

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141683/P3MAP/2024

Date registered valid: 5 December 2024

Proposal: Prior approval for the change of use of first and second floors from use class E to form 4 no. self-contained apartments (C3 Use Class).

Address: 99-101 Cheetham Hill Road, Manchester, M8 8PY

Ward(s): Cheetham Ward

Applicant: Zaf Younis

Agent (if any): Mr Sam Golding, Gold Sketch Studios Ltd

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

Recommendation: Approve

Date of recommendation: 17 January 2025

Application details

Type of application: Prior approval- Class E-Dwell (Class MA)

Development type: Notifications

Date of site visit: 27 December 2024

Standard consultations:

Printed: 9 December 2024 Expired: 2 January 2025

Neighbour notifications

Printed: 9 December 2024 Expired: 2 January 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

Description of site/building

The application property relates to the upper two floors of a vacant, three storey, mid terraced property situated on the western side of Cheetham Hill Road. The building incorporates a pitched roof, with the upper half of the front elevation painted blue. All window openings are presently boarded up, with the ground floor shopfront encase by metal rollers. Shutters.

At ground floor level is a vacant shop which previously sold shop fittings. The upper floors are last thought to be in use as offices.

The building also incorporates a basement area which is also vacant.



View of application site (building painted blue) view from Cheetham Hill Rd

The building is presently boarded up and in a state of dereliction.

At the front is a forecourt. To the rear is a yard area enclosed by a metal Palisade fence, with gated access onto Bent Street.



View of rear of property when viewed from Bent St

The application property is bounded by a café and public house (Derby Arms Brewery) to the south and a ground floor shop to the north, the upper floor of which have recently received prior approval for flats, similar to that proposed.

Opposite the site is a former synagogue and library now use as wholesalers for the fashion industry. To the rear are a number of warehouses.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is located adjacent to the busy, main arterial of Cheetham Hill Road, which links north Manchester to the city centre and beyond. The site is situated in an area defined by The Strangeways Local plan (2009) as the 'Cheetham Hill Corridor' and is home to a mix of uses and differing qualities in terms of the built environment. The immediate area is dominated by a variety of low-rise warehouses, cash and carries and distribution sheds.

In close proximity to the site are a number of buildings of heritage value, including the Grade II listed public house (Derby Arms Brewery) next door, Grade II listed buildings at 107 and 109 Cheetham Hill Road, just to the north; and the former library opposite at 124 Cheetham Hill Road, which is also Grade II listed.

Manchester city centre is located approximately 1km to the south.

Description of development

Prior Approval is sought for the conversion of vacant first and second floors to form a total of 4 x 1-bedroom flats (2 to each floor). Each flat has a bedroom, ensuite bathroom and kitchen dining/living area.

Access is to be achieved via two existing staircases to the sides of the building serving each half of the host property.

The application is made pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The change of use is considered permitted development, subject to consideration of certain planning issues referred to in the overarching legislation, as set out in the Issues section of this report.

Consultations & Notification Responses

Local Residents/Occupiers

277 representations objecting to the proposed development have been received.

All objections appear to be from patrons of the neighbouring Derby Arms public house, with the majority identical in their content. Comments are summarised below:

-There is a live music venue located next to the property (Derby Arms). The Council should take into account the 'agent of change' principle, in line with central government guidance, to ensure that pre-existing businesses are protected. The responsibility of mitigating external sound levels within new apartments should not fall to the existing businesses in the area, rather the new developers that wish to alter the current designation of the area.

-The applicant has not submitted sufficient proof that they will act to insulate the properties from the existing sound levels within the area.

-There is concern that the proposal could jeopardise the operation of the Derby Arms as a result of noise complaints. The pub forms an important venue for the LGBTQI+ community and in turn, there is concerns that any impact to existing operations could affect the well-being and enjoyment of patrons that frequent the venue.

Flood Risk Management – No objection.

Highway Services

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

No on-site car parking is proposed with the development. Therefore, vehicular demands associated with the site is anticipated to contribute to the level of vehicles parked on street.

No information has been provided by the applicant on the location and servicing of the refuse bins associated with the proposed apartments. Highways request that the applicant demonstrates on the proposed plan as to where the refuse bins for residents will be located. Highways requires the applicant to confirm where the refuse bins will be positioned on collection days for servicing.

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

Environmental Health

No objection. Conditions in relation to acoustic insulation and the use of external equipment are advised.

Planning History

076351/FO/2005/N1

First floor extension and elevational alterations to create additional storage for existing wholesale warehouse. *Approved 4 January 2006.*

074561/FO/2005/N1

First floor extension and elevational alterations (to create additional storage space) in connection with existing use at Cheetham Hill Road. *Refused 20 April 2005.*

045351/FO/NORTH1/94

Erection of a warehouse after demolition of existing warehouse. *Approved 3 June 1994.*

F05438

Change of use from a hardware factory to a wholesale warehouse or repository for any purpose (Class X). *Approved 8 October 1976.*

Policy

The relevant policy is set out for consideration below.

- Policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy;
- Saved policy DC26 of the Unitary Development Plan for the City of Manchester;
- Places for Everyone Joint Development Plan;
- Strangeways Local Plan;
- National Planning Policy Framework;

Issues

Principle

Class MA of the Town and Country Planning (General Permitted Development) Order 2015 requires Local Planning Authorities to determine if prior approval is required in respect of contamination, transport impacts, flooding, noise impact, natural light to habitable rooms and the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. No significant issues have been raised with respect to these matters and therefore the proposal is considered acceptable.

In this case, the proposal would make good use of vacant, upper floorspace to add to the diversity of residential accommodation in a city centre fringe location.

Whilst a Regeneration Framework is emerging for this part of the city, which would help guide new development, the proposed residential use is likely to be compatible with policy aspirations and at the very least, represent an effective meanwhile use.

Specific issues for consideration are outlined below.

Flood Risk – The site is situated within Flood Zone 1 – low risk of flooding. In any event, as the proposal relates to the upper floors, flood risk is not likely to be an issue.

Ground Contamination – No concerns have been raised within respect to land contamination. No breaking of ground is proposed as the proposal relates to the upper floors.

Transport and Parking Issues – Given the former use of the building, it is not envisaged that a residential use would generate any significant or material impact in terms of vehicular activity or parking demand. Highway Services accept that the proposed flats are unlikely to generate a significant increase in on-street parking demand in comparison to the existing, authorised use.

The site is located in highly accessible location, close to the city centre and car ownership associated with the existing development is likely to be low. On-street parking is unrestricted and available on nearby roads.

Details are requested in relation to waste management arrangements, as well as cycle storage, given the lack of off-road parking and the need to encourage travel by non-car modes. Appropriate conditions are included.

Noise

The site is located within a busy commercial area, adjacent to a main arterial route, to the northern fringe of the city centre. Expected levels of amenity would therefore be lesser than in other locations.

Concerns have been raised by those associated with the Derby Arms Brewery public house that potential noise complaints could jeopardise their operations, particularly as the public house also operates as a late-night venue with events.

In consideration of the proposal, account has been taken of the agent for change principle by which a person or business introducing a new land use is responsible for managing the impact of that change and forms a material consideration to be taken into account in the determination of applications.

Paragraph 200 of the NPPF states:

‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed’.

Planning Practice Guidance also indicates that consideration should be given to the potential effects of locating new residential development close to existing businesses that cause noise.

The impact of the proposal has been fully considered. Environmental Health consider that provided that the host building is acoustically insulated to safeguard against undue noise arising from Cheetham Hill Road and neighbouring commercial uses, such mitigation protect future residents, as well as the operation of local licensed businesses.

A condition has been included which requires that the flats be acoustically insulated in accordance with a scheme to be submitted and agreed, in order to ensure prospective occupiers are protected from any undue noise impact associated with Bury New Road and neighbouring commercial uses. Provided this adhered to, no harmful noise impact to prospective occupiers is envisaged.

