

17th April 2024

Delivered via Planning Portal

Michael Pearson
Development Management Central Core
Manchester City Council
PO Box 532
Town Hall
Albert Square
Manchester
M60 2LA

Dear Michael,

**PROPOSED EXTENSION TO MEZZANINE FLOOR INCLUDING EXTENSION TO THE AREA USED AS A CAFÉ
AND THE INSTALLATION OF FIRE ESCAPE AT UNIT 2, MANCHESTER FORT SHOPPING CENTRE,
CHEETHAM HILL ROAD, CHEETHAM, MANCHESTER M8 8EP**

This letter has been prepared by Turley on behalf of Nuveen Real Estate ("the applicant") in support of a full planning application to extend the mezzanine floor, including existing café area and installation of an external fire escape door at the above site ("the Site").

The full planning application has been submitted to Manchester City Council under the Town and Country Planning Act 1990 (TCPA 1990) via the Planning Portal (ref. PP-12951392). This application is supported by a suite of documents as set out under **Appendix 1**. The requisite application fee of £145.00 has been paid online via the Planning Portal.

This letter has been prepared to support the application of the Proposed Development which has a description as follows:

"Extension to existing mezzanine, provision of ancillary café of up to 150sqm and installation of external fire escape door"

This letter describes the application site, details of the Proposed Development, and appraises the Proposed Development against the statutory development plan and other material considerations, including national policy.

EXISTING SITE AND CONTEXT

Manchester Fort Shopping Park

Manchester Fort is a major and highly successful retail destination located north of Manchester city centre which first opened in 2004. It is owned by the applicant Nuveen Real Estate and is the largest such

Transmission, 6 Atherton Street
Manchester
M3 3GS

T 0161 233 7676 turley.co.uk

development in Greater Manchester and hosts over 35 stores and services, having diversified from an initial vision to focus on 'bulky' goods to provide a wide-range of uses. It receives some 7.1 million visitors per year with £500m in associated expenditure. In terms of employment the shopping park directly supports 745 jobs roles.¹ Manchester Fort Shopping Park is therefore an important economic asset to the city.

The Site

The Site occupies a single unit (Unit no. 2, formerly occupied by Mothercare, and previous to this Comet) at Manchester Fort Shopping Park which is located at the intersection of the strategic routes of Cheetham Hill Road (A665) and Queens Road (A6010). It is designated as an 'out-of-centre' destination within the adopted Manchester Core Strategy (2012) and is located approximately 1.1 miles north-east of Manchester city centre.

The unit's principal façade faces west with the servicing being to the east/ rear. Vehicular access for staff and customers is via Cheetham Hill Road and parking is shared with other units on the shopping park. The wider area comprises a mix of uses including sporting facilities, commercial units and residential units. The closest Metrolink tram stop is Queens Road at a distance of 0.7 miles, with Manchester Victoria station located at a distance of 1.1 miles. The site also benefits from frequent bus services which runs along the A665 Cheetham Hill Road and A6010 Queens Road. The nearest bus stop is 0.2 miles away from the site, providing services to Piccadilly Gardens, Sale, Bury, Ashton-under-Lyne, Middleton.

Figure 1: Site Location and Surrounding Context

The site is not subject to any statutory ecological or heritage designations. According to the Environment Agency's Flood Risk Maps, the site is located in Flood Zone 1 (lowest risk of flooding).

Planning History and Background

A search of the MCC's online planning application portal has identified the relevant planning history for the site:

- Full planning application for the extension of existing internal mezzanine floor by 595 sqm (LPA ref. 106996/FO/2014/N1) approved in November 2014.
- Variation of planning conditions 2 and 5 of planning permission 106996/FO/2014/N1 to increase the size of the ancillary cafe area from 108 sqm to 150 sqm (LPA ref. 108097/JO/2015/N1) approved in April 2015.

PROPOSED DEVELOPMENT

The Proposed Development seeks an additional 551 sqm of floorspace at mezzanine level taking the total mezzanine floorspace to 1674 sqm and the total unit floorspace to 3546sqm. There is an existing café area within the unit at mezzanine level however in order to provide flexibility for the future occupier, permission is sought for a café area of up to 150sqm anywhere within the unit – this being the same quantum of ancillary food and beverage floorspace granted in April 2015.

The increase in floorspace exceeds the 200 sqm allowed under permitted development, and therefore planning permission is required.

¹ Manchester Fort Shopping Park Development Framework, Manchester City Council (August 2021)

For the avoidance of doubt, no change of use is proposed and the site will still remain within Use Class E. The unit is proposed to be occupied by a soft furnishing retailer and the café would operate ancillary as per the occupier's typical business model.

External alterations are limited to the installation of a new metal fire escape door to the principal elevation.

POLICY CONTEXT

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990, this application must be determined against the adopted Development Plan, unless material considerations indicate otherwise.

In this case the adopted Development Plan comprises the Manchester Core Strategy (MCS) (2012) and the spatial development plan for the majority of Greater Manchester "Places for Everyone (PfE)" (adopted in March 2024). Material considerations include the National Planning Policy Framework (NPPF) (December 2023). The NPPF states that policies within it are material considerations and that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the NPPF.

Relevant Policies

- Retail** – MCS Policy CC2 (Retail) primarily relates to the city centre however states that where comparison retail located outside of the Primary Shopping Area developments will be assessed against relevant design policies, be accessible, have an acceptable impact on the highway network amongst other criteria. MCS Policy EC4 (North Manchester) and C3 (North Manchester District Centres – Cheetham Hill and Harpurhey) confirms that while the focus for additional floorspace should be in Harpurhey, there could be small increases in retail provision in Cheetham Hill. The NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses with town centres considered first, then edge of centre locations; and only if suitable sites are not available should out of centre sites be considered (para. 91.). Preference should be given to accessible sites which are well connected to the town centre when considering out of centre proposals (para. 92).
- Out-of-centre development** – Policy C1 (Centre Hierarchy) defines the hierarchy of town, district and local centres in Manchester. Paragraph 10.12 of the supporting text recognises Manchester Fort as one of five main out-of-centre retail parks and that 'although the retail hierarchy focuses new development in centres, opportunities will be taken through refurbishment and replacement to improve the retail environment and reduce the impact on neighbouring residents'. Policy C9 (Out-of-centre development) considers development of less than 650 sqm gross will generally be of local significance only. Paragraph 94 of the NPPF requires an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sqm of gross floorspace).
- Transport** – MCS Policy T1 (Sustainable Transport) support proposals that improve choice by developing alternatives to the car; improve pedestrian routes and the pedestrian environment and facilitate modes of transport that reduce carbon emissions. MCS Policy T2 (Accessible Areas of Opportunity and Need) seeks to ensure that developments are easily accessible by walking, cycling and public transport, connecting residents to jobs, centres, health, leisure, open space and educational opportunities, as does the NPPF (para. 108) and PfE Policy JP-C8. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highways grounds

if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- **Design** – MCS Policy EN1 (Design Principles and Strategic Character Areas) defines the site as falling within the Northern Character Area and developers should respond to the underlying topography and varied townscape created by the balance between built form and the tree-covered landscape. The Framework confirms that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development (para. 131). PFE Policy JP-P1 expects all developments to be socially inclusive, capable of dealing with major environmental events, using robust materials that reflect local character, weather well and are easily maintained.

Principle of Development and Application of Sequential Test

The Proposed Development seeks to extend an existing mezzanine within an established shopping park. The scale of the extension falls below the threshold requiring application of the main town centre impact assessment. The increase in floorspace is incidental in the context of the scale of the closest designated centres and any trade draw will be dispersed and insignificant. This is supported by MCS Policy C9 where supporting text states '*In Manchester's circumstances, the impacts of out-of-centre development will vary across the City and will need to be considered on a case-by-case basis, although the Council considers that development of less than 650sqm gross will generally be of local significance only*'. To this extent it is considered that the Proposed Development would not harm the vitality or viability of designated centres within North Manchester.

Regardless of the limited scale of the proposals given the out of centre location a sequential assessment is required in support of the application in accordance with MCS Policy C1. The sequential test directs main town centre uses towards town centre locations first; then, if no town centre locations are available, to edge of centre locations; and if neither are available, to out of town centre locations, with a preference for accessible sites which are well connected to the town centre. Main town centre uses include retail goods which are proposed to be sold from the mezzanine extension.

In respect to the application of the sequential test, the interpretation of current case law (See **Appendix 2**) confirms the following:

- Disaggregation of a development into its component parts is not a requirement of the sequential test. The sequential approach applies to the totality of the floorspace within the extended unit (with appropriate allowance for flexibility) and not to individual components of a scheme. This is material in this case.
- 'Suitable' and 'available' generally mean suitable and available for the broad type of development which is proposed in the application by approximate size, type and range of goods. Availability for the type of retail/main town centre uses proposed, not retailer or developer, is key. 'Availability' was first clarified in the July 2018 version of the NPPF to mean sites which are expected to become available within a 'reasonable period'.
- 'Flexibility' has been a central issue in many cases, in particular the extent to which applicants can be reasonably expected to modify or amend proposals when assessing alternative, sequentially preferable sites.

- The owner or developer of a scheme is not material; the scheme can be marketed to occupiers irrespective of ownership or control.
- The sequential test is intended to operate in a 'real world' context. In this respect, the Proposed Development could not realistically be delivered in an alternative location if development of a mezzanine extension to the existing unit is to be achieved at Manchester Fort.

Drawing on the above, the sequential test will be applied based on the floorspace area of the unit as a whole, rather than just the mezzanine extension which could not realistically be accommodated elsewhere. With appropriate allowance for flexibility, as required in policy, the outputs of the following assessment will explore whether there are any suitable or available sites within or at the edge of either Cheetham Hill or Harpurhey District Centres which are capable of accommodating 80% of the site area of the extended unit when factoring in a degree of flexibility.

In carrying out the sequential test a review of in and edge of centre sites that could feasibly be considered 'sequentially preferable' has been undertaken applying the parameters set out above, but subject to the key caveat highlighted.

In order to undertake a search of available properties within and at the edge of the two nearby district centres selected for inclusion within the sequential assessment, utilising CoStar Suite, an online platform which provides a full market inventory of available freehold and leasehold properties and sites across the UK.

The search conducted on CoStar canvasses the availability of properties for sale / to let covering land uses including offices, retail, hospitality, industrial, build to rent, student accommodation, health care and sports and entertainment, as well as any parcels of land for sale which do not yet have a specified use.

Based on information derived from CoStar (March 2024), there are currently no units being actively marketed as available within Cheetham Hill District Centre. There are currently only two vacant units within Harpurhey District Centre being marketed to let which can feasibly be considered as sequentially preferable to the application site.

- Vacant offices, Burgess House, Church Lane – 188 sqm
- Former Wilko unit, 18 Lee Road – 2,467 sqm

In considering the two available sites, space within Burgess House would be too small to support the Proposed Development. The former Wilko unit is considered to be constrained for a number of reasons including its single-storey nature, and separation distance from parking facilities. The prospective tenant's business model predominantly relies on sizeable premises within retail parks with a sufficient haunch height to accommodate mezzanine floorspace within – as per this application. The Wilko unit within Harpurhey District Centre would not fulfil the operational requirements of the prospective tenant and would thus not be considered suitable for leasing. Furthermore, Manchester Fort Shopping Park is ideally situated to serve a new catchment for the prospective tenant.

In summary the Proposed Development is of modest scale, which does not warrant an Impact Assessment, nevertheless in accordance with local and national policy a Sequential Assessment has been conducted considering available units within the closest designated centres and edge-of-centre locations. The assessment has revealed only one unit worth further consideration however as discussed it would not meet the prospective tenants operational requirements and therefore is not a viable

alternative to the application site. On this basis it can be considered that the Sequential Assessment has been satisfactorily addressed and the application complies with MCS Policies CC2, EC4, C3, C9 and the NPPF paras. 91 and 92.

Transport

The application is supported by a Transport Statement (TS) prepared by Curtins which considers the transportation implications of the Proposed Development. The TS notes that the wider Manchester Fort Shopping Park contains over 30,000sqm of floorspace and 1,145 no. shared parking spaces. The shopping park is considered accessible with good levels of pedestrian and cycling infrastructure within the vicinity with a number of public transport opportunities within acceptable walking distance of the site including bus, tram and rail networks.

The Proposed Development has been assessed utilising TRICS and data for comparable uses in comparable locations, as its industry practice. It is anticipated that the re-occupied unit would generate 35 and 37 two-way vehicle trips during weekday PM and weekend peak hour respectively, whilst the extended mezzanine would increase the total unit trips to 42 and 45 respectively. This when considered within the context of the shopping park as a whole, which has been subject to a 2022 traffic survey results in an increase of less than 1%. The level of shared parking within the shopping park is considered to be sufficient as it stands and broadly in accordance with adopted standards.

Trip generation forecasts have therefore demonstrated that the impact of the Proposed Development is negligible and will not result in a detrimental effect on the operation of the highway network. It can therefore be concluded that the Proposed Development complies with MCS Policies T1, T2, chapter 8 of the NPPF in particular para. 115 and PfE Policy JP-C8.

Design

The only external alteration proposed is a single fire escape door and surround to the front elevation which would assimilate with the appearance of the unit and not have any material impact on the appearance or character of the wider shopping park. Hence, the Proposed Development is in accordance with MCS Policy EN1, chapter 12 of the NPPF and PfE Policy JP-P1.

BENEFITS AND CONCLUSION

This application seeks full planning permission to extend the existing mezzanine and café area by 551 sqm in total and install a single fire escape door. The Proposed Development would bring into use a prominent vacant unit within an established retail park contributing to Manchester Fort's sizeable economic contribution to Manchester. Reinstating a viable use within the shopping park would also create in the region of 9 no. full-time and 40+ part-time (ranging from 8 – 24 hours a week) jobs.

The Proposed Development would not harm the vitality or viability of designated centres and has satisfied the main town centre sequential test. It therefore accords with the relevant policies of the adopted development plan and with the provisions of the National Planning Policy Framework.

Overall, the Proposed Development represents sustainable development and the presumption in favour of granting planning permission applies and planning permission should, therefore, be granted without delay.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Healey', written in a cursive style.

Steven Healey
Senior Planner

steven.healey@turley.co.uk

Appendix 1: Schedule of Supporting Documents

Document		Author
Application Form		Turley
Covering Letter/ Statement		Turley
Transport Statement		Curtins
Drawing	Reference	Author
Location Plan	M232746-A09-01	Workman
Existing Layout/ Areas	MAN 001	
Proposed Layout/ Areas	MAN 001	
Elevations As Existing	RHA2414-0015a	Roger Harrison Architecture
Elevations As Proposed	RHA2414-0025	Roger Harrison Architecture

Appendix 2: Sequential Test Case Law

- 1.1 The application of the sequential test has been considered in a number of key cases, including Supreme and High Court Judgments and planning decisions made by the Secretary of State. It is a longstanding principle that the disaggregation of a development is not a requirement when applying the sequential test. The sequential approach applies to the totality of the MTCUs proposed within the development (with appropriate allowance for flexibility) and not to individual components on a solus basis (ie. the mezzanine extension proposed cannot be disaggregated from the existing floorspace within the unit). This is a material consideration in this case given the development proposed but within the context of a holistic development proposal.
- 1.2 The *Tesco v Dundee* case² in the Supreme Court clarified that the sequential test should be applied in a real world context (the world in which developers wish to operate) and not ‘some artificial world in which they have no interest in doing so’. The Judgment confirmed that ‘suitable’ in the context of the sequential test means suitable for the development proposed by the applicant, subject to the qualification that flexibility and realism must be shown.
- 1.3 This interpretation was reaffirmed by the Secretary of State decision relating to *The Mall, Cribbs Causeway*.³ In consideration of the sequential approach, the Inspector agreed that disaggregation is not embodied within the NPPF policy tests or PPG, as confirmed by the Court of Appeal in the *Warners Retail* case⁴. The Secretary of State reached a similar conclusion in his decisions on *Rushden Lakes*⁵, *Scotch Corner*⁶ and *Honiton Road*⁷. As a general principle, the Inspector for the *Cribbs Causeway* application noted that an approach that involved disaggregation did not seem to fit well with either the *Warners Retail* or *Aldergate Properties*⁸ Judgments. The Inspector concluded that to divide up the town centre floorspace proposed would change the broad nature of the development. This conclusion was supported by the Secretary of State.

² *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13

³ Called-in decision: *The Mall, Cribbs Causeway* (ref: 3170627 - 1 October 2018)

⁴ *Warners Retail (Moreton) Limited v Cotswold District Council* [2014] EWHC 2504 (Admin) and [2016] EWCA Civ 606

⁵ Called-in decision: *Rushden Lakes Retail Park* (ref: 2190175 – 11 June 2014)

⁶ Called-in decision: *Land west of the A618 Barracks Bank, Scotch Corner, North Yorkshire* (ref: 3132873 & 3143678 – 1 December 2016)

⁷ Called-in decision: *Land north of Honiton Road and west of Fitzroy Road, Exeter* (ref: 3005333 – 30 June 2016)

⁸ *Aldergate Properties Ltd v Mansfield District Council* [2016] EWHC 1670 (Admin)