

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

Application no. 142539/FO/2025

Date registered valid: 15 April 2025

Proposal: Proposed use of property as a Class E (Commercial, Business and Service) use

Address: 2 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL

Ward(s): Crumpsall Ward

Applicant: Heavenly Desserts, Cheetham Hill Ltd

Agent (if any): Haris Kasuji, RR Planning Ltd

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 02 June 2025

APPLICATION DETAILS

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 15 May 2025

Standard consultations: Printed: 30 April 2025 Expired: 22 May 2025

Neighbour notifications: Printed: 30 April 2025 Expired: 22 May 2025

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of site/building

The proposal relates to a commercial unit in the Cheetham Hill Shopping centre facing into Bury Old Road. The property features a shopfront facing onto the footway of Bury Old Road with servicing from a secure rear service area.

Description of area

The property is in the Cheetham Hill Shopping Centre in the Cheetham Hill District Centre. Bury Old Road forms the boundary between Manchester City Council and Salford City Council. The area is largely retail with a mix of shops, restaurants, hot food takeaway and a large Tesco store anchoring the Shopping Centre.

Description of development

Proposed use of property as a Class E (Commercial, Business and Service) use. Opening hours are proposed for 0900 to 0000 daily. There are no elevational changes.

PLANNING HISTORY

137597/LP/2023

Description: Use of unit as a Cookie shop (Class E)

Decision: Approved 12/10/2023

095479/JO/2011/N1

Description: Variation of Condition 10 attached to planning approval 091519/JO/2009/N1 to allow 4 units within the shopping mall (with a maximum floorspace of 656 square metres) to be used for Class A3 (food and drink) and Class A5 (hot food takeaways)

Decision: Refused 18/08/2011

095051/JO/2010/N1

Description: Variation of Condition number 10 attached to previously approved application ref 091519/JO/2009/N1 to increase the number of Class A2 uses (financial and professional services) at ground floor from 3 to 4.

Decision: Approved 07/02/2011

091519/JO/2009/N1

Variation of Condition 24 of planning approval reference 072818/FO/2004/N1 to permit 3 no. units (in total) to be used for Class A3 (food and drink uses) and Class A5 (hot food take aways) to a maximum of 475 sqm of floorspace

Decision: Approved 09/02/2010

089109/AO/2009/N1

Description: Retrospective application for installation of non- illuminated advertisement panels to fit previously approved shop fronts

Decision: Approved 14/04/2009

088657/FO/2008/N1

Description: Retrospective application for installation of temporary decorative shopfront infill panels to vacant units

Decision: Approved 13/02/2009

085905/AOH/2008/N1

Description: Erection of 2 no. signboards on hoarding surrounding development site

Decision: Temporarily Approved 16/04/2008

085904/AO/2008/N1

Description: Erection of 4 no. totem signs, 2 to Bury Old Road corner and 2 to Thomas Street/Bury Old Road

Decision: Approved 24/04/2008

072818/FO/2004/N1

Description: Redevelopment of part of Cheetham Hill District Centre to provide A1 retail (shops), class A2 (offices), Class A3 (food and drink uses) class B1, (offices) Class D1 (dentist), a memorial garden and associated parking, landscaping, recycling facilities and public transport link, together with enabling work

Decision: Approved 08/12/2004

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application and had no objections to the proposed development.

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application and had no objections to the proposed development recommending a number of conditions.

Notifications

Local Residents

No representations received.

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

Relevant Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The following policies are considered relevant.

- [The Manchester Core Strategy Development Plan Document 2012-2027](#)
 - Development Management and Planning Obligations
 - DM 1 - Development Management
 - Objective 1 - Spatial Principles
 - SP 1 - Spatial Principles (Partially replaced by PfE Policy JP-S 1)
 - Objective 2 - Economy and the City Centre
 - EC 1 - Employment and Economic Growth in Manchester
 - EC 2 – Existing Employment Space
 - EC 4 – North Manchester
 - Objective 4 – Centres
 - C 1 – Centre Hierarchy
 - C 2 – District Centres
 - C 3 - North Manchester District Centres - Cheetham Hill and Harpurhey
 - C 10 – Leisure and the Evening Economy
 - Objective 6 Environment
 - EN 1 - Design Principles and Strategic Character Areas
 - EN 16 - Air Quality (partially replaced by PfE Policy JP-S 5)
 - EN 19 – Waste
- [Extant Unitary Development Plan \(UDP\) –](#)
 - Citywide Development Control Policies
 - DC10 - Food and Drink uses
 - DC26 - Development and Noise
 - Environmental Improvement and Protection
 - E3.3 – City major radial and orbital roads and rail routes.
 - Shopping
 - S1.2 - improvement and re-development of existing District Centres
- [Places for Everyone Plan Joint Development Plan Document 2022-2039-](#)
 - Strategy
 - JP-Strat5: Inner Areas
 - Sustainable and Resilient Places
 - JP-S1: Sustainable Development
 - Places for Jobs
 - JP-J1: Supporting Long-Term Economic Growth
 - JP-J2: Employment Sites and Premises
 - Places for People
 - JP-P1 Sustainable Places
 - JP-P4: New Retail and Leisure Uses in Town Centres
- [The National Planning Policy Framework \(The NPPF\) –](#)
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 6 – Building a strong, competitive economy
 - Section 7 - Ensuring the vitality of town centres
 - Section 12 – Achieving well-designed places
- [The Town and Country Planning \(Use Classes\) Order 1987](#)
 - Schedule 2
 - Part A – Commercial Business and Service
 - Class E. Commercial Business and Service

Principle

In 2020 the Use Class order was changed to combine and replace several separate Commercial, Business and Service uses into a single Class E. When the Cheetham Hill Shopping Centre was approved the units had designated classes. Unit 2 was designated as a A2 Financial & Professional Services. This would now be a Class E premises. A lawful proposed development certificate 137597/LP/2023 established the lawful use as a Class E(a) use.

There is no objection to the use of the unit in parts of the Class E use that are appropriate in the district centre location. A condition has been imposed to this effect, restricting the uses to Class E (a, b and c).

ISSUES

Appropriate siting, layout, scale, form, massing, materials, and detail

The unit has a lawful use as a Class E (a) use within the Cheetham Hill Shopping Centre. The application proposes no changes to the physical premises.

Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.

The proposal makes no changes to the physical premises and therefore has negligible effect on the street scene and character of the area.

The proposal would extend the opening hours to 0900 to 0000 daily. Given the location in the busy district centre with existing premises with similar hours the impact to the character of the area is minimal.

Effects on amenity

Privacy

The proposal has no effect on privacy.

Light

The only effect to light would be the light spillage from the extended opening hours. Given the location and presence of other commercial premises and street lighting, the effect is negligible.

Noise

The only effect to noise would be the increased noise from comings and goings and commercial activity within the extended opening hours. Given the location within the District Centre and in a predominantly commercial/retail area, the impact to noise would be minimal. It is noted there are several premises with later openings, notably the large Tesco store in the centre which is open 0600-0000. Environmental Health recommended a number of conditions to be attached for the control of noise however given the existing use it would be overly onerous.

Air Quality/Odours

The applicant has not applied for a new flue or extraction. The impact to air/quality and odours is negligible.

Litter

The only impact would be from the extended opening hours. Given the context within the shopping centre and the presence of public litter bins, the effect on litter is minimal.

Road Safety and Traffic Generation

Given the context of the site within the existing shopping centre, with large car park and local public transport the effect to road safety and traffic generation is minimal. The level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

Accessibility

The proposal does not change how people can get in and out of the building.

Refuse storage and collection.

The proposal itself has little impact on waste from the site. It uses the current storage and collection methods on site from the rear service yard. Environmental Health recommended a condition to be attached for waste strategy however given the existing use it would be overly onerous when the unit is already in operation.

Vehicular access and car parking

The proposal doesn't change how vehicles access and park at the property.

Flood risk and drainage.

The site is not located in a flood risk area and therefore does not require a flood statement or assessment.

The proposal has a negligible impact on drainage using the existing drainage on site.

OTHER LEGISLATIVE REQUIREMENTS

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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.

CONCLUSION

The proposed use of Unit 2 at Cheetham Hill Shopping Centre as a Class E premises with extended opening hours is considered acceptable. The application aligns with local and national planning policies, and the proposed changes are minimal in physical impact while maintaining compatibility with the surrounding commercial environment. No objections were raised by statutory consultees, and the potential impacts on amenity, noise, traffic, and waste are negligible. As such, the proposal supports the continued vitality of the district centre and is recommended for approval.

RECOMMENDATION: APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The proposal is considered to be acceptable and therefore determined within a timely manner.

CONDITIONS TO BE ATTACHED TO DECISION FOR APPROVAL

1. Use class and hours of operation

The authorised development relates the use of the Unit 2 Cheetham Hill Shopping Centre for Class E (a, b and c) with opening hours:

- a. Daily: 0900-0000

Reason - For the avoidance of doubt and in the interests of local amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2. Deliveries to commercial premises

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

- a. 07:30 to 20:00, Monday to Saturday,
- b. no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

3. Specified plans

The development hereby approved shall be carried out in accordance with the following drawings and documents:

- | | | | |
|----|---------------------------|-------------|---------------------------------|
| a. | Application Form | 26 Mar 2025 | APPLICATION FORM |
| b. | Drawing - Location Plan | 26 Mar 2025 | |
| c. | Drawing - Proposed | 26 Mar 2025 | PP907-01-01 GENERAL ARRANGEMENT |
| d. | Drawing - Proposed | 26 Mar 2025 | PP907-01-02 STUD WALL LAYOUT |
| e. | Design & Access Statement | 26 Mar 2025 | DESIGN AND ACCESS STATEMENT |

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies DM 1, SP 1 and EN 1 of the Core Strategy and JP-P1 & of Places for Everyone.

4. Use Class Restriction

The only use permitted within is within Use Class E (parts A, B and C). The premises shall not be used for any other purpose within Class E and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason - The restriction to the use is required for the avoidance of doubt and in order to secure a satisfactory form of development in order to preserve the character of the neighbourhood and minimise the impact on the use on residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for Manchester (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Highway Services

Environmental Health

3 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL

Ladbrokes, 1 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL

1-2 St Margarets Building, Bury Old Road, Salford, M7 4PF

12 Bury Old Road, Salford, M7 4PF

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (More) -

Area Team Boundary - Name: NORTH AREA