

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131031/FO/2021

Date registered valid: 28 January 2022

Proposal: Erection of two storey extension to wholesale cash and carry building (sui generis)

Address: 39E Broughton Street, Manchester, M8 8LZ

Ward(s): Cheetham Ward

Applicant: Mr Abid Hussain, Brightwise Properties Ltd, 1st Floor, 39E Broughton Street, Manchester, M8 8LZ

Agent (if any): Mr Muhammad Amjad Design 4 Build Services 77 Fields New Road, Oldham, OL9 8BT

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 21 April 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 3 March 2022

Standard consultations:

Printed: 13 April 2022 Expired: 23 April 2022

Neighbour notifications

Printed: 13 April 2022 Expired: 23 April 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

The application site relates to a gated, side service yard of an existing cash and carry business situated at 39E Broughton Street. The host building forms one of several units within a larger two storey building, incorporating shop fronts to Broughton Street.

The service yard which lies between neighbouring businesses within the row along Broughton Street, comprises a small area of hard-standing with dropped kerb access to adjoining highway.

It is understood that the area is not presently used for servicing needs, with the existing fashion wholesale business relying on a rear passageway with access from Sherborne Street.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is situated within the warehouse district of Cheetham as identified by the Strangeways Local Plan. This immediate area is dominated by various wholesale, cash and carry uses and general industrial buildings, mainly comprising low-rise buildings with large floor plates.

Broughton Street itself is mainly two-storey in scale, with a rows of predominantly cash and carry businesses focused on the fashion industry situated along both sides of the road.

Description of development

Planning permission is sought for the erection of a two storey, flat roof extension to an existing wholesale cash and carry building (sui generis).

The proposed extension will infill much of the existing servicing area and provide enlarged storage/wholesale space at first floor level for the existing business, with an integral servicing area with roller shuttered, vehicular access to Broughton Street.

The application as originally submitted proposed additional floorspace at both ground and first floor levels.

However, due to the concerns of Highways surrounding the loss of existing space that could be capable of providing off-road servicing, as well as introducing potential further servicing demands on-street, a revised proposal was received which includes an integral, ground floor servicing/loading area, with additional floorspace for the host business above.

Consultations & Notification Responses

Local Residents/Occupiers – In response to the originally submitted proposal, 1 representation was received from a neighbouring occupier, with concerns surrounding the size of the gap between the proposed extension and the neighbouring property and the impact upon windows of the facing side elevation and access to services such as rainwater goods, pipes and water meter.

Following receipt of revised drawings and a further period of neighbour notification, no further responses have been received.

Environmental Health – Conditions are advised in relation to external equipment (if proposed), ground conditions, working hours, servicing hours and waste management.

Highways Services – In response to the proposal as originally submitted, concerns that, due to the demands from the proposed and other adjacent businesses, the narrow rear alley may not adequately accommodate all the servicing requirements, which could then have a detrimental effect on the operation of Sherborne Street and Broughton Street.

Likewise, with regard to waste management, Highways had concerns that the storage and collection of waste from the narrow rear alley could be adversely impacted by the increased delivery activity that may occur as a result of this development.

Following the receipt of an amended proposal, it is considered that the proposal would result in a preferable arrangement than relying on servicing from the rear.

A condition is recommended in relation to construction management measures. It is also advised that the applicant apply for an H bar marking to the front of the access.

United Utilities – It is advised that surface water should be managed in accordance with the drainage hierarchy. Advice is also provided in relation to works close to water mains or public sewers.

Flood Risk Management – No objection. An informative is recommended in relation to surface water drainage and the presence of a nearby culvert.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Saved policies CC10 and DC26 of the Unitary Development Plan for the City of Manchester;

- Policies DM1, SP1, EC1-EC3, T2, EN3 and EN14-19 of the Manchester Core Strategy;
- Strangeways Local Plan;
- National Planning Policy Guidance;
- National Planning Policy Framework (NPPF).

Planning History

083455/FO/2007/N1

Elevational alterations to existing wholesale cash and carry premises including new cladding, entrances and windows. Erection of first floor extension to create office accommodation in connection with existing use. *Approved 13 August 2007.*

049822/FO/NORTH1/96

Extension at first floor level to form enlarged production area. *Approved 28 May 1996.*

Issues

Principle

Policy and in particular, the Strangeways Local Plan, recognises the site as being within the warehouse district and therefore further businesses which support economic growth in the area are generally welcomed.

Saved Policy CC10 of the UDP also encourages the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas.

Given the overarching policy context, it is considered that the general principle of the proposed development would be acceptable in this location, although other issues surrounding amenity, design, environmental issues, servicing and the impact on the highway also need to be considered. These issues are explored further below.

Residential Amenity

This part of Cheetham is dominated by similar, businesses and is identified within policy as being suitable for such businesses.

Due to the detached position of the nearest residential neighbourhood, the former use of the site and the context of the site's immediate surroundings, it is not believed that there would be any significant, adverse effect upon the living conditions of nearby occupiers in terms of increased activity and any associated noise and disturbance. Any impact can be mitigated though the use of planning conditions to control hours of use, construction management, external equipment and servicing arrangements. Conditions have therefore been included in this regard.

Amenity

Whilst a neighbouring occupier raised concerns in relation to a loss of light and access for maintenance to the neighbouring building, it is considered that there would be sufficient space (approx. 1 metre) to enable maintenance to any services to be carried out to the side of the proposed extension.

In terms of any loss of light to the side elevation of the neighbouring, facing property at No.37, whilst there are a series of three small windows at first floor level and two windows at ground floor level, it is not considered that any significant loss of light would result as a consequence of the proposed extension. The ground floor windows are covered by roller shutters and the first floor windows relate to secondary functions within the neighbouring building. Sufficient natural light would be afforded via the residual gap and by the existing front windows to the building. It should also be noted that the neighbouring building is commercial in nature and should not expect the same level of amenity as a residential building. On this basis, it is not considered that there would be any significant impact in terms of over-dominance or loss of light.

Design, Scale and Appearance

The scale of the proposed development is influenced by adjacent units and neighbouring buildings along Broughton Street. To both sides, the host building adjoins two-storey buildings comparable in height. The immediate context is largely two storeys in scale and as such, the proposed scale of the design is appropriate in this context.

In terms of appearance, the external materials of the building shell comprises a mixture of brickwork and UPVC windows frames to match the existing building, with a roller shuttered entrance door and sign fascia area which will extend from the existing fascia. These materials and proportions reflect those incorporated on the host building and those used locally.

Given the site context, the design, scale and appearance of the proposed building is considered acceptable and will assimilate easily and appropriately into the neighbouring urban fabric.

Waste Management

Whilst Highway and Environmental Health consider the general arrangement satisfactory, further provision for the storage and disposal of pulpal refuse is required for the type of use proposed. A condition has been included which requires further details in this regard.

Car Parking and Highway Issues

Saved Policy CC10 relates specifically to the Cheetham area of Manchester and whilst it recognises the economic importance of wholesaling in the area, it advocates that permission should only be granted where proposals incorporate sufficient parking and servicing for their own needs.

In this case, concerns were originally expressed by Highways that the proposed extension would result in the loss of off-street servicing area and would exacerbate pressure on the already congested highway.

Following these concerns being raised, the applicant amended the proposal to incorporate an integral servicing/loading area to the ground floor, with additional floorspace now only proposed at first floor level. The existing dropped kerb off Broughton Street would allow access to the building for small vehicles to load/unload.

This arrangement is considered satisfactory and given that anticipated deliveries/collections are not expected to increase, it is not believed that there would be any detectable impact to the operation of the highway.

Flood Risk/Drainage

The application has been considered by the City Council's Flood Risk Management section who advise that there is no objection on flood risk/drainage grounds. An informative is recommended

in relation to surface water drainage measures. An 'informative' has been included in this regard.

Construction Management

In order to ensure construction is effectively controlled and to prevent any disruption to existing occupiers in the area, air quality or the operation of the highway, a condition has been included which requires the submission and approval of a Construction Management Plan. This will need to detail working practices, safety measures, dust suppression, the parking of construction vehicles and the removal of waste.

Climate Change

Given the modest level of vehicular trip generation proposed, in comparison to the existing use of the site, it is considered unlikely that the proposed development would result in a significant change in air quality as a consequence of vehicular emissions and therefore the impact to climate change is satisfactory.

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 OR Reasons for recommendation to refuse

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:

Drawings referenced sheet 1/RevA and sheet 3/RevC, sheet 5/RevB and sheet 7/RevB, received by the City Council as Local Planning Authority on 22 December 2021 and 13 April 2022 respectively.

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) No above ground development that is hereby approved shall commence unless and until samples and specifications of all other materials to be used on all external elevations of the development, have been submitted to and approved in writing by the City Council as Local Planning Authority. The development shall only be implemented in accordance with the agreed materials.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning authority, in the interests of the visual amenity, pursuant to policies SP1, EN3 and DM1 of the Core Strategy.

4) Notwithstanding details submitted, no part of the development hereby approved shall be occupied until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as Local Planning Authority. 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 public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) The development hereby approved shall be implemented in accordance with the submitted Phase 1 Desk Study Report (Ref: 21.08.05 - Rev O) produced by Demeter Environmental Ltd dated September 2021 and received by the City Council as Local Planning Authority on 27 September 2021.

Prior to commencement of development, the following details shall be submitted for approval in writing by the City Council as Local Planning Authority. The development shall then be carried out in accordance with the approved details:

- Proposed measures to be installed to satisfy gas protection under classification CS2;
- Details of the hydrocarbon vapour proof membrane to be installed;
- A water supplier risk assessment to confirm the water supply pipe type to be installed;
- A verification report to confirm no contamination was found.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as Local Planning Authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier assessment.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

6) Notwithstanding details submitted, prior to the commencement of development, a construction management outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

The development shall only be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

7) Any 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. 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 approved scheme shall be completed before the equipment becomes operational.

Upon completion of the installation, a verification report will be required to be submitted to and approved 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 has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

8) Notwithstanding details submitted, prior to the commencement of above ground works, full details of the proposed roller shutters shall be submitted to and agreed in writing by the City Council as Local Planning Authority. Details shall include colour, security specification and level of perforation.

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

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building shall not be subdivided to form additional units.

Reason - To prevent an over-intensive use of the site, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy.

10) The ground floor area of the proposed extension, shown on drawing referenced sheet 3/RevC, received by the City Council as Local Planning Authority on 13 April 2022, shall be permanently reserved as an ancillary servicing/loading area and shall not be used for any other use.

Reason - To ensure there is sufficient provision to service the premises, to safeguard the operation of the adjacent highway, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) The applicant should design and construct a drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.

City Council records highlight that the underground Fairy Lane Brook culvert is located within close proximity to the site (approximately 43m to the East of the site). It is requested that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and the City Council should be contacted immediately.

2) It is recommended that the applicant applies for the installation of a H-bar marking from Manchester City Council to keep the vehicle access clear.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Units 8B 8D 8E And 8F, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 1B, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
37A Broughton Street, Manchester, M8 8LZ
40B Broughton Street, Manchester, M8 8NN
40A Broughton Street, Manchester, M8 8NN
Unit 32, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 4, 35 Broughton Street, Manchester, M8 8LZ
Unit 3, 35 Broughton Street, Manchester, M8 8LZ
WHOLESALESHOPPING.CO.UK, Unit 2, 35 Broughton Street, Manchester, M8 8LZ
Unit 1, 35 Broughton Street, Manchester, M8 8LZ
39B Broughton Street, Manchester, M8 8LZ
Unit 18 To 20, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Warehouse Unit 1, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 27, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 22, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 9A, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Ground Floor Showroom, 42 Broughton Street, Manchester, M8 8NN
Unit 21, Commerce House, Sherborne Street, Manchester, M8 8NE
Unit 1, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
39A Broughton Street, Manchester, M8 8LZ
39D Broughton Street, Manchester, M8 8LZ
39C Broughton Street, Manchester, M8 8LZ
Unit 25, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 23, Commerce House, 52 - 54 Derby Street, Manchester, M8 8NE
Units 17 And 19, Commerce House, 52 - 54 Derby Street, Manchester, M8 8NE
Unit 15, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 13, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
42 Broughton Street, Manchester, M8 8NN
Unit 11, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Unit 6 To 10, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Units 3 And 5 And 7 And 9, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
First Floor, 37 Broughton Street, Manchester, M8 8LZ
50 Broughton Street, Manchester, M8 8NN
35 Broughton Street, Manchester, M8 8LZ
48 Broughton Street, Manchester, M8 8NN
38 Broughton Street, Manchester, M8 8NN
37 Broughton Street, Manchester, M8 8LZ
Ground Floor, 37 Broughton Street, Manchester, M8 8LZ
Unit 21, Commerce House, 52 - 54 Derby Street, Manchester, M8 8HF
52 Broughton Street, Manchester, M8 8NN
33 Broughton Street, Manchester, M8 8LZ
11 Sherborne Street, Manchester, M3 1JS
Luross House, Derby Street, Manchester, M8 8HF

Appendix 2 – Planning constraints

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

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(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Historic Landfill Site 250m Buffer -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH1