single storey modular office building with car parking within the yard of an existing business is acceptable in principle. Notwithstanding this, consideration must be given to the proposed developments siting, scale and massing, design and appearance, and to the proposal's impact upon existing levels of residential and visual amenity.

Siting, scale and massing – The modular building would be sited on the south side of the front portion of the site, set 14m back from the public highway. It would measure 4.7m in width, 12m in depth and 2.8m in height, leaving a gap of 0.75m to the boundary and 5.5m to the boundary of the adjacent properties on Jack Brady Close. In front of the building would sit 3 demarcated parking spaces for staff and visitors. This would reduce the width of the site entrance, though 7.2m would be left for traffic in and out which is adequate. Currently this space is used for the storage of tall piles of building materials (see site photos) therefore a 2.8m high office pod in this location is not far removed from the massing of existing storage. Given the relatively low height, setback from the road and gap to the residential boundaries, the siting, scale and massing of the proposal is considered acceptable. A small portion of the driveway/entrance to the site is located within the green belt, near to where the parking spaces are proposed, however, as these are just demarcated spaces on an existing built-up site not impacting upon the openness of the Green Belt, the proposal is not contrary to policy and a site notice was not required.

Design and visual amenity – The building, by 'TF Jackson Portable Buildings', would be constructed of pre-fabricated panels, consisting of a steel floor and frame, insulated steel wall

panels finished in grey-white (RAL 9002), white uPVC windows and white aluminium doors, with a flat corrugated steel roof. There are already existing stores/outbuildings in within the site curtilage, therefore the addition of another should not cause significant harm to the visual amenity of the site. The significant setback from the public highway ensures the structure would not form a prominent feature within the street scene of this portion of Dobbinetts Lane and the high hedging and trees along the strip of land between the site and Jack Brady Close ensure screening for residents.

Residential amenity and parking – An objection was received, from a local resident, who raised the following issues:

- Existing parking issues caused by staff and visitors parking on Jack Brady Close will be made worse.
- Site plan shows articulated lorries using the site, against advice on local road signs in the area.
- Overdevelopment of the site. Increase in pollution from extra noise, vehicle fumes and extra traffic using a facility that is now not fit for purpose in a residential area.
- Excessive use by HGV's, fork lifts and articulated lorries all day every day means the yard is at breaking point. Signs on Dobbinetts Lane say 'unsuitable for HGVs' but drivers ignore this.

The placement of the modular building 5.5m from the nearest dwellinghouses is acceptable and it is not considered that the structure would significantly affect the occupiers' outlook, light or privacy. The outbuilding would be visible above the boundary treatments of at 2 nearby gardens (No's 4 and 6 Jack Brady Close) due to it's 2.8m height, however given the 5.5m gap and the absence of side-facing windows and overshadowing issues, this is not considered to be of significance. A local resident has objected on the grounds of parking and overdevelopment though, saying staff and visitors to the site currently park on Jack Brady Close, causing access and parking problems for local residents. The modular building is to replace the existing office, housed within a container at the north side of the site and is not expected to generate much additional traffic. The number of staff is only proposed to increase by 1 (from 5 to 6 full time members) and three parking spaces have been provided adjacent to the proposed office, which is considered acceptable given the site's location, a 15 minute walk from Roundthorn metrolink stop and an 8 minute walk from Wythenshawe hospital bus stop. As this would be an improvement upon the current situation and given the existing parking issues these residents face cannot be controlled via this planning application, on balance the proposal is considered acceptable in terms of its impacts upon residential amenity. Whether articulated lorries are using the road against the advice of road signs is not a material issue for this application.

Conclusion – Although the proposal received an objection, it complies with policies DM1, SP1, EC2 and EC10 of the Core Strategy and accords with the principles contained within the National Planning Policy Framework, as it is not considered to negatively impact the visual amenity of the host site or wider area, nor significantly impact upon the existing residential amenity enjoyed by surrounding occupiers, hence, the development may commence in accordance with the submitted plans and the following conditions.

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

Condition(s) to be attached to decision for approval

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:

- Application form
- Design and access statement
- Technical specification
- Drawings: W616/2, W616/3, W616/4, W616/5

Stamped as received by the City Council as local planning authority on the 13th April 2022.

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) The car parking indicated on the approved plans shall be demarcated and made available for use prior to the building hereby approved being occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies DM1 and T2.6 of the Manchester Core Strategy.

Informative(s)

1) The modular build is unlikely to be breaking the ground, hence a full contaminated land condition is not required. However, MCC Environmental Health recommend that all service pipe entries are properly sealed in and out of the proposed building to prevent any potential ground gas ingress.

Appendix 1 – List of consultees & neighbours notified

14 Jack Brady Close, Manchester, M23 9JB
12 Jack Brady Close, Manchester, M23 9JB
10 Jack Brady Close, Manchester, M23 9JB
8 Jack Brady Close, Manchester, M23 9JB
6 Jack Brady Close, Manchester, M23 9JB
4 Jack Brady Close, Manchester, M23 9JB
2 Jack Brady Close, Manchester, M23 9JB
Trilogy Freight, Floats Road, Manchester, M23 9LZ
Badgerwood, Dobbinets Lane, Manchester, M23 9NB

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - Wythenshawe PD Restriction - Class B1(a) To C3
Article 4 Direction - Wythenshawe PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 45M
Green Belt Land - Green Belt Area (LDF)
Susceptible to Surf Water Flood (Less)
Susceptible to Surf Water Flood (Less)
Area Team Boundary - Name: SOUTH