

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140039/FO/2024

Date registered valid: 7 June 2024

Proposal: Change of use from cash and carry (sui generis) to 5no. serviced apartments (Class C1)

Address: 120 Cheetham Hill Road, Manchester, M4 4FG

Ward(s): Cheetham Ward

Applicant: Mr Adeel Hussain

Agent (if any): Mr Ajmal Ashraf, AA Design Group Ltd

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

Recommendation: Refuse

Date of recommendation: 17 July 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12 July 2024

Standard consultations:

Printed: 13 June 2024 Expired: 4 July 2024

Neighbour notifications

Printed: 13 June 2024 Expired: 4 July 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 a vacant, two storey, mid terraced property within a commercial frontage along the eastern side of Cheetham Hill Road.



View of the application property from Cheetham Hill Road

The property includes an open forecourt and a yard area to the rear accessed via a set of metal gates off Fern Street.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is located adjacent to a busy, north/south arterial route situated in an area defined by a mixture of large and small premises occupied by wholesalers, and distributors involved predominantly in textile, clothing, information communications and technology, as well as a number of food and drink businesses, including a public house opposite.

The area also includes a number of Grade II listed buildings, including the public house opposite and the former Cheetham Library situated a short distance to the north at the corner of Cheetham Hill Road and Knowsley Street

The city centre is situated approximately 1 km to the south.

Description of development

Planning permission is sought for a change of use of the existing building from a cash and carry warehouse (sui generis) to 5 no. serviced apartments (Class C1)

The proposal includes internal and minor external changes comprising 2 apartments serving the ground floor and 3 apartments to the first floor. To the front, minor changes are proposed to existing ground windows and entrance door, including a new access ramp. To the rear, parking bays and a bin store is proposed.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are requested in relation to acoustic insulation, external plant, waste management, air quality and electric vehicle charging.

Highway Services – The following comments are made:

Trip Generation - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar.

Site Accessibility - The site is well accessed by sustainable modes. Regular bus services, Metrolink services and railway services are available within walking distance of the development site.

Parking and Access - There are 4 car parking spaces located within the site's curtilage. The car park is accessed from the rear of the site via Fern Street. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. It is requested that swept path analysis is provided to demonstrate that cars can enter the car park / parking spaces, manoeuvre and egress from the car park / parking spaces.

Highways have concerns on the limited parking opportunities within the immediate vicinity of the site. It is noted that restrictions are in place on Cheetham Hill Road and there is significant on-street parking at the rear of the site. Highways have concerns that the lack of parking will result in on-street parking on restricted streets and reduce available space on a busy adopted highway due to illegally parked cars. Congested streets would negatively impact other road users, pedestrians and cyclists.

Off-site highway works

If any changes are proposed to the vehicular access, then the applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highway,

It is required, an electrical vehicle charging point (minimum 7kW) is made available.

Cycle Parking

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. It is requested that details on the proposed cycle parking are provided.

Servicing

A refuse storage area is noted within the rear of the site.

The submitted plans suggest that the waste will be collected via a 10.5m refuse vehicle which will enter the site. Highways have concerns with how a 10.5 metre vehicle would enter, manoeuvre and egress out of the site due to the proposed gated access, the proposed parking and the existing conditions on Fern Street. Fern Street is narrow and is subject to on-street parking.

The submitted drawing does not show Fern Street within the proposed swept path. It is requested that the applicant undertake a swept path analysis with Fern Street included and note that potential for on-street parking.

Planning History

134539/FO/2022

Change of use from cash and carry to restaurant (Class E) together with associated elevational alterations and installation of fume extraction flue. *Refused 11 November 2022.*

045301/FU/NORTH1/94

Change of use from offices to cash and carry wholesale warehouse. *Approved 10 May 1994.*

045675/FO/NORTH1/94

Elevational alterations to front and rear of building including installation of roller shutters to ground floor bay windows and bricking up of rear windows and door. *Approved 22 July 1994.*

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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 also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Core Strategy policies

Policy SP1 (Spatial Principles) - refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

In addition to the above, a number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is considered relevant:

Policy CC10 encourages the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas. The Council recognises the regional role played by this locality and will pursue policies designed to improve the efficiency of existing businesses by environmental improvements and better parking and servicing.

Permission will only be granted where proposals incorporate sufficient parking and servicing for their own needs, subject to a proper balance of other planning requirements.

Places for Everyone Greater Manchester Joint Development Plan (March 2024)

Places for Everyone Joint Development Plan was published in March 2024 and has been produced by Greater Manchester Combined Authority to provide a long-term plan for jobs, new homes, and sustainable growth for nine of Greater Manchester's districts.

The Plan and its policies form part of the development plan and are 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 Plan identifies the essential aspect of the efficient and effective use of land with the preference to be given to making as much use as possible of suitable previously developed brownfield land and vacant buildings when meeting development needs.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision-making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Issues

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that decisions are to be made in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF at paragraphs 2 and 47 reinforces this requirement and at paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making, and that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In the case of this application, the principle of the proposed development is not considered acceptable and is in conflict with the aforementioned development plan policy which seeks to protect the character and function of the area for uses involving a high level of economic activity.

Impact of the Proposed Use

Saved Policy CC10 of the UDP advocates the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas.

The City Council as Local Planning Authority is concerned that there has been a recent creep of uses contrary to the envisaged function of the area and this is beginning to change the character of the area, and this would ultimately undermine and erode the role and function of the area as a realm of important economic activity that fulfils an essential employment purpose for the city.

The stretch of Cheetham Hill Road to which the application relates, predominantly comprises a mix of wholesalers, cash and carry businesses and distributors primarily focusing on textiles, clothing and information technology.

The replacement of an authorised cash and carry business with a residential use would not be compatible with the immediate context and would lead to the loss of cash and carry use.

Whilst the proposal may offer some economic benefit with regard to providing a limited number of jobs and would make a limited improvement to the visual amenity of the area, these benefits, individually or cumulatively would not outweigh the harm the proposal would have on the wholesale function of the area, which policy development plan seeks to safeguard. As such, the proposal would harm the wholesale function of the area, contrary to saved Policy CC10 of UDP and would also fail to comply with Policies DM1 and SP1 of the Manchester City Council Core Strategy which, amongst other things, seek to ensure that development is appropriately sited and enhances or creates character.

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 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. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. 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) The proposed residential use would undermine the primary economic function and character of the area and detract from the high level of economic activity in the Cheetham Hill area, which recognises the needs of the wholesale trades that dominate the area. As such, the proposal is contrary to saved policy CC10 of the Unitary Development Plan for the City of Manchester, policies DM1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

First Floor, 142B Cheetham Hill Road, Manchester, M8 0PF
Ground Floor Rear, 142C Cheetham Hill Road, Manchester, M8 8PZ
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
142A Cheetham Hill Road, Manchester, M8 8PZ
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
87 Cheetham Hill Road, Manchester, M4 4ER
First Floor, 142 Cheetham Hill Road, Manchester, M8 8PZ
FASHION UNDERWORLD LTD, Unit 1, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Flat 2, 75 Cheetham Hill Road, Manchester, M4 4ER
Flat 1, 75 Cheetham Hill Road, Manchester, M4 4ER
1 Augustus Street, Manchester, M3 1HZ
Fern House, Fern Street, Cheetham, Manchester, M8 8QQ
116 - 118 Cheetham Hill Road, Manchester, M4 4FG
First Floor, 142C Cheetham Hill Road, Manchester, M8 8PZ
Ground Floor Front, 142C Cheetham Hill Road, Manchester, M8 8PZ
Unit 5, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
Unit 7, 103 - 105 Cheetham Hill Road, Manchester, M8 8PY
79 - 83 Cheetham Hill Road, Manchester, M4 4ER
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
75 Cheetham Hill Road, Manchester, M4 4ER
142 Cheetham Hill Road, Manchester, M8 8PZ
Ground Floor, 142 Cheetham Hill Road, Manchester, M8 8PZ
142B Cheetham Hill Road, Manchester, M8 8PZ
Second Floor, 79 - 87 Cheetham Hill Road, Manchester, M4 4ER
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
79 - 87 Cheetham Hill Road, Manchester, M4 4ER
Second Floor, 116 Cheetham Hill Road, Manchester, M4 4FG
99 - 101 Cheetham Hill Road, Manchester, M8 8PY
85 Cheetham Hill Road, Manchester, M4 4ER
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

103 - 105 Cheetham Hill Road, Manchester, M8 8PY
142C Cheetham Hill Road, Manchester, M8 8PZ
77 Cheetham Hill Road, Manchester, M4 4ER
11 Stocks Street, Manchester, M8 8GW
10 Knowsley Street, Manchester, M8 8GF
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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: NORTH AREA