

Planning

Growth & Development

Delegated officer report for planning application

Application no.	133939/FO/2022
Date registered valid:	12 June 2022
Proposal:	Use of the site as a temporary compound until 31 March 2024
Address:	Land Adjacent To Bonsall Street, Manchester, M15 6DR
Ward(s):	Hulme Ward
Applicant:	Mr John Sweeney One Manchester Lovell House, 6 Archway, Hulme, Manchester, M15 5RN
Agent (if any):	Mr John Sweeney One Manchester Lovell House, 6 Archway, Manchester, M15 5RN
Case officer:	David Lawless Tel: 0161 234 4543 Email: david.lawless@manchester.gov.uk
Recommendation:	Temporary approval
Date of recommendation:	27 July 2022



Application details

Type of application:	Full Application Consent
Development type:	Minor Other
Date of site visit:	27 July 2022

Standard consultations:

Printed: 16 June 2022 Expired: 7 July 2022

Neighbour notifications

Printed: 16 June 2022 Expired: 7 July 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/area

This application refers to a plot of land located between Birchall Way and Upper Chorlton Street in Hulme. The site is currently vacant but has been used as a site compound on a number of occasions, most recently in 2017 (ref. 114004/FO/2016).

A car park is located to the south of the site, while there are a number of dwellings located to the east of it, although there is a landscaped strip that separates the two. To the west of the site, beyond Birchall Way, lies Princess Road and then the MMU campus. To the north there is a scrubland.

Listed building: No

Conservation area: No

Tree Preservation Order: No

Description of development

The applicant is proposing to use the site as a temporary site compound until March 2024 in connection with a kitchen and bathroom modernisation programme.

The compound would consist of four 6m by 2.4m metal storage containers, one office building (9.5m by 3m) and associated toilet facilities.

Consultations & Notification Responses

Local Residents – No comments received.

Highway Services – Highways do not consider that there will be any adverse implications for the adjacent highway and have no objection to this proposal.

Environmental Health – Suggests a number of conditions designed to protect residential amenity.

Policies

Core Strategy Development Plan Document – 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – 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 and protect and enhance the built and natural environment.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, in this instance the most relevant are considered as follows:-

- 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, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policy DC26, “Development and Noise” – 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.

Policy DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

Issues

Principle – The principle of the proposal is considered acceptable, especially given the previous consent for the same use on the site. Notwithstanding this, the impact upon existing levels of residential and visual amenity and pedestrian/highway safety must be assessed.

Residential Amenity – It is not considered that the proposal would have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of the nearby dwellings. However, given the comments of Environmental Health it is considered prudent to attach a number of conditions to the planning permission which are designed to protect residential amenity and prevent pollution.

Visual Amenity – Locating metal containers on the site would have an impact on existing levels of visual amenity, albeit not excessively given the mature landscaping that surrounds the site. Overall, given the temporary nature of the proposal, the impact is considered acceptable.

Pedestrian and Highway Safety – It is not considered that the comings and goings associated with the proposed use would have a detrimental impact upon the existing levels of pedestrian and highway safety enjoyed within the vicinity of the site.

Security – The proposal does not raise any security issues.

Ecology – There are no known ecological features within the curtilage of the site that would be impacted upon by the proposal.

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: Temporary approval

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to resolve any matters arising in relation to dealing with the planning application.

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

1) The permission hereby granted is for a limited period only, expiring on 31 March 2024 and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued within 1 month from the date of expiration in accordance with a scheme previously submitted to and approved by the City Council as local planning authority.

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

2) The development hereby approved shall be carried out in accordance with the following drawings stamped as received on 31 May 2022:

- a) Drawing no. OM/23001/1P
- b) Drawing no. OM/23001/P2

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

3) Prior to the commencement of the operational phase of the development hereby approved, the hours of operation shall be submitted to and be approved by the City Council as local planning authority. Thereafter the site compound shall operate in accordance with the approved hours of operation.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

4) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:

- a) Mondays to Saturdays - 0730hrs to 2000hrs
- b) Sundays/Bank Holidays -no deliveries/waste collections

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

5) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to Policy DM1 in the Manchester Core Strategy and Saved UDP Policy DC26.

6) a) Prior to the commencement of the operational phase of the development hereby approved, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

b) The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to Policy DM1 in the Manchester Core Strategy.

Informatives

1) Informative for Condition no. 6 – The proforma/ Waste Management Strategy must include the following information:

- a) Estimated volumes and types of waste produced by the development;
- b) Details of internal and external stores for both waste and recycling, including any plans and designs;
- c) Location of the proposed collection point and details of the route the collection vehicle will take;
- d) Details of how waste will be transferred between stores and to the collection location; and
- e) Details of number and capacity of bins proposed and collection frequency.

Other details as per 'Waste Proforma v1.0' - refer to guidance at:

http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

25 Birchall Way, Manchester, M15 6DU

25 Upper Medlock Street, Manchester, M15 6PL

21 Upper Medlock Street, Manchester, M15 6PL

12 Poynton Street, Manchester, M15 6PN

29 Upper Medlock Street, Manchester, M15 6PL

27 Upper Medlock Street, Manchester, M15 6PL

23 Upper Medlock Street, Manchester, M15 6PL

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: SOUTH