Application Number 109469/FO/2015/S1  Date of Appln 30th Jul 2015  Committee Date 15th Oct 2015  Ward Chorlton Ward

Proposal  Retention of secure covered storage unit to rear of no.s 8 to 10 Silverwood Avenue and no.9 Brundrett's Road

Location  Kentoms Garage, Silverwood Avenue, Chorlton, Manchester, M21 8BN

Applicant  Mr Karl Thompson, 18 Leam Street, Ashton Under Lyne, OL16 9QU,

Description

This application relates to a hard-surfaced area to the rear of commercial properties on Wilbraham Road and Barlow Moor Road and residential properties on Silverwood Avenue and Brundrett’s Road within Chorlton District Centre. There are vehicular access points to the site from Barlow Moor Road and Silverwood Avenue and a further, pedestrian access to the site from Silverwood Avenue.

A complaint was received in March 2015 that a single-storey building, used for a vehicle repair shop, had been erected directly to the rear of residential properties on Silverwood Avenue. This was investigated by the Compliance Team and a Planning Contravention Notice (PCN) was served in May 2015. In response to the PCN the applicant confirmed that the building had been erected in October/November 2014 and provided an “under-cover, contained area for servicing and maintenance of vehicles”. The building is constructed of corrugated steel, and sits in the south-west corner of the hard-surfaced area.

The site has been used for vehicle repair and maintenance since the 1960s.

The application seeks consent for the retention of the building for use as a storage unit, falling within Class B8 of the Town and Country Planning (Use Classes) Order. The applicant has indicated within his submission that the building would be painted black and includes proposals for climbing plants to be provided to grown up the sides of the storage unit.

Consultations

Local Residents – One letter of support has been received, stating that the building is directly behind their property and they have not noticed any increase in noise levels which have remained low and unobtrusive. There has been no loss of light or access.

Highways Services – The building is not expected to generate any additional trips on the network and it is stated that it is only to provide a functional storage area for the vehicle repair business the existing access arrangements from Silverwood Avenue are not affected.
Environmental Health – Any comments will be reported to Committee.

Policy

National Planning Policy Framework

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of development.

The Development Plan

Manchester's Core Strategy Development Plan Document forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan although a number of the UDP policies remain extant.

Policy SP1 – sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well-designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 (Development Management) - This policy seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice. Issues relevant to this scheme are: considered below.

Issues

Principle and Use – The Planning Contravention Notice (PCN) served in May sought to confirm whether a single-storey building had been erected on the premises for use as a vehicle repair shop without planning permission. The applicant responded that a single-storey building had been erected in the south-west corner of the property in connection with the long-term use of the land for vehicle maintenance and repair and for storage of tools and equipment in connection with this operation. The building was erected on the basis of the applicant’s understanding of permitted development rights. The use of the land is long-established and the erection of the building allows for the continued operation of the business.
The structure is relatively small, with a footprint of 6.2 metres by 7.25 metres and a height of 3.46 metres, and is used in association with an historic established use on the site and is therefore considered acceptable in principle. However, the actual operations that are carried out in the building could give rise to concerns. Despite the use being confirmed in the response to the PCN as ‘servicing and maintenance of vehicles as well as secure storage for tools and equipment’, the applicant has stated on the planning application forms that the use would be for storage purposes only.

Impact on the surrounding area and nearby residential properties - The structure is located in the south-west corner of the site and is adjacent to the rear boundary walls of residential properties. The building is approximately a metre taller than the boundary walls and therefore is visible from the adjacent properties. Otherwise, the building is not visible from outside the site. There is some screening in the form of tree coverage to the gardens and the applicant has proposed painting the unit and growing ivy up the elevations in order to improve its appearance.

Any use of the unit for car repairs and maintenance has the potential to cause disamenity to residents due to noise disturbance. However, it is considered that a use for storage only would have a limited impact. It is proposed to attach a condition to any approval limiting the units use to one of storage only.

On balance it is considered that if the use of the unit is limited to storage only and the visual improvements proposed are undertaken, the potential for disamenity is reduced and the unit would be acceptable.

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 the right to a fair hearing and to this end the Committee 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 polices of the Unitary Development Plan, the Head 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 approval of the application is proportionate to the wider benefits of approval 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
No significant issues arose during the processing of the application. The application has been determined in accordance with the policies within the Development Plan.
Conditions to be attached to the decision

1) The development hereby approved shall be carried out and operated in accordance with the following drawings and documents:
   Drawing titled 'New secure storage unit' PL001, stamped as received by the local planning authority on 30 July 2015.

   Reason - To ensure that the development is in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy.

2) Within six months of the date of this approval, the painting and additional screening works as shown on drawing no PL001 shall be carried out and these shall be maintained for the period that the structure is in place.

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

3) The building hereby approved shall be used solely for the purposes of storage, falling within Class B8 of the Town and Country Planning (Use Classes) Order and for no other use.

   Reason – In the interests of residential amenity pursuant to policy DM of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 109469/FO/2015/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:
   Highway Services
   Environmental Health

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:
7 Brundretts Rd, Chorlton, Manchester, M21 7DA

Relevant Contact Officer : Paula McGovern
Telephone number : 0161 234 4547
Email : p.mcgovern@manchester.gov.uk