

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140621/FO/2024

Date registered valid: 7 August 2024

Proposal: Retention of building conversion to 3no. class E units and landlord office on second floor, and proposed ancillary accommodation at basement level

Address: 443 Cheetham Hill Road, Manchester, M8 0PF

Ward(s): Cheetham Ward

Applicant: Mr Mohammed Saddique

Agent (if any): Mr Talat Zeria HSH Engineering Design Service

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 2 January 2025

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23 August 2024

Standard consultations:

Printed: 3 December 2024 Expired: 24 December 2024

Neighbour notifications

Printed: 3 December 2024 Expired: 24 December 2024

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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to 443 Cheetham Hill Road within the Cheetham ward of north Manchester. The application site relates to a part two storey/ part three storey, end terraced red brick property with a staggered primary building line and a previous two storey side extension. At the time of the site visit, the property appeared to have three entrance ones- one behind a roller shutter, a glass single door with blue detailing and a further door within the two storey side extension. Fascia signs were evident for two businesses as were three signs within the front amenity space and a further sign within the side elevation sited at the rear. Amenity space to the front of the property consists of hardstanding and amenity space to the rear consists of a service area which leads onto Heywood Street.

Description of area

The surrounding area is mixed, with commercial businesses and residential accommodation surrounding the applicant site. The applicant site sits outside of the Cheetham Hill District Centre.

Description of development

The application seeks planning consent for the retention of building conversion to 3no. class E units and landlord office on second floor, and proposed ancillary accommodation at basement level.

The conversion of the building into the sub-division of class E units took place on 08/01/2023 and finished 05/02/2024. The 3 units are used for the following businesses:

Class E – Commercial, Business and Service.

Medina Electrical & Plumbing Store -E(a) Display or retail sale of goods.

Health Hub Manchester Ltd – E(e) Health or medical services.

Baig & Co Investments LTD - E(c)(iii) Other appropriate services in a commercial, business i.e. Serviced offices.

The ground floor is taken by Medina Plumbing and Health Hub Manchester, the first floor is split between Baig & Co Investments and Health Hub and the 2nd floor is occupied by Baig & Co. A landlord office is also sited on the second floor.

The opening hours for all 3 units have been listed within the application form as:

Monday- Friday: 08:00- 19:00.

Saturday: 09:00- 19:00.

Sunday: 10:00- 17:00.

In addition to the conversion already taken place, the current proposal includes the proposed ancillary accommodation at basement level. This would include ancillary accommodation for all the business units and would offer a gym, gaming station and kitchen and two toilets.

The site would offer 7 car parking spaces (4 cars within the front amenity space and 3 within the rear), and 4 new cycle storage spaces within the rear amenity space. Refuse would be stored within the rear amenity space.

Negotiations during the Course of the Application

The application has been subject to various amendments and multiple extensions of time.

The initial application validated on 7 August 2024 sought consent for Conversion of building into 5 commercial business units (Class E). During the course of the application, several pieces of information were requested from the agent including:

-A Highways Technical Note/ Transport Statement.

-A discrepancy with number of proposed parking spaces listed on the submitted application form.

-A discrepancy with all types of development: non-residential floorspace stated within the submitted application form.

-Confirmation whether the works are retrospective as discrepancies between the submitted description of development and supporting information within the application form.

-Written confirmation of all the units at the site as existing and proposed- list business names and the proposed use class.

-Elevation drawings required to confirm no external alterations will take place as a result of the proposal.

-Confirmation all the pieces of signage at the site have the benefit of advertisement consent where necessary.

The agent provided revised plans.

Following discussions with the agent, the description of development appeared inaccurate and the description was subsequently amended to reflect the part retrospective nature of the application. Confirmation was supplied in relation to the use of the site and revised plans submitted accordingly. A 21 day re-notification period was conducted for consultees and neighbours.

A Transport Statement was submitted to reflect the amended description of development and has been reviewed by colleagues in Highway Services. Points in relation to Highways remain outstanding on the date the application is due for determination. The application is assessed on the basis of the current information.

Planning History

133907/FO/2022-443 Cheetham Hill Road-Change of use of vacant unit to form hot food takeaway (sui generis).
Refused 16 September 2022.

112062/FO/2016- Rear Of 443 Cheetham Hill Road- Erection of single storey building to the rear to form office (Class A2).
Refused 30 August 2016.

078504/FO/2006/N1- 443 Cheetham Hill Road- Erection of first floor rear extension.
Approved 7 April 2006.

077932/FO/2005/N1- 443 Cheetham Hill Road- Erection of first floor rear extension to form showroom and fire escape enclosure to side elevation. Withdrawn 6 February 2006.

067781/FO/2003/N1- 443 Cheetham Hill Road- Two storey side extension to form ancillary office accommodation for existing D.I.Y. shop. Approved 7 July 2003.

Further planning history exists for the site prior to 2000.

Consultations & Notification Responses

Local Residents

Local residents were consulted and one objection was received. The objector raised concerns with the increased traffic from five businesses operating from one property, and adverse associated impacts to the surrounding residential properties.

No further comments were received during the re-notification period.

Environmental Health

Environmental Health were consulted and requested the following conditions be attached to any approval granted:

- FUME* Fume/odours condition (required if any of the use class E units include any commercial kitchen or cooking facilities)
- Demolition/ construction hours condition
- HOURS 1 condition (Premises opening hours)
- HOURS 2 condition (Deliveries to commercial premises)
- NSE1 condition (only required if any of the units are to include any entertainment noise or music replay such as the Health Hub)

-NSE6 External plant/equipment/servicing condition (only required if any new plant or equipment is to be installed such as air handling/ventilation/chiller units or kitchen extraction equipment)

-Refuse condition: The information submitted suggests only 3 x 240l containers will be provided with 1 container each for general, recycling and food waste but the refuse store diagram identifies 8 containers. Environmental Health requested an updated waste proforma and diagram to match up with each other confirming the number of containers for each waste stream. Environmental Health also require collection frequency. Containers for mixed recycling and containers for pulvable refuse will need to be separate.

Further comments dated 23 September 2024:

The response confirms there is to be no kitchen facilities which addresses the fume condition requirements and also confirms there will not be any new externally mounted plant or equipment which resolves the NSE6 plant noise condition.

The hours have been accepted by the applicant.

The refuse information is still not sufficient. The revised proforma now includes an 1100litre container for industrial waste. What type of waste is being produced that required industrial waste? The number and / or size of containers will need to be increased for each of the waste streams (mixed, general and pulvable waste) as 1 x 240 litre container will be insufficient as previously stated.

Infrequent waste collections have been proposed and fortnightly collections are unlikely to be sufficient.

Further comments dated 9 December 2024:

Comments remain the same as previous.

Highway Services

Highway Services requested further information in regard to the uses currently operating at the site and will be retained. Parking arrangements are also unclear. The Highways Engineer requested a Highways Technical Note or Transport Statement. The Officer requested further information on the proposed uses, trip generation, parking (and justification), cycle parking, waste and deliveries.

Highway comments following receipt of Transport Statement, dated 13 December 2024:

Trip Generation and Junction Capacity:

A TRICs assessment has been provided within the Transport Statement [TS].

The trip generation by the extant use of the site is shown to generate 12 two-way movements in the AM peak and 12 two-way movements in the PM peak.

The trip generation by the proposed use of the site will generate 16 two-way movements in the AM peak and 16 two-way movements in the PM peak.

A 'Net Trip Generation' assessment has been undertaken which demonstrates that there will be an overall increase in 4 two-way movements in the AM and PM peak periods. It is therefore accepted by Highways that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Site Accessibility:

The site is well accessed by sustainable modes. Regular bus services are routed along Cheetham Hill Road.

Parking and Access:

The TS highlights that the site has two vehicular access points, one off on Cheetham Hill Road and the second off Heywood Street which is to be retained. A vehicular gate is present to the access point off Hollywood Street.

Existing vehicular crossover is present in this location in order to facilitate this access. As part of the proposal a formal parking arrangement is to be provided. A parking area from Cheetham Hill Road will be for customer use and a parking area to the rear of the property off Heywood Street is for staff use.

The TS states that the proposed parking arrangement is 7no. car parking spaces including 1no. disabled parking bay. Based on the Drawing No. 163810-001 within the TS this appears to be 4no. parking spaces to the rear of the property and 3no. car parking spaces to the frontage of the site.

Highways recommend that appropriate parking provision is provided. This should be '1 spaces per 22sqm' for Non-food retail, '1 space per 35sqm' for B1 Office, and '1 space per 2 staff plus 3 per consulting room' for medical and health facilities based on MCC's Core Strategy guidance.

Justification on the provision of 7no. car parking space for the site is required.

Further information on the number of employees for the proposed units is also requested.

Vehicle swept path assessment has been undertaken and is contained within the TS. Drawing No. 163810-001 demonstrates the swept path analysis of an estate car entering the site via Heywood Street and Cheetham Hill Road, manoeuvring and exiting in a forward gear.

The dimension of the car parking spaces is unclear. Highways require that a new plan is provided demonstrating the dimensions of the car parking spaces with updated swept path analysis assessment.

Regarding the dimension of these spaces, these should all accord with MCC's standard minimum requirement. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6 metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces

Pedestrian access to the site is from Cheetham Hill Road providing access to the front of the site via the main entrances of the existing units. Pedestrian access is also provided from the rear of the property via Hollywood Street.

Cycle Parking:

The TN outlines that a secure and shelter cycle is to be provided to the rear of the site which will accommodate 5no. cycle parking space. This will be accessed from Heywood Street.

However, drawings within the TS demonstrate that the cycle parking space will be provided in the form of cycle racks which appears to not be sheltered and secured.

It is requested that a secure and sheltered cycle store is provided.

Highways request that a minimum of 6no. cycle parking space is provided at the site in alignment with MCC's Core Strategy. This is '1 space per 200sqm min of 2 spaces' for A1 Non-food retail, '1 space per 200sqm min of 2 spaces for B1 Office', and '2 spaces per consulting room' for D1 medical and health facilities.

Proposed Signage:

New signage is proposed and located within the red-line boundary of the site.

Boundary Treatments:

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Refuse and Servicing:

In terms of waste management, whilst we have no objection to the bin store or for collection from Heywood Street, we do not support bins placed on the public footway whilst awaiting collection.

Highways requests that a waste management strategy is provided and conditioned as part of the planning process.

It is noted that deliveries will take place to the rear of the building and undertaken by a transit van type vehicle. A swept path analysis of a 4.6T Light Van has been provided which demonstrates the vehicle entering and exiting the site. This is acceptable in principle subject to a banksman being present.

Highways requests further information on the frequency of deliveries associated with the site.

Highways requests that a Service/delivery management strategy is provided and conditioned as part of the planning process.

Travel Plan:

It is requested that a Travel Plan is in place to provide measures, management, aims and objectives, targets, action plan and marketing strategy. The Travel Plan should encourage sustainable travel with the aim to minimise the number of private trips generated by the proposed development.

It is noted that a Travel Information Pack will be provided to individuals at the site. This is welcomed by Highways.

Construction Management:

The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to:

highwaylicences@manchester.gov.uk

The applicant is required to discuss and agree any requirements for temporary traffic and pedestrian management with MCC's Event and Traffic Management Team via Email to

Suggested Conditions:

- Waste management strategy
- Service Management Strategy
- Travel Plan.

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) an economic objective, b) a social, and c) an environmental objective.

The following specific policies are considered to be particularly relevant to the proposed development:

Chapter 8. Promoting healthy and safe communities

Chapter 9. Promoting sustainable transport

Chapter 12. Achieving well-designed places.

The Manchester Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012, updated March 2024 following Adoption of Places for Everyone Joint Development Plan.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:

Policy DM1 (Development Management)

Policy SP1 (Spatial Principles)

Policy EC1 (Employment and Economic Growth in Manchester)

Policy EC2 (Existing Employment Space)

Policy EC4 (North Manchester)

Policy EN1 (Design Principles and Strategic Character Areas)

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development)

Policy EN 16 (Air Quality)

Policy EN18 (Contaminated Land and Ground Stability)

Policy EN19 (Waste)

Policy T1 (Sustainable Transport).

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved

policies are of relevance in the consideration of this application:

DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following

- a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
- b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or noncritical rooms within a building; and
- c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.

Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABI as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Of relevance are paragraphs 2.3, 2.7, 2.14 and 2.16.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:

JP- S1- Sustainable development

JP- S2 – Carbon and energy

JP-C1- An integrated network

JP- S6- Clean Air

ISSUES

Principle of Development

The application seeks planning consent for the retention of building conversion to 3no. class E units and landlord office on second floor, and proposed ancillary accommodation at basement level.

The conversion of the building into the sub-division of class E units took place on 08/01/2023 and finished 05/02/2024. The 3 units are used for the following businesses:

Class E - Commercial Business and Service.

Medina Electrical & Plumbing Store -E(a) Display or retail sale of goods.

Health Hub Manchester Ltd – E(e) Health or medical services.

Baig & Co Investments LTD - E(c)(iii) Other appropriate services in a commercial, business i.e. Serviced offices.

The ground floor is taken by Medina Plumbing and Health Hub Manchester, the first floor is split between Baig & Co Investments and Health Hub and the 2nd floor is occupied by Baig & Co. A landlord office is sited on the second floor.

In addition to the conversion already taken place, the current proposal includes the proposed ancillary accommodation at basement level. This would include ancillary accommodation for all the business units and would offer a gym, gaming station and kitchen and two toilets.

The principle of the retention of building conversion to 3no. class E units and landlord office on second floor, and proposed ancillary accommodation at basement level is considered acceptable in this location.

Although the applicant site does not sit within the Cheetham Hill District Centre, this site has a historic use for retail, seen as historically as through 059475/FO/NORTH1/00 (Extension at first floor level to form additional showroom area- approved 3 August 2000) and has continued as a class E use ever since. Further, the surrounding area benefits from commercial use including the car wash facility to the east of the applicant site and the Esso garage to the north of the site. As such, the proposal would be compliant to policy EC1, EC2 and EC4 within the Core Strategy.

However, it is acknowledged that the adjoining neighbour to the south 439-441 Cheetham Hill Road has a mixed use including sui generis (short term accommodation) and properties to the front and rear of the applicant site are residential in nature. The proposed uses within Class E, as stated within the report above, are considered appropriate in terms of use. Conditions would be placed on any approval granted restricting the use of the 3 units to the specific parts of class E. A further condition would be placed on any approval granted restricting the further

subdivision of the units or the agglomeration into one unit. This would ensure any harm in relation to visual/ residential amenity would be mitigated, as would conditions relating to hours of opening and delivery/ servicing.

A condition could also be placed on any approval granted in relation to the use of the basement as ancillary accommodation for the use of the class E businesses. The wording of such management plan was sent to the agent for review during the course of the application.

Further information was supplied in relation to a bin location plan and waste management strategy during the course of the application. This was reviewed by Environmental Health who stated the refuse information is still not sufficient. Whilst Environmental Health have issues with the submitted refuse information including waste proforma and corresponding site plan, it is noted that this information could be conditioned within the decision notice of any approval granted.

It is noted that advertisements have been erected at the site which may require planning consent. However, an informative advising the applicant to this effect could be attached to any approval granted and would not impact the determination of the current application.

However, within the submitted application, insufficient information has been provided to fully assess the impact of the proposal. The applicant has failed to demonstrate how the proposed parking provision is sufficient for the proposed uses, customers and employees and how the proposed parking spaces comply with MCC recommendations.

Impact on the Highway

A Transport Statement was provided for review received 4 November 2024. Following consideration of the Statement, Highways provided the following comments of note:

Highways accepted the 'Net Trip Generation' assessment has been undertaken which demonstrates that there will be an overall increase in 4 two-way movements in the AM and PM peak periods. It is therefore accepted by Highways that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Highways raised no concern in relation to the accessibility of the site, including regular bus services sited along Cheetham Hill Road.

The Transport Note outlines that a secure and shelter cycle store is to be provided to the rear of the site which will accommodate 5no. cycle parking spaces. This will be accessed from Heywood Street. However, drawings within the Transport Statement demonstrate that the cycle parking space will be provided in the form of cycle racks which appears to not be sheltered and secured. It is requested that a secure and sheltered cycle store is provided. Highways request that a minimum of 6no. cycle parking space is provided at the site in alignment with MCC's Core Strategy. This is '1 space per 200sqm min of 2 spaces' for A1 Non-food retail, '1 space per 200sqm min of 2 spaces for B1 Office', and '2 spaces per consulting room' for D1 medical and health facilities. Whilst Highways do not accept the proposed cycle provision as shown within the submitted site plan, it is acknowledged that this information could be conditioned within any approval granted.

In terms of waste management, whilst Highways have no objection to the bin store or for collection from Heywood Street, Highways do not support bins placed on the public footway whilst awaiting collection. Highways requests that a waste management strategy is provided and conditioned as part of the planning process. Highways requests further information on the

frequency of deliveries associated with the site. Highways requests that a Service/delivery management strategy is provided and conditioned as part of the planning process. It is noted that this information could be conditioned within any approval granted.

Highways request a Travel Plan is in place to provide measures, management, aims and objectives, targets, action plan and marketing strategy. The Travel Plan should encourage sustainable travel with the aim to minimise the number of private trips generated by the proposed development. Again, it is acknowledged that this information could be conditioned within any approval granted.

However, during the course of the application, Highways raised concerns with the proposed number of parking spaces. Highways recommend that appropriate parking provision is provided. This should be '1 spaces per 22sqm' for Non-food retail, '1 space per 35sqm' for B1 Office, and '1 space per 2 staff plus 3 per consulting room' for medical and health facilities based on MCC's Core Strategy guidance. Justification on the provision of 7no. car parking spaces for the site is required. Further information on the number of employees for the proposed units is also requested. This information was requested from the agent, however no further information was received prior to the determination date. Therefore, the application is assessed on the basis of information to date. It is not considered that this information could be conditioned as part of any approval granted as Highways require further information on the justification for the number of spaces to be able to fully form a judgement of the acceptability of the application and the proposed parking provision. As such, a recommendation on the basis of insufficient information is recommended within this report.

Further, a vehicle swept path assessment has been undertaken and is contained within the Transport Statement. Drawing No. 163810-001 demonstrates the swept path analysis of an estate car entering the site via Heywood Street and Cheetham Hill Road, manoeuvring and exiting in a forward gear. The dimensions of the car parking spaces are unclear. Highways require a new plan is provided demonstrating the dimensions of the car parking spaces with updated swept path analysis assessment. Regarding the dimension of these spaces, these should all accord with MCC's standard minimum requirement. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6 metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces. This information was requested from the agent, however no further information was received prior to the determination date. It is not considered that this information could be conditioned as part of any approval granted as Highways require further information on the formation of the spaces to be able to fully form a judgement of the acceptability of the application. As such, a recommendation on the basis of insufficient information is recommended within this report.

The lack of transport information is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy. The proposal is contrary to the policies set out below. Policy SP1 states 'Development in all parts of the City should create well designed places that enhance or create character and make a positive contribution to the health, safety and wellbeing of residents'. The proposal is contrary to SP1, as the impact of the proposal in term of adequate service provision could impact on the safety of pedestrians in and around the site. Therefore, the proposal is considered to be unacceptable as the applicant has not demonstrated the proposal has adequate servicing arrangements.

Policy DM1 states 'all development should have regard to the following specific issues;

- Appropriate siting, layout, scale, form, and massing.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Effects on road safety and traffic generation.

- Community safety.
- Vehicular access and car parking'.

The proposal is contrary to policy DM1, as the applicant has failed to demonstrate the effectiveness of the layout of the development, and therefore, potentially, due to the scale of the development could hinder the effective operation of the proposed class E units. Therefore, the current proposal may be unacceptable in terms of vehicular access and car parking, to the detriment of community safety.

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: Refuse

Article 35 Declaration

Officers have communicated the required outstanding information to fully assess the proposal, however inadequate information has been supplied in a timely manner. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

- 1) Whilst a Transport Statement has been provided and reviewed, the applicant has failed to provide sufficient details to fully assess the proposal. The following information is required:
 - The Transport Statement states the proposed parking arrangement is 7no. car parking spaces including 1no. disabled parking bay. Highways recommend that appropriate parking provision is

provided. This should be '1 spaces per 22sqm' for Non-food retail, '1 space per 35sqm' for B1 Office, and '1 space per 2 staff plus 3 per consulting room' for medical and health facilities based on MCC's Core Strategy guidance. Justification on the provision of 7no. car parking space for the site is required, and further information on the number of employees for the proposed units is also requested.

-A vehicle swept path assessment has been undertaken and is contained within the Transport Statement. Drawing No. 163810-001 demonstrates the swept path analysis of an estate car entering the site via Heywood Street and Cheetham Hill Road, manoeuvring and exiting in a forward gear. The dimensions of the car parking spaces are unclear. Highways require that a new plan is provided demonstrating the dimensions of the car parking spaces with updated swept path analysis assessment.

The applicant has failed to provide details relating to the parking requirements at the site, which results in an unacceptable arrangement for accessing and egressing of the application site by vehicles, to the detriment of highway and pedestrian safety. This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services
Highway Services
Environmental Health

Flat 6, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 3, 437 Cheetham Hill Road, Manchester, M8 0PF
180 Heywood Street, Manchester, M8 0PD
176 - 178 Heywood Street, Manchester, M8 0PD
Basement, 439 - 441 Cheetham Hill Road, Manchester, M8 0PF
2A Shirley Road, Manchester, M8 0ND
439 - 441 Cheetham Hill Road, Manchester, M8 0PF
Shirley Service Station, Petrol Filling Station, 332 Cheetham Hill Road, Manchester, M8 0PL
Flat 3, 2A Shirley Road, Manchester, M8 0ND
Flat 2, 2A Shirley Road, Manchester, M8 0ND
2B Shirley Road, Manchester, M8 0ND
245 Heywood Street, Manchester, M8 0PB
237 Heywood Street, Manchester, M8 0PB
233 Heywood Street, Manchester, M8 0PB
239 Heywood Street, Manchester, M8 0PB
231 Heywood Street, Manchester, M8 0PB
445 Cheetham Hill Road, Manchester, M8 0PF
Flat 1, 437 Cheetham Hill Road, Manchester, M8 0PF
2 Shirley Road, Manchester, M8 0ND
247 Heywood Street, Manchester, M8 0PB
243 Heywood Street, Manchester, M8 0PB
241 Heywood Street, Manchester, M8 0PB
235 Heywood Street, Manchester, M8 0PB
Flat 5, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 4, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 2, 437 Cheetham Hill Road, Manchester, M8 0PF
First And Second Floor, 443 Cheetham Hill Road, Manchester, M8 0PF
Asda Shirley Express, Petrol Filling Station, 332 Cheetham Hill Road, Manchester, M8 0PL
Ground And First Floor, 439 - 441 Cheetham Hill Road, Manchester, M8 0PF
Flat 8, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 7, 437 Cheetham Hill Road, Manchester, M8 0PF
Penthouse, 441 Cheetham Hill Road, Manchester, M8 0PF
441 Cheetham Hill Road, Manchester, M8 0PF
Penthouse, 439 Cheetham Hill Road, Manchester, M8 0PF
439 Cheetham Hill Road, Manchester, M8 0PF
180 - 182 Heywood Street, Manchester, M8 0PD
330 Cheetham Hill Road, Manchester, M8 0PL
1 Keane Court, Manchester, M8 0AS
3 Keane Court, Manchester, M8 0AS
4 Keane Court, Manchester, M8 0AS
6 Keane Court, Manchester, M8 0AS
7 Keane Court, Manchester, M8 0AS
8 Keane Court, Manchester, M8 0AS
10 Keane Court, Manchester, M8 0AS
11 Keane Court, Manchester, M8 0AS
14 Keane Court, Manchester, M8 0AS
15 Keane Court, Manchester, M8 0AS

17 Keane Court, Manchester, M8 0AS
2 Keane Court, Manchester, M8 0AS
5 Keane Court, Manchester, M8 0AS
9 Keane Court, Manchester, M8 0AS
12 Keane Court, Manchester, M8 0AS
16 Keane Court, Manchester, M8 0AS
Flat 4, 2A Shirley Road, Manchester, M8 0ND
Flat 1, 2A Shirley Road, Manchester, M8 0ND

Appendix 2 – Planning constraints

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