Natural Light to Habitable Rooms

All bedrooms and habitable areas would benefit from sufficiently sized windows which would afford satisfactory natural light. All apartments also accord with the Council's internal space standards as set in the Council's Residential Quality Guidance document. On this basis, the standard of accommodation is considered satisfactory.

Heritage Impact

The property is not situated within a conservation area and therefore the impact to heritage is not considered a relevant consideration which reference to the Class MA of the legislation.

However, under Section 66 of the LBCA Act, there is a statutory duty when considering whether to grant consent which affects the setting of a listed building, to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

In this case, there are 4 Grade II listed buildings which are in closed proximity of the site, including the Derby Arms public house next door (95) and buildings located at 107, 109 and 124 Cheetham Hill Road.

Other than the removal of boards to reveal existing windows openings, there are no external alterations forming part of the current application. As such, other than the likely visual and amenity benefits arising from the refurbishment and occupation of the building, there would be no material impact to appearance of the building which would affect the setting or character of neighbouring listed buildings.

The application property does not encroach upon the neighbouring building and does not include any external alterations. Therefore, the proposal preserves the setting of these neighbouring listed buildings.

Other Matters

With reference to Section 149 (Public Sector Equality Duty) of the Equality Act 2010, it is not considered that the proposal would lead to the discrimination of nearby occupants or patrons and with the noise mitigation required (as per the attached condition, would result in acceptable development.

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.

Recommendation: Approve

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The City Council is satisfied that the development would have no significant, harmful impact as a result of contamination, flooding or noise. Satisfactory natural light is capable of being provided to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester, pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings referenced 501, 003/1 and 004/1, received by the City Council as Local Planning Authority on 5 December 2024.

2) a) Notwithstanding details submitted, prior to the flats hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from Cheetham Hill Road and surrounding commercial uses, shall be submitted to and approved in writing by the City Council as Local planning authority. The potential for overheating shall also be assessed and the noise insulation scheme should take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the approved flats are occupied.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report

shall also undertake post completion testing to confirm that the internal noise criteria have 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 internal noise criteria.

Reason - In order to safeguard the amenity of existing and future, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Manchester Core Strategy.

3) a) 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.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout conforms to the agreed scheme. Details of post completion testing to confirm that the noise criteria have been met should also be provided. 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

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 minimise the impact of the development and to prevent a general increase in preexisting background noise levels around the site, pursuant to saved policy DC26 of the Unitary Development Plan and policies DM1 and SP1 of the Manchester Core Strategy.

4) Before the apartments are occupied, a scheme for the storage and disposal of refuse shall be 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 amenity and public health, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

5) Notwithstanding details submitted, the apartments shall be occupied until full details of the space and facilities for bicycle parking, including means of enclosure, have submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed cycling parking space and facilities shall be implemented as part of the development and retained thereafter.

Reason - Due to the lack of off-road parking and to ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Manchester Core Strategy.

Informatives

1) City Council records highlight that the underground 'River Irwell Tributary (Victoria)' is located within close proximity to the site (approximately 50 m to the South of the site), It is requested that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during any 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 MCC Lead Local Flood Authority (LLFA) should be contacted

immediately. Any alterations to an ordinary watercourse will require consent from MCC LLFA under Land Drainage Act 1991. The developer can apply for land drainage consent (if required) via the following link:

<https://manchester.civicapayforms.co.uk/Sales/LaunchInternet.aspx?saleform=drainage>

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Unit 4D, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4H, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4G, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4F, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4E, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4C, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4B, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4A, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
2 Empire Street, Manchester, M3 1JA
First Floor And Second Floor, 97 Cheetham Hill Road, Manchester, M8 8PY
97 Cheetham Hill Road, Manchester, M8 8PY
Ground Floor, 97 Cheetham Hill Road, Manchester, M8 8PY
FASHION UNDERWORLD LTD, Unit 1, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 5, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 7, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Derby Brewery Arms, 95 Cheetham Hill Road, Manchester, M8 8PY
Unit 2, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 3, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
103 - 105 Cheetham Hill Road, Manchester, M8 8PY

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA