
Appeal Decision

Site visit made on 10 January 2017

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2017

Appeal Ref: APP/B4215/W/16/3160290

29 Cambert Lane, Gorton, Manchester M18 8HA

- 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 Sinoori Kamal against the decision of Manchester City Council.
 - The application Ref 112019/FO/2016, dated 29 April 2016, was refused by notice dated 8 September 2016.
 - The development proposed is a new motor garage and off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of adjoining residential occupants in Cambert Lane and Furnival Road, with regards to noise and disturbance;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed parking arrangement on highway safety on Cambert Lane.

Reasons

Living Conditions

3. The appeal site is adjacent to a row of terraced residential dwellings that front Cambert Lane. The nearest property, 29 Cambert Lane has a front and rear outlook provided by a number of windows at ground and first floors. These windows serve a mixture of rooms, including bedrooms and a living room. Like other properties in the terrace No 29 has a long rear garden. The site also backs onto a number of residential dwellings on Furnival Road which is to the north. Adjacent to the western boundary of the site is a railway line used by services in and out of Manchester City Centre.
 4. The local area contains a mixture of residential and commercial uses which include a supermarket, petrol filling station, various shops and a restaurant. These are, with the exception of the supermarket, orientated towards Hyde
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Road (A57) which is a busy highway containing numerous traffic light controlled junctions. The supermarket and its car park lies between the A57 and the appeal site. It attracts comings and goings on foot and by car. The vehicular access and car park is also used for servicing and deliveries.

5. Despite the proximity of the supermarket, the land abutting the site to the north and west is characterised by residential properties. Although the site appears to have been lawfully used as a builders yard, I do not have any details of the nature of the use or the extent of comings and goings that were associated with its operation.
6. The appellant's Noise Impact Assessment (NIA) identifies potential internal and external noise sources, such as a compressor, wheel gun, general maintenance work and idling car engines. Closing vehicle doors would also occur. Even with the noise levels from sources inside the buildings that would be constructed from insulated steel cladding, the noise rating exceeds the recorded background noise level of 43.5dB $L_{A90, 1hr}$, by 28.9dB. This equates to a significant adverse impact in the terms of BS4142:2014¹.
7. While several mitigation measures are suggested, the proposed building would be orientated so that its large door openings face the gable elevation of No 29. While the doors could be shut and sound proofed, there are no specific details of the insulated acoustic enclosure for the compressor or a quiet wheel gun to support the recommendations of the NIA. Having regard to the doors, even if they are suitably insulated I consider that it would be problematic and unreasonable to require the appellant to keep the doors shut for significant part of the day. Furthermore, it would be difficult to police and if the doors are open then it negates any insulation and noise would be emitted in any event.
8. I therefore share the Council's view that requiring the doors to be shut in order to justify the development undermines the suitability of the proposal in close proximity to residential occupants. Even if the wheel gun and compressor are only used for a maximum of 5 minutes each working hour, there is a real likelihood that the proposal would result in noise and disturbance to No 29 as well as other properties in the terrace which would occur each weekday.
9. Aside to the internal noise, the proposed use would also involve vehicle movements in and out of the site as well as within the site itself. While repairs would be pre-booked, given the extent of the building, the number of car lifts and parking spaces at the front of the site, I consider that these would be frequent and occur on a daily basis. Movements would be especially close to No 29 and repeated comings and goings would harm their living conditions. Although external plant would be located on the western elevation of the building, I do not consider that this outweighs the harm that would arise from vehicle movements and from the activities inside the proposed building.
10. While, the NIA does not assess the effect of the proposal on properties on Furnival Road, I note that these dwellings are further away from the proposed building. Nevertheless, it is likely, given the proximity of their gardens to the site that the proposal would have some bearing on their living conditions. However, I am not persuaded that this would amount to a harmful effect as much of the activity would be focussed towards Cambert Lane.

¹ BSI Standards Publication, Methods for rating and assessing industrial and commercial sound

11. For these reasons, on this issue, I therefore conclude that the proposed development would significantly affect the living conditions of adjoining residential occupants in Cambert Lane, with regards to noise and disturbance. The proposal would not accord with Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy (Core Strategy) and saved Policy DC26 of The Unitary Development Plan for the City of Manchester (UDP). These policies together, amongst other things, seek to ensure new development does not result in unacceptably high levels of noise which would affect the living conditions and wellbeing of residents.

Character and Appearance

12. Much of the appeal site is currently covered in hardstanding. The boundaries are formed by concrete panel fencing of various heights. The boundary across the front of the site along Cambert Lane would be removed so that six parking bays could be formed. Behind the row of parking bays would be the flank elevation of the garage. In combination, these would, despite the large supermarket car park nearby introduce very different form of development to the row of terraced dwellings adjacent to the site. These properties address Cambert Lane and have retained a low brick boundary wall along with pockets of landscaping that softens the built form. All of the dwellings are solely reliant upon on-street parking.
13. The proposed parking bays and garage building would create a character and appearance that is not typical on Cambert Lane, with a large area of hardstanding across the site frontage. The effect would be magnified by the use of metal cladding and the extensive scale of the building which would be particularly prominent in the Cambert Lane street scene.
14. Overall, the proposed development would not reflect local distinctiveness and I therefore conclude, on this issue that the proposal would cause unacceptable harm to the character and appearance of the area. The proposal would not accord with Policies DM1 and SP1 of the Core Strategy and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (GDM). Together these seek, amongst other matters, to ensure development creates well designed places that have regard to the character and appearance of the built environment.

Highway Safety

15. Cambert Lane is used by vehicles and pedestrians. Footways line either side of the vehicle carriageway. They provide links to the nearby supermarket and wider footway network extending to dwellings on Crossley Street and the traffic light controlled junction on Hyde Road to the south west. Vehicles also use Cambert Lane as a link between Garratt Way and Crossley Street.
16. The proposed parking bays would be behind the existing footway and kerb abutting the carriageway used by vehicular traffic. In order to access these spaces safely a dropped kerb extending across the full length of these spaces would be required. I note the view of the Council's Highway section that a dropped kerb of this length would not be supported, with a maximum of three continuous dropped kerbs permitted. The proposal would therefore be double the length. This would mean that pedestrians would need to travel a significant distance across the site and mix with vehicular movements relating to the site. While the number of pedestrian movements may not be significant, and there

is a footway on the opposite side of Cambert Lane which is likely to be busier, the effect upon their safety in particular would be severe, as the proposal would create potential conflict between pedestrians and vehicles.

17. Although I recognise vehicles can park on Cambert Lane, this does not alter the potential conflict that would arise from a long stretch of the footway being next to the proposed parking bays and vehicular access which would attract regular movements in connection with the proposal.
18. Accordingly, on this issue, the proposed parking arrangement along Cambert Lane would have a severe effect on the safety of vehicular and pedestrian traffic on Cambert Lane. The proposal would not accord with Policies DM1 and SP1 of the Core Strategy. Together these policies, amongst other matters, seek to ensure regard is given to vehicular access and car parking so that the development positively contributes to the health and safety of residents.

Conclusion

19. Even though the proposal would result in jobs being created in the area and the site is close to public transport and provisions would be made so that the development is suitable for all, I do not consider that these matters outweigh my findings on each of the main issues.
20. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR