Planning

Growth & Development

Delegated officer report for planning application

Application no.	138789/FO/2023
Date registered valid:	4 January 2024
Proposal:	Erection of two storey side extension and single storey front extension to form wholesale warehouse (Class B8) together with associated parking.
Address:	68 Derby Street, Manchester, M8 8AT
Ward(s):	Cheetham Ward
Applicant:	Mr Davinder Johal, PJjk Uk Enterprises Limited
Agent (if any):	Mr Steve Costello, Contact Construction
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	27 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 1 February 2024

Standard consultations:
Printed: 8 January 2024 Expired: 29 January 2024

Neighbour notifications
Printed: 8 January 2024 Expired: 29 January 2024

Site notice
No site notice has been produced.

Press advert
No press advert had been published.

Departure from Development Plan: No

Environmental Statement: Not required.

Description of site/building

Listed building: Not applicable.

Conservation area: No

Tree Preservation Order: No

Description of site/building

The application site relates to a service yard to the side of a large two storey wholesale warehouse. The intention is to erect a two-storey side extension and single storey front extension to form wholesale warehouse (Class B8) together with associated parking. The buildings situated on Derby Street.

Description of area

The application site is situated within the warehouse district of Cheetham, as identified by the Strangeways Local Plan. The immediate area is dominated by various wholesale uses and general industrial buildings with large floor plates and is a short distance to the north-east is HMP Strangeways.

Description of development

Planning permission is sought for the erection of two storey side and first floor extension to create additional warehouse space (Class B8). The proposed works involve building over part of the existing servicing area to provide a new, integral servicing bay at ground floor level with a new roller shuttered access at ground floor level.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and one letter of objection was received. The concerns raised were in relation to the extension would obstruct views and from doors and windows and the extension due to its size would block windows and hinder access to the side exit door.

The interruption of view from neighbouring properties are not necessarily a planning consideration. However, in response to the other matters raised by the objector, the applicant has confirmed there is a substantial difference in height in the ridge of the neighbouring property, and the sills of No 102 Derby St are in excess of 2m higher than the ridge line of No 68 Derby St.

The applicant also confirmed, the ginnel up to the door from Derby St to No 102 is 780mm wide, the cladding drip rail has an overhang of 160mm and at the top of the cladding the gutter sits over in excess of 100mm. This will provide access of over 1m wide to the side of No 102 Derby St.

The Highways Team - requested further details to fully assess the impact of the proposal in terms of servicing the unit and further clarification of the car parking provision. The issues associated with the concerns raise by highway are discussed within the body of the report.

Environmental Health - recommended a noise attenuation, waste, air quality, construction and operational hours and a gas membrane condition be attached to the consent.

The Flood Team - recommended the applicant should 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 pursuant to policy EN14 & EN17 of the Core Strategy

Greater Manchester Police - recommended security measure to be incorporated into the scheme and an appropriately worded informative has been added to the consent.

Issues

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, T1 of the Core Strategy.
- Strangeways Local Plan.
- The Guide to Development in Manchester (SPD);
- Places for Everyone (Consultation Draft);
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle of a wholesale cash and carry use or improvements to them is considered entirely acceptable in this location. Development plan policy and in particular, the Strangeways Local Plan, recognise the site as being within the warehouse district and therefore further businesses which support economic growth in the area are generally welcomed. Saved Policy CC10 of the UDP also encourages the continued high level of economic activity in Strangeways and lower

Cheetham Hill Rd areas, recognising particularly the needs of the wholesale and distribution trades which dominate these areas.

Given the overarching policy context, it is considered that the general principle of the proposed use would be acceptable in this location. However, other considerations are taken into account such as design, amenity, servicing and car parking also need to be considered. In this instance the applicant has failed to demonstrate the site can be adequately serviced and how the servicing would impact on the proposed parking provision.

Impact on the highway

The applicant provided further information to the highways team for assessment. However, the further information was not sufficient to address the issues raised by highways. The applicant's information assessed by highways, including appendices to the Transport Statement which is set out below.

o with regard to the appended TRICS output it is unclear why only two sites have been selected, with surveys undertaken during 2015 - 2016 only. It is therefore unclear whether the assessment is fully representative of the proposals. Nevertheless, given the scale of development, Highways accept that the proposals are unlikely to give rise to a significant increase in vehicle trips.

o No parking bay or aisle width dimensions have been provided as requested.

o Plans show a very narrow area to the side of the building for cycle parking. It is unclear whether access could by physically achieved or what supporting infrastructure is proposed.

o No details on bin storage locations or refuse collection operations have been provided.

o the initially submitted plan 'Sheet 4 - Site Plan & Swept Flow Analysis' does show that the tracked vehicle overruns the boundary wall.

o Recently submitted Plan '410-23-1A - Swept Paths Panel Van' shows that a 5.9m Light Van can access/egress in forward gear, however, it is still unclear whether this is the largest/worst case vehicle.

Given the above, the applicant has failed to demonstrate the site can be effectively serviced. The proposal does not include information relating to the servicing of the proposal and parking dimensions at the site, which may result in an unacceptable arrangement for accessing and egressing of the application site by vehicles, to the detriment of highway and pedestrian safety. This is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy.

The proposal is contrary to the policies set out below.

Policy SP1

States, 'Development in all parts of the City should create well designed places that enhance or create character and make a positive contribution to the health, safety and wellbeing of residents' The proposal is contrary to SP1, as the impact of the proposal in term of adequate service provision could impact on the safety of pedestrians in and around the site. Therefore, the proposal is considered to be unacceptable as the applicant has not demonstrated the proposal has adequate servicing arrangements.

Policy DM1

States, ' all development should have regard to the following specific issues;
o Appropriate siting, layout, scale, form, and massing.
o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
o Effects on road safety and traffic generation.
o Community safety.
o Vehicular access and car parking.

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

Policy T1

States, 'developments should take into consideration vehicular access and car parking and should reduce the negative impacts of road traffic and road accident casualties'. The proposal is considered to be contrary to policy T1, as the applicant has failed to demonstrate how the site would safely operate in terms of servicing and whether the amount of space for the safe manoeuvrability of serving vehicles would impact on the proposed car parking provision.

Residential Amenity

This part of Cheetham is dominated by similar businesses and is identified within policy as being suitable for such businesses.
Given the existing authorised use of the building and due to the detached position from the nearest residential properties, together with the commercial context of the site's immediate surroundings, it is not believed that there would be any significant, adverse effect upon the living conditions of nearby occupiers in terms of increased activity and any associated noise and disturbance.
The building backs onto another commercial premises at the rear, separated by yard areas. However, the neighbouring building immediately abuts the development, and it is unclear whether the extension would hinder access to the side door on the adjacent property. The applicant has provided written confirmation that the extension would not impact on the windows on the side elevation of the adjacent property, however, no drawings have been provided to demonstrate this. Therefore, in the absence of contextual drawings showing the proposal in relation to the neighbouring property, the impact of the extension on the amenity of the neighbouring property cannot be fully assessed.

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: 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 before and 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 applicant has failed to provide sufficient details to fully assess the proposal. A Delivery and Servicing Management Plan is required to ensure all vehicles can safely access, turn and egress the site. The management strategy shall include the following;
o bay or aisle width dimensions.
o plans show a very narrow area to the side of the building for cycle parking. It is unclear whether access could by physically achieved or what supporting infrastructure is proposed.
o bin storage locations or refuse collection operations details.
o site plan and swept Flow Analysis' shall include that the tracked vehicle does not overrun the boundary wall.
o swept path details, to demonstrates all types of vehicles can access/egress in forward gear.

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Irene House, 90 Waterloo Road, Cheetham, Manchester, M8 8AW
Rebecca Black House, 65 Derby Street, Manchester, M8 8AT
70 Derby Street, Manchester, M8 8AT
67 Derby Street, Manchester, M8 8HE
Caplan House, Derby Street, Manchester, M8 8AT
Alvera House, Derby Street, Manchester, M8 8AT
51 Broughton Street, Manchester, M8 8AN

Appendix 2 – Planning constraints

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA