

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136332/FO/2023

Date registered valid: 11 August 2023

Proposal: Change of use of existing warehouse to mixed use comprising warehouse, retail, ancillary offices and cafe (sui generis).

Address: 20-26 Kay Street, Manchester, M11 2DU

Ward(s): Ancoats & Beswick Ward

Applicant: John Ronald Scott, JRS Planning

Agent (if any): Mr John Scott, JRS Planning

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 15 January 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 10 September 2023

Standard consultations:

Printed: 11 August 2023 Expired: 1 September 2023

Neighbour notifications

Printed: 11 September 2023 Expired: 2 October 2023

Site notice

Posted: 11 September 2023 Expired: 2 October 2023

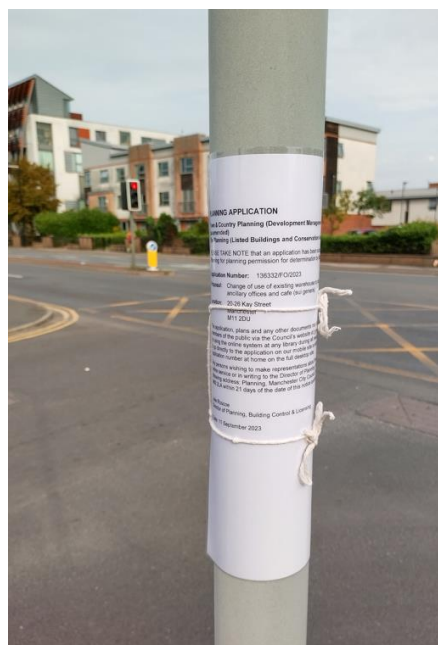


Fig. 1 – Displayed site notice

Press advert

Published: 15 August 2023 Expired: 29 August 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

This application relates to a detached part single, part two storey building bounded by Ashton Old Road (north), Stainforth Street (west) and Kay Street (south). Industrial / warehousing units are located to the east and south of the site reflecting the characteristics of the surrounding context. Notwithstanding the above, residential units are located to the north but separated from the site by Ashton Old Road. A band of grass landscaping separates the northern elevation from Ashton Old Road. The building has a red brick construction and presents two storeys to Kay Street and predominantly a single storey to Ashton Old Road. The building has a mix of parapeted and flat roofs. Brickwork to elevations visible from Ashton Old Road is relieved by bands of blue cladding descending from the eaves. Principal access to the building is via Kay Street. Car parking areas are located to the west and east of the site accessed via Kay Street. Double yellow lines are located adjacent to the Ashton Old Road frontage and return to Stainforth Street. The applicants have operated from the premises since 2016 although it appears that several different businesses currently operated from the application property.



Fig.2 – North elevation Ashton Old Road

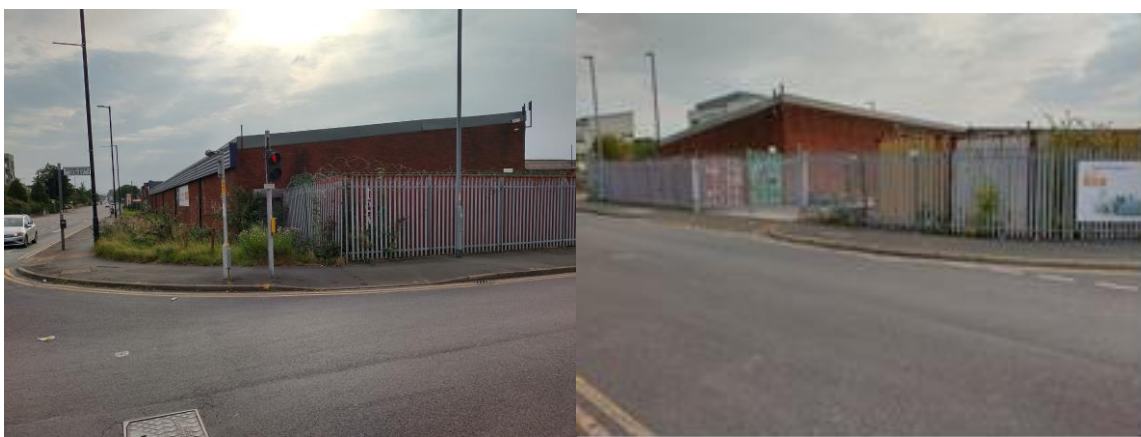


Fig.3 – West elevation corner of Ashton Old Road and Stainforth Street

Fig 4 – West elevation from Stainforth Street



Fig. 5 – View from Kay Street
Fig. 6 - South elevation from Kay Street

Description of development

The propose internal layout would comprise a large centrally positioned area for the display of furniture. Displayed furniture would be viewed and ordered on site for home delivery via an off-site distribution facility. A smaller area within the building would facilitate on-site customer sales. A small customer café area would also be included. A loading bay within the southern elevation would be replaced with a glazed customer entrance. Replacement fencing would be provided to the street boundaries. The fencing would enclose the grass landscaping adjacent to the Ashton Old Road boundary.

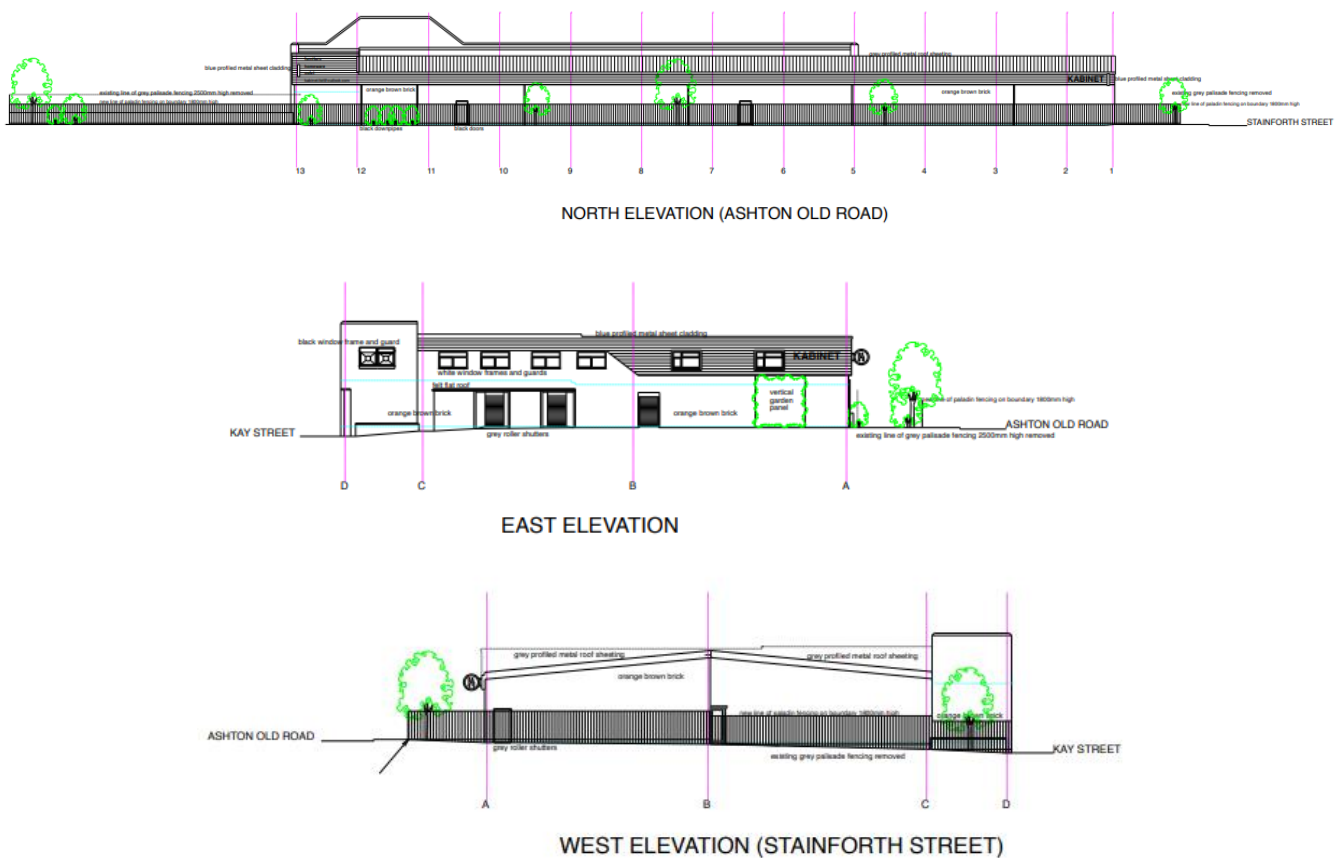


Fig.7 – Proposed elevations



Fig. 8 – Proposed layout (Ground and first floor)

Site history

- i. 028271 - Change of use from cash and carry warehouse and office to textile machinery manufacturing and offices
Application Approved - 28.01.1987
- ii. 018012 -Extension to Kay Street elevation of existing cash and carry premises to form additional sales area and offices
Application Approved - 14.09.1982
- iii. F01409 - Extension at 1st floor level of warehouse with ancillary offices to form additional office accommodation.
Application Approved - 18.10.1974

Consultations & Notification Responses

Local residents and businesses – No comments received.

Highway Services – The following comments have been received.

- i. The submitted supplementary traffic assessment relates trip generation representative survey sites and demonstrates that the development is unlikely generate significant additional vehicle movements during the weekday AM and PM peak hour periods. The assessment shows that the development would generate around 64 two-way trips during the weekend peak-hour period, which is acceptable and would not need to be related to an operational assessment as the related trips would be dispersed locally with minimal impacts on key junctions. The assessment also shows a maximum parking accumulation of 20 and 37 cars during a weekday and weekend respectively, demonstrating that proposed on-site provision should cater for anticipated levels of parking demand.

- ii. Cycle stands will be provided on-site which will accommodate 6no. cycles for visitors which would be acceptable. Details of proposed internal staff cycle storage should be provided.
- iii. The traffic assessment includes a revised plan detailing dedicated pedestrian access routes through both car parks which would be acceptable.
- iv. Proposed standard car parking bays would achieve satisfactory minimum dimensions. Inclusive parking spaces should incorporate demarcated transition zones.
- v. The EV charging points should be providing with an appropriate charging capacity.
- vi. No off-site highways works are proposed as part of the application. Highways however note that the proposals would result in the closure of one of the existing access points at the eastern car park and an existing access from Stainforth Street. Highways therefore request that both footways are reinstated as part of the proposals.
- vii. The development should be related to a travel plan condition
- viii. Replacement and new fencing would not encroach onto the adjacent adopted footways or affect junction / access visibility.
- ix. All gates within the boundary fencing should incorporate and be maintained with inward opening gates to avoid obstruction of passing pedestrians and/or vehicle movements.
- x. A bin storage area will be provided within the eastern area park with on-street servicing proposed at Kay Street. Whilst this arrangement would be acceptable, bins should remain in the storage area and servicing should be undertaken from within the site. A site management plan condition is requested to facilitate the above.
- xi. The traffic assessment states that the largest vehicle expected within the eastern car park will be a 10m Rigid HGV associated with the retail area which would attend on a bi-weekly basis. Once the display furniture is in place in the showroom it will remain unless there is a change in the product range which would take place on a less regular basis. The café would be serviced by smaller vehicles in the western side of the site. Supporting swept-path assessments have been appended to the traffic assessment. Whilst assessment show that deliveries can manoeuvre without impacting upon adjacent parking bays, it is requested that the site management plan defines the scheduling of deliveries to avoid conflict with opening times.
- xii. Any requirement for scaffolding or construction works affecting the highway should be agreed with the Council as local highways authority.

Environmental Health – The following comments have been received:

- i. A fume extraction condition has been requested in relation to the operation of the proposed kitchen and café.
- ii. Opening hours should be conditioned as applied for, i.e., Monday to Sunday 9:00 am to 6:00 pm.
- iii. Deliveries, servicing and collections, including waste collections should be conditioned and not take place outside the following hours: 07:30 am and 8:00 pm, Monday to Saturday with no deliveries / waste collections on Sundays / Bank Holidays.
- iv. An acoustic condition is requested to attenuate against noise from any external equipment required in support of the development.
- v. Waste management should be undertaken in accordance with the submitted details.

vii. Air quality should be safeguarded through a condition related to EV charging point provision.

Flood Risk Management Team - The site is within Flood Zone 1 and low risk of surface water flooding. Based on submitted details a specific drainage condition is not required. Informative are recommended:

- i. Recommending that the applicant considers measures to improve drainage within the site.
- ii. Advises that car is taken to ensure that the Black Brook culvert, passing the site, is not impacted by the implementation of the development.

GM Police Design for Security – The following comments have been received:

- i. It is recommended that all new doors, windows, glazing, and shutters are security rate products in alignment with Secured by Design standards.
3. The building should also be covered by a monitored alarm system and a comprehensive CCTV system.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2019 and subsequently in September 2023. It represents key up to date national policy and is an important material consideration in determining the current application. A number of key aspects of the NPPF that impact on the considerations that need to be given to the current application are identified below. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs' (paragraph 7). The purpose of the planning system is to achieve sustainable development. Paragraph 8 of the NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

- i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
- ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
- iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are considered to be relevant.

- i. Section 7: Ensuring the vitality of town centres - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered. The guidance discusses the requirements for a retail impact assessment in relation to retail development outside district centres based on a

default threshold of 2,500 sq. metres. In this case the internal floorspace would be below this threshold and there would be limited availability for units with sufficient space capacity to accommodate the development in district and local centres. Further In this case., it is considered that given the magnitude and nature of the retail use, its location would be satisfactorily related to Section 7.

ii. Section 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion. The development would not be site immediately adjacent to residential uses and attached operational conditions would safeguard the amenities of residents to the north of the site. Vehicle activity would be taken related to access and egress points to the south of the site , further reducing potential disturbance and appropriate opening hours have been applied for. The development is capable of accommodating satisfactory security measures. Section 8 would thereby be accorded with.

iii. Section 9: Promoting sustainable transport - States that in assessing specific applications for development, it should be ensured that:

- a) Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- b) Safe and suitable access to the site can be achieved for all users.

The development would be support with proportionate car parking and conditions would be put in place to provide opportunities to reduce reliance on private car usage and the adoption of sustainable transport options. Sceton 9 would thereby be accorded with.

iv. Section 11: Making effective use of land - States that planning decisions should promote an effective development of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The use of previously developed or 'brownfield' sites is encouraged. The development would provide a sustainable use of the application building without undue harm to amenity. Section 11 would thereby be accorded with.

v. Section 12: Achieving well-designed places - States that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. With this in mind

vi. Section 14: Meeting the challenge of climate change, flooding and coastal change - States that new development should:

- a. Avoid increased vulnerability to the range of impacts arising from climate change;
- b. Help to reduce greenhouse gas emissions, such as through its location, orientation and design.

The development site is located in Flood Zone 1 and would not increase the footprint of the building and landscaping would be incorporated into existing hardstanding areas would be . It is not envisaged that the development would increase the risk of flooding and Section 14 would thereby be accorded with.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource and is relevant to key planning issues of significance to applicants and local authorities. In considering this application the following aspects of the PPG have been appropriately responded to:

- i. Consultation and pre-decision matters;
- ii. Health and well-being.

The Places for Everyone Plan is a Joint Development Plan Document - Provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following comments are considered to be relevant:

JPS1 – Sustainable development

JP-J4 – Industrial and warehousing development.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 Spatial Principles - States the key spatial principles which will guide the strategic development of Manchester to 2027. The key areas of policy SP1, pertinent to this application, are:

- i. The creation of neighbourhoods of choice
- ii. The development should make a positive contribution to neighbourhoods of choice including:
 - a. Creating well designed places that enhance or create character.
 - b. Making a positive contribution to the health, safety and wellbeing of residents
 - c. Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
 - d. Protect and enhance the built and natural environment.
 - e. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

It is considered that the development would relate appropriately to housing to the north of the site. The development would secure an appropriate sustainable use for the existing building with its operation managed through conditions. The development would not, therefore, unduly harming existing levels of residential amenity and policy SP1 would be accorded with.

Policy EC1 (Employment and Economic Growth in Manchester) - The relevant sections of policy EC 1 have been related to the contribution of the development to:

- i. Improving access to jobs for all via public transport, walking and cycling;
- ii. Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- iii. Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;
- iv. Ensuring the continued social, economic and environmental regeneration of the City.

The development would facilitate the sustained operation of the site, which makes a contribution to the local economy and employment provision with access to sustainable transport modes. The development would thereby be positively related to policy EC1.

Policy EN1 (Design Principles and Strategic Character Areas) - States that, amongst other things, opportunities for good design to enhance the overall image of the City. Limited intervention would be undertaken to the application building and its setting would be improved by landscaping and boundary treatment. Policy EN1 has been related to the assessment of the quality of the elevational design and its contribution to the built environment.

Policy EN 14 (Flood Risk) - Relates to the assessment of flood risk and provision of appropriate site drainage. The development site is located in Flood Zone 1 with an associated low risk of flooding that would not be exacerbated by the related use.

Policy EN19 Waste - Relates to waste management and requires that consideration is given to consideration of the submitted details relating to the applicant's proposals for the provision of a waste management plan to demonstrate how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. How the sustainable waste management needs of the end user will be met.

The development would secure appropriate internal waste and recycling storage with the garage. The development would thereby continue to comply with policy EN19.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. As part of the previous assessed application, it was recognised that the development would generate localised traffic but related vehicle movements would be limited, predictable and capable of being absorbed into the highway network. Conditioned operational arrangements would continue to ensure the appropriate demarcation of car parking and cycle storage. A site management plan would also ensure that vehicle movement is satisfactorily related the highways network and surrounding context. Policy T1 would thereby be complied with.

Policy DM 1 Development Management - Discusses a range of issues that all development should have regard to. The following specific issues are relevant to the consideration of this application:

- i. The impact of the development on the character of the surrounding area;
- ii. Effects on amenity, including privacy;
- iii. Adequacy of internal accommodation and external amenity space;
- iv. Refuse storage and collection;
- v. Vehicular access and car parking.

It is considered that the development would be appropriately related to its context in relation to the proposed use and potential impact on residential amenity. The development would maintain appropriate car parking provision. The development would thereby accord with policy DM1.

Unitary Development Plan - The following saved policies are considered to be relevant:

Policy E3.3 (Upgrade the appearance of radial and orbital routes) - This policy (E3.3) is relevant given the views of the site from Ashton Old Road, which is a major radial route to the City Centre. The new development, through its active use and improvements to its setting, would positively contribute to the appearance of the streetscene and thereby accord with policy E3.3.

Policy DC26 Development and noise - The following elements of policy DC26 are relevant to the consideration of the proposal:

Policy DC26.1- 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.

Policy DC26.4 - 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 proposed to deal satisfactorily with it. Such measures might include the following:

- a. Engineering solutions;
- b. Layout solutions;
- c. Administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.

The noise potentially generated by the development would be experienced within the context of an immediate industrial environment and a very busy radial route. Given the characteristics of the site, it is considered that noise would be related to vehicular movement and capable of being managed by condition. A condition has been included to ensure noise attenuation of any external equipment that may be required in support of the development. It is thereby considered that policy DC26 would be positively accorded with.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application. This includes the identification of issues and 'problems' associated with the proposals that have required positive consideration, dialogue and negotiation to secure positive outcomes.

In this case, discussions have been undertaken with the applicant's agent to secure required amendments to be proposed layout and ensured the provision of sufficient details relating to the operation of the development. These details have allowed the development to be satisfactorily assessed.

Principle of the development – It is understood that the application property operated a cash and carry warehouse providing pet supplies between 2000 and 2015. This use was undertaken

through the implementation of planning permission ref: F01409. The current business use has operated at the site since 2016, providing the supply of wholesale furniture. Company House records also indicate that business has provided wholesale goods and indicates that some diversification into retail sales may have been undertaken. The development thereby seeks to regularise and expand its specific retail offer. It is considered that the established nature of the proposed use would not substantially depart from the existing operation and any increase in activity would be managed by through related conditions. It is also considered that the nature or retail sales, including goods provided, would not affect the vitality or viability of established district and local centres. It is unlikely that premises would be available in district and local centres would be available with sufficient space to allow the required internal display areas. The development would be condition to the specified (sui generis) use and this approach would ensure that retail food sales could not be undertaken without a further planning permission. This condition would provide a further safeguard to the operation of district and local centres. The development would secure a sustainable use for the application property and would continue to provide a contribution to local employment. On balance the principle of the use is considered to be acceptable.

Future use – A condition has been included to ensure that the warehouse forming part of the development would only be used for the display of goods and retail storage associated with ancillary retail sales. Furthermore, the distribution of goods associated with off-site and customer deliveries would not take place from the application site at any time.

Residential amenity - The site is approximately 34 metres to the nearest residential uses. However, it is separated from housing by Ashton Old Road. The site is immediately situated in an industrial / commercial context. In these circumstances and given the nature of the development it is considered that, subject to the implementation of operational conditions, the development would not unduly harm residential amenity.

Construction Management Plan – A condition requiring the pre-commencement approval of a construction management plan has been agreed.

Site service plan – The applicant has provided a framework for the undertaking of servicing. It indicates the largest delivery vehicle would be a 10 metre HGV that would access and egress via the eastern car park. The replacement of displayed goods would occur periodically but infrequently thereby reducing related vehicle movements. It has been confirmed that deliveries would not be undertaken from the site. Deliveries relating to on-site retail sales would be made on a bi-weekly basis by smaller vehicles. The café would be serviced more frequently via the western car park via smaller vehicles. To expand upon these measures and ensure appropriate site management, a service plan condition has been included. It requires the implementation of approved details relating to the use and operation of the car park, a strategy for undertaking of servicing and deliveries from Swallow Street (including times and frequency and presentation of bins to collection points and their return to the respective waste management enclosures).

Opening hours – Have been conditioned to relate to the following hours, which are considered to be acceptable in the location of the application site:

Monday to Sunday (including Bank Holidays) – 9.00 am to 6.00 pm.

Servicing hours – A condition has been included to ensure that deliveries, servicing and collections, including waste collections shall take place between the following hours:

Monday to Saturday: 7.30 am to 8.00 pm

Sunday and Bank Holidays - No deliveries / waste collections.

Car parking – The submitted transport assessment demonstrates that the proposed car parking provision would be appropriate given the anticipated distribution of customer visits. The service

plan arrangements would reduce potential conflict between customer visits and the undertaking of servicing and deliveries. Given the limited number of staff (four full time equivalent posts), it is considered that some staff vehicles can be accommodated within the customer car parking areas. A condition has been included to ensure that car parking spaces are demarcated, including the provision of cross hatched transition marking to the accessible spaces. On this basis, appropriate car parking would be provided.

Cycle storage - A condition has been included to ensure that approval and implementation of the design and appearance of the cycle store.

Electric vehicle charging points – A condition has been included relating the provision of electric vehicle charging points, including details of siting, appearance and specification of an electric vehicle charging point, including details of cabling routing and confirmation of a minimum charging capacity.

Travel plan – The development is within a sustainable location. It is located on a bus route, with bus stops in close proximity. Cycle storage would be provided. In these circumstances, the delivery of the conditioned travel plan would be deliverable.

Off-site highways works – A condition has been included to ensure the undertaking of footway reinstatement, any required traffic regulation ordered to protected visibility splays and provision of dropped kerbs and tactile paving.

Noise – The site is in a location characterised by noise generating uses, including traffic traveling along the busy Ashton Old Road. Given the nature of the use, it is anticipated that noise would be limited vehicular movement. The site is separated from the nearest residential uses by a major road, and potential disturbance would be absorbed in the local noise environment. A condition has been included to ensure that any required external plant and equipment is suitably insulated against noise. Given the nature of the use and proposed operating hours it is not considered that generated noise would be harmful to residential amenity.

Fume extraction – As the development involves a café and kitchen facilities, a condition has been included to ensure that an appropriate fume extraction system is installed.

External lighting – It is likely that external lighting will be required in order deliver appropriate on-site security and facilitate the operation of the car park. A condition has been included to ensure the implementation of an approved external lighting scheme, including measures to control glare and overspill onto nearby residential properties, i.e., those properties fronting Ashton Old Road.

Security and crime reduction – The applicant has indicated measures to reduce the risk of crime. To address the comments of GM Police and secure detailed specification of new fittings, locks and other crime reduction measures, a related condition has been included for implementation as part of the development.

Landscaping – The site incorporates landscaping. A condition has been included to ensure the delivery of appropriate planting as part of the development.

Boundary treatment – The development would replace the existing palisade fencing with paladin fencing. Whilst this would represent an improvement to the existing circumstances, it is considered that the inclusion railing fencing on top of plinth formed by a low wall would be a more satisfactory design response, particularly to Ashton Old Road. A condition has been

included to ensure the provision of appropriate fencing and gates to the site perimeter, including the fencing detail along the eastern and Ashton Old Road boundary.

Conclusion - On balance, it is considered that the development would not result in a significant departure from the historical use of the application property. Furthermore, the future management of the site would benefit from the proposed operational conditions. The development is therefore considered to be acceptable.

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

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. In this case, discussions have been undertaken with the applicant's agent to secure required amendments to be proposed layout and ensured the provision of sufficient details relating to the operation of the development. These details have allowed the development to be satisfactorily assessed.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on 22 February 2023, 26 July 2023 and 8 January 2024 :

Planning application forms

Location plan Ref: L689/01

Block plan Ref: L689 / 05

Scheme B Floor Plans Ref: L689 / 12 Rev B

Scheme B Elevations Ref: L689 / 14 Rev B

Planning statement - Full planning application: Change of existing warehouse to mixed use warehouse retail and ancillary offices and café for Kabinet Ltd by JRS Planning Revised version dated July 2023.

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 for the City of Manchester.

3) The development shall only be used as a warehouse, retail, ancillary offices and cafe (sui generis) unit and shall not be sub-divided or otherwise operated in association with separate businesses.

Reason – In the amenities of the area and the ensure appropriate operational site management pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

4) The warehouse forming part of the development shall only be used for the display of goods and retail storage associated with ancillary retail sales. The distribution of goods associated with off-site and customer deliveries shall not take place from the application site at any time.

Reason – In the amenities of the area and the ensure appropriate operational site management pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

5) Before the first occupation of the development, a scheme for the management and servicing of the external areas of the site shall be submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of arrangements for: the use and operation of the car park, a strategy for undertaking of servicing and deliveries from Kay Street, including times and frequency and presentation of bins to collection points and their return to the respective waste management enclosures. The details of the approved scheme shall be implemented upon the first occupation of the authorised extension and shall remain in situ whilst the use or development is in operation

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1, C2, DM1, T1 and T2 of the Core Strategy for the City of Manchester.

6) The premises shall not be open outside the following hours:

Monday to Sunday (including Bank Holidays) – 9.00 am to 6.00 pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy for the City of Manchester.

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

Monday to Saturday: 7.30 am to 8.00 pm;

Sunday and Bank Holidays - No deliveries / waste collections.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the first occupation of the development, a travel plan for staff shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a travel plan means a document which includes:

- i. The measures proposed to be taken to reduce dependency on the private car by those employed in the development;
- ii. A commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time;
- iii. Mechanisms for the implementation of the measures to reduce dependency on the private car;
- iv. Measures for the delivery of specified travel plan services;
- v. Measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car.

Within six months of the first use of the development, a revised travel plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any travel plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and the Guide to Development in Manchester SPD (2007).

9) Before the occupation of the authorised development, car parking areas shown on drawing referenced: Scheme B Floor Plans Ref: L689 / 12 Rev B shall be made available for use, including cross hatching to space identified for inclusive access and pedestrian routes. The car parking spaces shall be maintained in situ prior to the occupation of the authorised houses and remain in situ thereafter.

Reason - In the interest of residential amenity and pedestrian and highways safety, pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

10) Before the occupation of the authorised development, details of the design and appearance of the cycle store as on drawing referenced: Scheme B Floor Plans Ref: L689 / 12 Rev B shall be submitted to and approved in writing by the City Council and local planning authority. The approved details shall be fully implemented as part of the agreed waste management strategy prior to the occupation of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage of cycles, pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

11) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority, detailing the siting, appearance and specification of an electric vehicle charging point, including details of cabling routing and confirmation of a minimum charging capacity of 7kWh. The approved scheme shall be fully implemented in accordance with the agreed details prior to the occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and the contribute to the reduction of carbon emissions and improve air quality, pursuant to policies SP1, EN16 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

12) Before the occupation of the development, details of highway works to Kay Street and Stainforth Street that are required as part of the implementation of the development have been approved in writing by the City Council as local planning authority. These details shall include footway reinstatement, any required traffic regulation ordered to protected visibility splays and provision of dropped kerbs and tactile paving. The development shall not be occupied until the works have been constructed in accordance with the approved details, which shall be maintained in situ thereafter.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policies SP1, EN19, T2 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

13) a) Before first occupation of the authorised buildings, any externally mounted ancillary equipment that may be required as part of the development shall be acoustically insulated in accordance with a scheme 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 equipment.

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 the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria 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 agreed noise criteria.

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 and saved policy DC26 of the Unitary Development Plan.

14) Before the occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority relating to extraction of any fumes, vapours and odours from the ancillary café / restaurant. The approved scheme shall be implemented prior to the commencement of the café or restaurant use and at all times thereafter whilst the use is in operation.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with for the City of Manchester and policies SP1 and DM1 of the Core Strategy of the City of Manchester and saved policy DC10 of the Unitary Development Plan.

15) Upon occupation details of the waste management plan, comprising Scheme B Floor Plans Ref: L689 / 12 Rev B and waste proforma received by the City Council as local planning authority on 26 July 2023, shall be fully implemented and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

16) a) Before the first occupation of the development, a scheme shall be submitted to and approved in writing by the City Council as local planning authority detailing the design and installation of external lighting including measures to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable 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 criteria.

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

17) Before the occupation of the development, the detail of Planning statement - Full planning application: Change of existing warehouse to mixed use warehouse retail and ancillary offices and café for Kabinet Ltd by JRS Planning Revised version dated July 2023 (paragraphs 46 to 55), shall be supplemented with written confirmation that new locks, fittings, doors and windows (including glazing). The approved details shall be implemented prior to the occupation of the development and maintained in situ at all times thereafter.

Reason - To reduce the risk of crime, pursuant to policies SP1, EN1 and DM1 of the Core Strategy for Manchester and to reflect the guidance contained in the National Planning Policy Framework.

18) Before the occupation of the development, a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy for the City of Manchester.

19) Notwithstanding the detail of drawings Scheme B Floor Plans Ref: L689 / 12 Rev B and Scheme B Elevations Ref: L689 / 14 Rev B and before the occupation of the development, details of the design, appearance and specification of all boundary treatments to the northern (Ashton Old Road) and eastern boundary. The approved details shall be implemented before the occupation of the development and maintained in situ thereafter.

Reason - In the interest of residential amenity, site security and to reduce the risk of crime, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) Fume extraction - The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated May 2022. Details should also be provided in relation to replacement air.

2) The developer should refer to MCC's AQ Guidance Note for EV charge point Recommendations.

3) Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

4) It is recommended that the applicant considers the 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.

5) Council records highlight an underground culverted ordinary watercourse (Black Brook) culvert traverses this site, while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC

410 Ashton Old Road, Manchester, M11 2DT
Manchester Motor Factors Ltd, 412 - 414 Ashton Old Road, Manchester, M11 2DT
425 Ashton Old Road, Manchester, M11 2DL
423 Ashton Old Road, Manchester, M11 2DL
415 Ashton Old Road, Manchester, M11 2DL
Flat 11, 425 Ashton Old Road, Manchester, M11 2DL
Flat 10, 425 Ashton Old Road, Manchester, M11 2DL
Flat 9, 425 Ashton Old Road, Manchester, M11 2DL
Flat 8, 425 Ashton Old Road, Manchester, M11 2DL
Flat 7, 425 Ashton Old Road, Manchester, M11 2DL
Flat 22, 425 Ashton Old Road, Manchester, M11 2DL
Flat 21, 425 Ashton Old Road, Manchester, M11 2DL
Flat 20, 425 Ashton Old Road, Manchester, M11 2DL

Flat 19, 425 Ashton Old Road, Manchester, M11 2DL
Flat 18, 425 Ashton Old Road, Manchester, M11 2DL
Flat 17, 425 Ashton Old Road, Manchester, M11 2DL
Flat 16, 425 Ashton Old Road, Manchester, M11 2DL
Flat 15, 425 Ashton Old Road, Manchester, M11 2DL
Flat 14, 425 Ashton Old Road, Manchester, M11 2DL
Flat 13, 425 Ashton Old Road, Manchester, M11 2DL
Flat 12, 425 Ashton Old Road, Manchester, M11 2DL
Flat 6, 425 Ashton Old Road, Manchester, M11 2DL
Flat 5, 425 Ashton Old Road, Manchester, M11 2DL
Serviced Apartment 4, 425 Ashton Old Road, Manchester, M11 2DL
Flat 3, 425 Ashton Old Road, Manchester, M11 2DL
Flat 2, 425 Ashton Old Road, Manchester, M11 2DL
Flat 1, 425 Ashton Old Road, Manchester, M11 2DL
421 Ashton Old Road, Manchester, M11 2DL
419 Ashton Old Road, Manchester, M11 2DL
417 Ashton Old Road, Manchester, M11 2DL
Flat 23, 427 Ashton Old Road, Manchester, M11 2DL
Flat 22, 427 Ashton Old Road, Manchester, M11 2DL
Flat 21, 427 Ashton Old Road, Manchester, M11 2DL
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Flat 8, 427 Ashton Old Road, Manchester, M11 2DL
Flat 7, 427 Ashton Old Road, Manchester, M11 2DL
Flat 6, 427 Ashton Old Road, Manchester, M11 2DL
Flat 5, 427 Ashton Old Road, Manchester, M11 2DL
Flat 4, 427 Ashton Old Road, Manchester, M11 2DL
Flat 3, 427 Ashton Old Road, Manchester, M11 2DL
Flat 2, 427 Ashton Old Road, Manchester, M11 2DL
Flat 1, 427 Ashton Old Road, Manchester, M11 2DL
427 Ashton Old Road, Manchester, M11 2DL
Flat 25, 425 Ashton Old Road, Manchester, M11 2DL
Flat 25, 427 Ashton Old Road, Manchester, M11 2DL
Flat 24, 427 Ashton Old Road, Manchester, M11 2DL
Flat 13, 427 Ashton Old Road, Manchester, M11 2DL
Flat 12, 427 Ashton Old Road, Manchester, M11 2DL
Flat 11, 427 Ashton Old Road, Manchester, M11 2DL
Flat 24, 425 Ashton Old Road, Manchester, M11 2DL
Flat 23, 425 Ashton Old Road, Manchester, M11 2DL
Manchester Education Committee, Kay Street, Manchester, M11 2DU
Pawprints Doggy Day Care Centre, Kay Street, Manchester, M11 2DT
Robam UK, 20 - 26 Kay Street, Manchester, M11 2DU
Urban Life & Property Leting & Management Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Wenrit Blobal Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Kabinet Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Taishan Social Clube Ltd
Ace Bicycle Part Wholesale Ltd, 20 - 26 Kay Street, Manchester, M11 2DU

Morden Furniture World Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Kalliz Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Wing Kai International Logistics Ltd, 20 - 26 Kay Street, Manchester, M11 2DU
Living & Home LTd, 20 - 26 Kay Street, Manchester, M11 2DU

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(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA