MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139834/P3MA/2024
Date registered valid:	22 April 2024
Proposal:	Prior Approval for conversion of office units on the first and second floors to 7 No. self-contained apartments with associated elevational alterations
Address:	103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Ward(s):	Cheetham Ward
Applicant:	Mr Munib Ahmed
Agent (if any):	Mr Darren Pomfret Manchester Building Design Ltd
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	No Objection
Date of recommendation:	21 May 2024

Application details

Type of application: Prior Approval sui generis to dwell

Development type: Notifications

Date of site visit: 3 May 2024

Standard consultations:
Printed: 24 April 2024 Expired: 16 May 2024

Neighbour notifications
Printed: 24 April 2024 Expired: 16 May 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

The application property relates to the upper two floor of a three storey, end terraced property situated at the corner of Cheetham Hill Road and Knowsley Street. The ground floor comprises a fashion wholesale and café, with the upper floors last in use as offices. To the rear is a large, attached, double height cash and carry/warehouse in separate usage, but understood to be under the ownership of the applicant. The buildings occupy the entire footprint of the site.



View from Cheetham Hill Road forecourt

The front of the building along Cheetham Hill Road is a forecourt used for ad hoc, off-road parking.



View from Knowsley Street

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is located adjacent to the busy, main arterial of Cheetham Hill Road which links north Manchester to the city centre and beyond. The site is situated in an area defined by The Strangeways Local plan (2009) as the 'Cheetham Hill Corridor' and is home to a mix of uses and differing qualities in terms of the built environment. Between the sites of heritage value including neighbouring Grade II listed buildings at 95, 107, 109 and 124 Cheetham Hill Road, are a variety of low-rise warehouse and distribution sheds and underused buildings. To the rear is Joseph Holt brewery.

Description of development

Prior Approval is sought for the conversion of vacant first and second floors to form 7 x 1 bedroom flats above the ground floor commercial units, comprising 3 flats to the first floor and 4 flats to the second floor. Access is served via an internal staircase gained from the building frontage. Internally, to the ground floor is a waste storage area with access onto Knowsley Street.

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

The change of use if considered permitted development, subject to consideration of certain planning issues, as set out below.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – The submitted waste management strategy is considered acceptable. Conditions are recommended in relation to acoustic insulation and air quality.

Highway Services - No dedicated car parking is provided. However, it is accepted that the proposed dwellings are unlikely to generate a significant increase in on-street parking demand

in comparison to the existing office uses. Highways note suitable kerbside restrictions are provided in the vicinity of the site which offer junction protection.

In response to the application as originally submitted, concern was raised that as bins were to be stored on hardstanding to the front, the bin storage area could overspill onto the adopted highway and given the number of bins required as adequate clearance would need to be maintained between bins and the pedestrian doorway. There was also concern that this arrangement would affect driver visibility for those egressing from the adjacent parking area.

In response, the bins storage areas have been relocated to an internal location with access onto Knowsley Street. Refuse collection from Knowsley Street is considered acceptable, provided the bins are no placed on the adopted footway.

Flood Risk Management – No objection.

Policy

The relevant policy is set out for consideration below.

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

Planning History

094738/FO/2010/N1

Retrospective application for elevational alterations to Knowsley Street to include two new entrance doors and associated display windows. *Approved 15 March 2011*.

085868/FO/2008/N1

Elevational alterations to existing showroom. *Approved 20 May 2024*

093227/NMC/2010/N1

Non material change application in respect of ref 085868/FO/2008/N1 for elevational alterations to existing showroom including installation of roller shutters, advertising signs and fire exits to existing showroom. *Refused 15 June 2010.*

097271/FO/2011/N1

Retrospective Application for the erection of decking to form an extended cafe seating area, together with erection of a polycarbonate canopy to cover the decking area, and the construction of a disabled access ramp to the decking. *Refused 23 December 2011.*

087504/FU/2008/N1 (105 Cheetham Hill Rd)

Change of use to cafe and take away (sui generis use) and installation of new access ramp. *Approved 5 March 2009.*

039999

Change of use of the ground floor of No.103 Cheetham Hill Road to additional wholesale cash and carry accommodation for No. 105, and re-roofing of existing premises including the installation of a new shop front. *Approved 23 October 1991.*

F03658 (103) Cheetham Hill Rd

Continuance of use of former house and shop for preparation of food and as lock-up shop. *Approved 17 November 1995.*

F03659 (105 Cheetham Hill Rd)

Retention of extension to bakery. *Approved 17 November 1995.*

F16378

Change of use from a cafe to cafe and take away hot food shop to be consumed on or off the premises. *Approved 7 October 1981.*

Issues

Principle

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

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

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

Specific issues for consideration are outlined below.

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

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

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

The site is located in highly accessible location, close to the city centre and car ownership associated with the existing development is likely to be low.

Whilst Highways initially raised concerns in relation the originally submitted waste management arrangement which involves bins being stored on the Cheetham Hill Road forecourt and concerns regarding visibility and vehicular conflict, the bin storage area has been relocated to an internal store within the ground floor with access onto Knowsley Street. This arrangement is considered acceptable.

Noise

It is not considered that noise breakout will be a significant issue that would cause any undue loss of amenity to both existing and prospective occupiers.

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

Natural Light to Habitable Rooms

All bedrooms and lounge/kitchen areas benefit from sufficiently sized windows which would afford satisfactory natural light to all habitable rooms. On this basis, the standard of accommodation is considered satisfactory.

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 polices 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: No Objection

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

1) The City Council is satisfied that the development would have no material, harmful impact as a result of contamination, flooding or noise, and satisfactory arrangements have been made with regard to the management of domestic waste and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy, saved policy DC26 of the Unitary Development Plan for the City of Manchester and Places for Everyone Joint Development Plan, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings referenced 83/23/04/B and 83/23/01/B received by the City Council as Local Planning Authority on 14 May 2024 and drawing referenced 83/23/04/D, received by the City Council as Local Planning Authority on 21 May 2024.

2) The development hereby approved shall only be implemented in accordance with the waste management arrangements shown on drawing referenced 83/23/04/B received by the City Council as Local Planning Authority on 9 May 2024. No bins shall be stored on the forecourt, adopted footway or outside the agreed storage area, other than on the day of collection.

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

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

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

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

Informative

MCC records highlight that the underground River Irwell Tributary is located within close proximity to the site (approximately 60 m to the south of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all culverted 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 Lead Local Flood

Authority (LLFA) should be contacted immediately. Any alterations to an ordinary watercourse will require consent from MCC LLFA under Land Drainage Act 1991.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Unit 3, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Unit 2, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Unit 1, 18 - 24 Knowsley Street, Manchester, M8 8HQ
Unit 4H, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4G, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4F, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4E, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4D, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4C, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4B, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 4A, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
2 Empire Street, Manchester, M3 1JA
First Floor And Second Floor, 97 Cheetham Hill Road, Manchester, M8 8PY
97 Cheetham Hill Road, Manchester, M8 8PY
Ground Floor, 97 Cheetham Hill Road, Manchester, M8 8PY
FASHION UNDERWORLD LTD, Unit 1, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Fern House, Fern Street, Cheetham, Manchester, M8 8QQ
116 - 118 Cheetham Hill Road, Manchester, M4 4FG
Unit 5, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 7, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
118 Cheetham Hill Road, Manchester, M4 4FG
First Floor, 116 Cheetham Hill Road, Manchester, M4 4FG
Derby Brewery Arms, 95 Cheetham Hill Road, Manchester, M8 8PY
The Brewery, Empire Street, Manchester, M3 1JD
Saffron, 107 Cheetham Hill Road, Manchester, M8 8PY
Ground Floor Right, 116 Cheetham Hill Road, Manchester, M4 4FG
Basement And Ground Floor Left, 116 Cheetham Hill Road, Manchester, M4 4FG
First Floor, 116 - 118 Cheetham Hill Road, Manchester, M4 4FG
116 Cheetham Hill Road, Manchester, M4 4FG
Second Floor, 116 Cheetham Hill Road, Manchester, M4 4FG
99 - 101 Cheetham Hill Road, Manchester, M8 8PY
Unit 2, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 3, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
CLEOPATRA TRADING LTD, 122 Cheetham Hill Road, Manchester, M8 8PZ
120 Cheetham Hill Road, Manchester, M4 4FG
140 Cheetham Hill Road, Manchester, M8 8PZ
124 Cheetham Hill Road, Manchester, M8 8PZ

Appendix 2 – Planning constraints

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