

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129680/FO/2021

Date registered valid: 24 March 2021

Proposal: Erection of single storey extension to existing retail unit, including retention of raised ground and creation of level platform to the rear

Address: 80 Bury Old Road, Manchester, M8 5BW

Ward(s): Crumpsall Ward

Applicant: Mr Dana Hassan, 87 Agecroft Road West, Manchester, M25 9RF

Agent (if any): Mr Robert Spavin Concept Studio Architecture Ltd, 51 Normanby Road, Manchester, M28 7TS

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

Recommendation: Approve

Date of recommendation: 4 May 2021

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 11 April 2021

Standard consultations:

Printed: 26 March 2021 Expired: 16 April 2021

Neighbour notifications

Printed: 26 March 2021 Expired: 16 April 2021

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 ground floor retail unit situated within a two storey, terraced property. The unit is presently occupied by a supermarket selling Polish related goods. The first floor is used for ancillary storage. The total floor area of the existing unit is 279sqm.

To the rear, the premises incorporates a service yard area which, due to a different site levels, slopes upwards away from the building, towards a retaining wall along the boundary with Thomas Street.

The sloped rear yard is heavily overgrown with vegetation, including a number of self-seeded trees and is enclosed by a combination of wire fencing and brick wall.

The site is neighboured by a bookmakers to the south and a hot food takeaway to the north. To the rear (east), the site is bordered by a grass verge, beyond which is an access road (Thomas Street) and car park associated with a large Tesco supermarket. Opposite the site, on the other side of Bury Old Road is a parade of commercial units.

Whilst the unit is presently serviced from the main Bury Old Road frontage, the rear yard can be accessed via Sandy Bank Road – a side road off Bury Old Road, which leads to the rear of the premises and a neighbouring vehicle repair garage, which is also used to access the rear of other businesses along the neighbouring section of Bury Old Road.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The host premises fronts onto Bury Old Road – a main north/south arterial route leading into and away from Manchester city centre.

The site is situated at the heart of Cheetham Hill district centre, in area dominated by various commercial uses, including retail, food and drink, office uses.

To the rear, the site is bounded by a large Tesco supermarket and associated car park,

Description of development

Planning permission is sought for the erection of a single storey, rear extension to the existing retail unit. The proposed extension which measures 150 sqm is to enable goods to be stored at ground level.

The proposed extension occupies much of the service yard area, with space left around the side and rear of the structure to enable space for waste storage and to allow a degree of subservience.

The proposed extension incorporates a dual pitched roof, with no window openings on the elevations. Natural light is afforded by a series of roof-lights.

The application relates to a revised design recently approved as part of planning permission referenced 127379/FO/2020.

Following this the approval, the applicant has found the cost of originally required ground excavation work prohibitive. As such, the revised proposal seeks to retain the existing material to the rear and to re-use it to create one level access across the rear of the site (circa. 1.25-1.5 metres above the existing ground level), with the proposed extension to be sited on top of this land platform. Internally this would mean ramping up to the extension whereas, as currently approved, it would be ramped down. As a result, the rear elevation would be raised by approximately 1.6 metres above that approved and the ridge height slightly increase to tie in with the existing roof. The overall footprint has been reduced by 11sqm. All other aspects of the development remain as approved.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are recommended in relation to the need for gas membrane, the acoustic insulation of external equipment and construction management. Further information was requested in relation to waste management arrangements, which has subsequently been received.

Highways –
Trip Levels

The submitted information confirms that the increase in floorspace will not generate an increase in trip levels. It is also confirmed that staff numbers will not increase, as such no highways concerns are expected.

Access Road

Access to the rear of the site is gained via Sandy bank Road which Highways note to be unadopted. The ownership of Sandybank Road is unclear and therefore should this fall outside of the applicant's demise, a formal written agreement will be required in order to protect access at a future date given that the servicing strategy is dependent on the use of the road.

Highways also note that Sandybank Road experiences significant demands for on-street car parking. The applicant should consider introducing parking restrictions on the access road in order to prevent parked vehicles from blocking access to the rear of the site. Should this be desired, associated TROs will be necessary.

Cycle Parking

Highways would strongly recommend that secure and sheltered cycle parking is provided to promote sustainable travel options.

Servicing

Refuse servicing will continue as existing. Further clarification is sought as to where servicing vehicles are anticipated to park/ load, the frequency of such vehicles and size/types of vehicles used. This should include refuse collection and all other delivery requirements, and how it will be managed to prevent any impact on the highway network. Clarification is requested concerning the access point from the first floor to the rear service yard.

Construction Management

A condition requiring the submission and approval of a construction management plan is recommended.

Greater Manchester Policy (Design for Security) - It is recommended that all new external fittings are to be Secured by Design standards, CCTV be reviewed to take account of new door opening for appropriate dusk till dawn lighting to be installed to new access points.

Greater Manchester Ecology Unit - GMEU advise that no significant ecological issues are likely to be present

Some of the trees are mature, but none are large and the photographs and arboriculture report do not indicate any significant cavities. Given the large number of buildings that will provide much more suitable roosting opportunities, the loss of the trees will result in an impact on the favourable conservation status of bats in this area. It is recommended that the trees are soft felled (which is likely anyway given the constrained nature of the site) and an informative included to advise of responsibilities to development causing harm to bats.

It is further advised that no works be carried out during the bird nesting season and that measures be incorporated to promote bio-diversity.

Trees - In response to the previous proposal, the Council's Arboriculturist advised that the site appears to be predominantly self-set specimens with no real long term future. There does not appear to be any tree on site worthy of TPO status due to their overall condition and positioning.

Flood Risk Management – In informative is advised to ensure the development incorporates measures to deal with surface water drainage to prevent surface water flooding.

GMAAS - GMAAS is satisfied that the current application has no archaeological implications.

Policy

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

- Policies DM1, SP1, C2, C3, EC1-EC4, T2, EN14-EN19 of the Core Strategy;
- Saved Policy DC26 of the UDP;
- The Guide to Development in Manchester (SPD);
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle of an extension to an existing retail business within the context of a district centre is considered acceptable in this location and has largely been established by the recent granting of planning permission for a similar proposal.

Development plan policy, recognises the site as being within Cheetham Hill district centre and therefore further businesses which support economic growth in the area are generally welcomed.

Given the overarching policy context, it is considered that the general principle of the proposed use would be acceptable in this location. Further planning issues relevant to this proposal are outlined further below.

Residential Amenity

This part of Cheetham Hill is dominated by commercial operations and is identified within policy as being suitable for such businesses.

Due to the detached position of the nearest residential neighbourhood 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 levels of activity and any associated noise and disturbance. Any impact can be mitigated through the use of planning conditions to control waste management, construction management and servicing arrangements. Conditions have therefore been included in this regard.

Design, Scale and Appearance

The proposed storey extension is single storey in nature and lesser in scale than the immediate surroundings. Given the enclosed nature of the rear of the site, any views of the extension would be limited from surrounding roads, buildings or vantage points. This would allow the extension to assimilate into the surrounding area without any significant, adverse impact as a consequence of its siting or scale.

In terms of appearance, the proposed extension is of a typical warehouse type design and incorporates a combination of masonry to the lower walls, with composite cladding above. The roof which is dual pitched similarly incorporates a composite cladding system with a series of roof-lights to provide natural daylight.

It is believed that given the relationship with neighbouring buildings and as the rear yard area is largely unseen from neighbouring properties, the proposed design and appearance is satisfactory. A condition has been included which requires details of external material to be submitted and agreed.

Waste Management

The submitted drawing shows sufficient space and arrangements for waste storage and collection. This includes an additional bin to deal with pulvable waste.

The waste arrangement involves a store within the rear yard, with waste collected twice weekly by a private waste contractor via the rear of the building along Sandy Bank Road. This arrangement remains as existing, but with the addition of a further container. As such, the arrangement is considered satisfactory. Highways and Environmental Health consider the arrangement acceptable.

Impact on the Highway

Policies DM1, T2 and SP1 of the Core Strategy, as well as the NPPF all seek to ensure that new development proposals provide adequate parking space and ensure adequate servicing arrangements.

In this case, the proposed development is for an ancillary storage area only and does not involve any change to the existing retail floorspace or staff numbers (presently 8). As such, it is not anticipated that the proposed development would result in any material difference in parking demand or frequency of customer/staff trips. The principal impact will be to servicing arrangements as set out further below.

Given the above, whilst Highways raise a number of issues in their consultation response, they are not considered to be directly relevant, given the pre existing situation.

Servicing

At present goods are currently delivered to the site with vehicles pulling up at the front of the unit to unload during the permitted loading periods. Goods are then stored in the first floor storage area before being brought down to the shop floor.

There is currently no lift between the ground and first floor, which causes difficulties for staff moving goods around and is the reason provided for requiring a ground floor extension which will allow goods to be transferred to the retail area more easily. There is no extension to the retail sales area.

The proposed extension will improve the efficiency of stock storage on the site meaning that more stock can be delivered at once and more stock can be stored at any one time. This means that the frequency of delivery movements is expected to decrease following the introduction of the proposed extension.

Delivery locations will be from the front for larger vehicles above 7.5 tonnes, in line with the current arrangements and will occur within the permitted loading periods allowed along this section of Bury Old Road.

Smaller vehicles less than 7.5t (transit vans) will deliver to the rear of the site. An accompanying swept path analysis demonstrate access can be achieved satisfactorily.

In order to ensure current arrangement stay in place and adhered to, as well as the need to provide details of the right of access off Sandy Bank Road, a condition has been included which will require the submission and approval of a more detailed Servicing Strategy.

Trees

The applicant has submitted an Arboricultural Assessment as part of the application. The report provides an assessment of the number, health and size of the trees, none of which are afforded protection.

The rear yard presently incorporates 10 trees and 3 groups of trees, all of which are proposed to be removed. These include 9 Category C (low quality) tree and three groups of Category C trees and 1 Category U (unsuitable for retention) tree. All trees appear to be self-seeded specimens grouped within a small area, close to the building and predominantly comprise Sycamore and Ash trees.

Due to the enclosed nature of the site, none of the trees are highly visible within the surrounding area and provide minimal amenity value.

All trees are of a low quality and considered unsuitable for long term retention. The City Council's Arboriculturalist and Greater Manchester Ecology Unit have reviewed the assessment and raise no concerns surrounding the tree loss.

It is considered that the tree proposed to be lost are poor specimens that have self-seeded over time due to neglect of the rear yard. As a consequence of their physical condition and proximity to the building, they form a constraint to the development of the rear area. As such, it is not considered that the tree proposed to be removed should form a barrier to development in instance.

Whilst ordinarily it would be necessary to compensate for the trees lost by replacement tree planting, there is no space either with the site itself or nearby that is suitable or would benefit from tree planting. The other side of the rear boundary with Thomas Street is already heavily planted with trees which form a visual buffer between the application site and Tesco. There would not therefore be any amenity benefit from replacement planting in this instance.

Ecology

The application as originally submitted, did not include any details relating to ecology or existing tree coverage. As a result and at the request of Greater Manchester Ecology Unit, an Arboricultural Report was requested to determine the roosting potential for bats and any impact upon biodiversity.

Following an assessment of the submitted Arboricultural Report, it is considered that due to presence of surrounding buildings which could support bats and the condition of trees on site, there is unlikely to be any factors that would prevent the conservation of the local bat population as a result of tree loss.

It is advised that trees are soft felled, that no work is carried out during the primary bird nesting season and that measures should be included to promote biodiversity. Suitable conditions have been included in this regard. It is also advised that the applicant be informed of their legal obligations if bats are encountered during works. An appropriate Informative has been included.

In addition, it is known that the site contains Japanese Knotweed. A condition has therefore also been included which will require an invasive non-native species protocol to be agreed for its eradication.

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.

Security – GMP advise that all new external fittings be certified to ‘Secured by Design’ standards and external lights is installed to new entrances. An appropriate Informative has been included.

Climate Change

Given the modest increase in floorspace proposed, and the associated level of vehicular trips which is expected to remain the similar to the existing use, it not considered that there would be significant change in air quality as a consequence of vehicular emissions, given the busy, commercial context of the site and existing, authorised operations.

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:

Drawing numbered CSA01-PL-001/B received by the City Council as Local Planning Authority on 11 March 2021.

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) Prior to the commencement of above ground works, samples and specifications of all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be constructed only using the approved materials.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant policy DM1 of the Manchester Core Strategy (2012).

4) The development shall include the installation of a proprietary gas protection membrane, in order to alleviate any possibility of landfill gas ingress to the building. Appropriate and comprehensive construction designs shall be 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 details.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill gas, pursuant to Policy EN18 of the Manchester Core Strategy.

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

07.30 to 20.00 hrs Monday to Saturday.

No deliveries, servicing and all collections, including waste collections shall take place on Sundays and Bank Holidays.

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

6) Notwithstanding details submitted, the extension hereby approved shall not be occupied until a full servicing strategy has been submitted to and approved in writing by the City Council as Local Planning Authority. Details shall include the number and type of vehicles, frequency of deliveries/collections and access arrangements, including access rights off the unadopted highway area off Sandy Bank Road.

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 highway safety and to safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) Any externally mounted ancillary plant or equipment shall be selected and/or acoustically insulated in accordance with a scheme designed so as to achieve a rating noise level of 5dB (LAeq) below the existing background (LA90) at the nearest noise sensitive location. Details of the scheme should 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 prior to installation of any plant. The approved scheme shall be fully implemented prior to first use and in accordance with the details agreed and a verification report shall be submitted and approved in writing in order to validate the works undertaken conform to the requirements within the report.

Reason - To safeguard the amenities 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) The development hereby approved shall only be implemented in accordance with the waste management details shown on drawing numbered CSA01-PL-001/B and accompanying Waste Management Strategy, received by the City Council as Local Planning Authority on 11 March 2021 and 23 March 2021 respectively. 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 policies DM1 and SP1 of Manchester's Core Strategy.

9) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Parking of construction vehicles;
- Wheel washing facilities; 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.

10) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the City Council as Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme and implemented prior to the commencement of the development hereby approved.

Reason - To control the spread of invasive species, pursuant to policy EN15 of the Manchester Core Strategy.

11) Prior to first occupation of the extension hereby approved, a scheme for the enhancement of the site for biodiversity purposes shall be submitted to and agreed in writing by the City

Council as Local Planning Authority. The agreed scheme shall be implemented in accordance with a timescale to be agreed and retained and maintained thereafter.

Reason -To mitigate the loss of vegetation and to promote bio-diversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

12) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent and agreed by the City Council as Local Planning Authority.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policies EN9 and EN15 of the Manchester Core Strategy.

13) 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 development hereby approved shall be used for ancillary storage space to the existing retail use only and shall not be used for any other purpose within Class E as set out within the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of Class E.

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

Informatives

1) The below security recommendations have been made by Greater Manchester Police (Design for Security)

Any new external fittings should be certified to Secured by Design standards;

All aspects of the extension, particularly doorways should be illuminated with dusk till dawn lighting;

CCTV will need to be reviewed to check all new areas are covered.

2) The applicant should design and construct 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 pursuant to policy EN17 of the Core Strategy

3) Whilst the trees to be felled are low risk for bats, the applicant is reminded that under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

4 Seymour Road, Manchester, M8 5BG
2B Seymour Road, Manchester, M8 6BG
2A Seymour Road, Manchester, M8 6BG
1 Sandy Bank Road, Manchester, M8 5BW
74 Bury Old Road, Manchester, M8 5BW
2 Seymour Road, Manchester, M8 6BG
78 Bury Old Road, Manchester, M8 5BW
82 Bury Old Road, Manchester, M8 5BW
76 Bury Old Road, Manchester, M8 5BW
2C Seymour Road, Manchester, M8 6BG

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1