

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137359/FO/2023

Date registered valid: 17 August 2023

Proposal: Erection of two storey, detached portable building to form a cafe (Class E) with outdoor seating area.

Address: Land Adjacent To 452 Cheetham Hill Road, Manchester, M8 9LE

Ward(s): Cheetham Ward

Applicant: Mr Shoaib Ahmed

Agent (if any): Mr Shuaib Khan

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 December 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:

Printed: 20 November 2023

Expired: 4 December 2023

Neighbour notifications

Printed: 20 November 2023

Expired: 4 December 2023

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

The proposal is to introduce timber clad containers to be used as a Class E cafe use within the curtilage of the site. The proposal seeks consent for the erection of two storey, detached portable building to form a cafe (Class E).

The area contains both, commercial and domestic properties. The site lies within the Cheetham Hill District Centre. The site abuts a large car park which is the under ownership of the North Manchester Jamia Masjid as is the proposed site. Circa 80 car parking spaces are available to the Masjid however number of these can also be utilised by the proposed scheme. The containers would be clad in cedar cladding.

Site History

None.

Consultations & Notification Responses

The Highway Team- raised no objection to the proposal subject to the finding contained within the transport statement be adhere to and a construction management plan condition is attached to the consent.

Environmental Health- raised no objection to the proposal subject to fumes, hours of operation, Outside seating hours, eternal plant, and refuse conditions be attached to the consent.

Flood-United utilities requested a condition suggesting he 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-Having looked at the proposals my main concern would be access to the staircase and roof terrace, which could generate antisocial behaviour or misuse/nuisance. I would highly recommend that consideration is given to restricting access to the staircase when the building is not in use. A secure by design condition has been added to the consent to address this matter.

Policy

The below policies are relevant to the consideration of this application:

- Saved Policy DC26 of the UDP.
- Policies, DM1, SP1, C2, C3, T2, EN19 of the Core Strategy.
- The National Planning Policy Framework (NPPF).

Issues

Principle

It is considered that due to the location of the site within a district centre, any impact upon either residential amenity or the highway is likely to be limited.

The proposed use makes efficient use of vacant land and will contribute to the diverse range of uses within the district centre to the benefit of the community. It will also facilitate the create of jobs and attract additional footfall to the district centre to the benefit of other businesses.

Accordingly, the proposal is considered to comply with saved policy DC26 of the UDP and policies DM1, SP1, C2, C3, T2 and EN19 of the Core Strategy. There are no material considerations of sufficient weight to indicate otherwise.

Impact on the District Centre

The principal policies in this instance relate to policies C2 and C3 of the Manchester Core Strategy.

In this case, the proposed use will add to the diversity of uses in the centre and would not result in a use that would be overly represented in the centre.

The proposed use would therefore bring into use a vacant piece of land without any undue impact on the retail function of the district centre, whilst also creating a positive impact upon the vitality and viability of the centre. The proposed use therefore represents sustainable development and is considered a wholly acceptable and appropriate use within a defined district centre.

The scheme's contribution to regeneration -The proposed scheme would re-use previously developed brownfield land and would add to the regeneration that is occurring along Cheetham Hill Road.

The proposed uses and residential amenity - The use proposed at the site is considered to be acceptable as it is felt that it would complement the uses already found in the local area and would not adversely affect residential amenity. It is acknowledged that there is some residential accommodation relatively close by, but provided the development is used in accordance with the recommended conditions the development will be acceptable in terms of its impact on residential amenity.

Height, mass and scale and visual amenity - The height of the proposed buildings, at 2 storeys maximum, is considered to be acceptable as this would not be out of scale with surrounding buildings

The proposed development is of a high quality and unique design, and it is considered that it would not adversely affect the appearance of the site or visual amenity within the street scene. The proposed development is considered to be acceptable.

Whilst it is acknowledged that residential properties are situated nearby and there is potential for some loss of amenity from the comings and going and noise associated with the use, it is believed that any impact can be limited by a restriction to the opening proposed. In this instance the opening hours of premises.

On balance, given that the premises is situated within a commercial parade in a busy part of Cheetham Hill, it is considered that the amenity of residents would not be so adversely affected as to justify refusing permission.

Highways Team

The site is located adjacent to the adopted highway of Woodlands Road to the north and Cheetham Hill Road to the west. Woodlands Road has a one-way traffic order, No Waiting (Mon-Fri 8am-6pm and Sat 8am-12.30pm) in place. Cheetham Hill Road has No Waiting at Any Time and No Loading at Any Time in place.

Development Traffic Generation:

A trip generation assessment was undertaken for the proposed development to understand the anticipated trips associated with the PM peak periods. In order to undertake the assessment, the TRICS database was used. As the site is currently unoccupied the site does not currently generation any vehicular trips.

The multi-modal peak hours trips rates for the development type were identified and trips for the AM, Inter Peak and PM peak period were obtained from the TRICS database. The data shows that a total of 7 two-way trips are anticipated for the AM peak, 8 total two-way trips are anticipated for the Inter Peak a

The Crashmap accident database has been reviewed for the most recent five-year period. The site area covers the immediate area around the development site and includes Woodlands Road, Cheetham Road and the Woodlands Road / Cheetham Hill junction. The analysis shows that over the five-year period there has been a total of 5 collisions, 4 of which were slight and 1 which was serious on Woodlands Road and involved a pedestrian. Based on this assessment Highways have no concerns about highway safety issues within the vicinity of the site.

The site is well accessed by sustainable modes. Regular bus services are routed along Cheetham Hill Road and provide connections to Higher Crumpsall, Oldham Mumps, Middleton, Piccadilly Gardens and Sale.

The closest Metrolink facility is located at Abraham Moss and provides connections to Altrincham, Bury and Manchester Piccadilly.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

The Transport Statement states that the car park to the rear of the development is owned and operated as an overspill for the North Manchester Jamia Mosque. It has been agreed between the applicant and Ibad Ur Rehman Trust that the car park can be used to facilitate parking should customers or staff drive to the site.

A car parking capacity survey was undertaken from Monday 5th June - Sunday 11th June 2023. The results show that the majority of the week the car park was lightly used, whilst Friday had a peak parking accumulation of 62 vehicles (77.5% occupancy). It is understood that c. 15 parking spaces would be allocated to the development. This is welcomed by Highways and it is requested that the use of the parking places is monitored by the applicant and Ibad Ur Rehman Trust and a condition has been added to the consent.

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. The Transport Statement confirms that a 2 Sheffield stands will be provided which will provide parking for 4 cycles. The stand will be sheltered. This is acceptable from a Highways perspective.

The Transport Statement confirms that the waste will be collected along Cheetham Hill Road as per the existing conditions and servicing operation. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

It should be ensured that bins are taken from the footway as soon as possible after collection to reduce impinging pedestrian / cyclist movements. Deliveries are anticipated via a standard Ford Transit can and will be made via the adjacent car park. Deliveries are anticipated on Tuesdays, Thursdays and Saturday. This arrangement is acceptable to Highways.

A Construction Management Plan should be provided by the applicant prior to any construction works beginning and a condition has been added to the consent.

Waste

Environmental health commented the waste management proposals, and they are insufficient. Only a food waste and general waste container has been proposed. This site will also require a

receptacle for pulvable waste and mixed recycling. We will need the container size details providing for each receptacle, the collection frequency and an updated diagram to identify the refuse store and the containers. Therefore, a condition has been added to the consent.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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

1) The permission hereby granted is for a limited period only, expiring on 6 December 2028, and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

23-029-03 Rev B Boundary Treatment,
23-029-02 Rev B, stamped as received on the 9 November 2023,
The Location Plan and the Design and Access stamped as received on the 15 June 2023,
Acoustic Report by RP Acoustic and the Travel Plan by AMA Associates, stamped as received on the 17 August 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.

3) Prior to the occupations of the development samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be fully implemented in accordance with the approved details, which shall be maintained in situ thereafter.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

09:00 to 22:00 Sunday to Thursday and 09:00 to 23:00 Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC26.

6) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location

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 acoustic 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 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 and saved UDP policy DC26.

7) Shall only allow use of external areas within the application site in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority and shall not allow for the use of amplified sound or any music in these external areas at any time.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP policy DC26.

8) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be 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 site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

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 and saved UDP policy DC26.

9) a) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development 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 and DM1 of the Core Strategy and saved UDP policy DC26.

10) The development hereby approved shall be carried out in accordance with the Transport Statement AMA Associates, stamped as received by the City Council, on the 17 August 2023.

In this condition a Travel Plan means a document which includes:

*The car park to the rear of the development is owned and operated as an overspill for the North Manchester Jamia Mosque. It has been agreed that 15 parking spaces would be allocated to the development at Land at 452 Cheetham Hill Road, and the use of the parking places shall be monitored by the applicant and Ibad Ur Rehman Trust.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

11) The cycle storage arrangements, shall be carried out in accordance with the drawing number 23-029-Re B, stamped as received by the City Council, as Local Planning Authority, on the 9 November 2023 and the Transport Statement AMA Associates, stamped as received on the 17 August 2023. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

12) Prior to first use of the premises, details of the security measures to be incorporated into the development, which, shall be secured by design specification, shall be submitted for approval in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details and shall be implemented prior to first use.

Reason - To reduce the risk of crime and safeguard the security of residential occupiers, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

13) Notwithstanding the submitted details, the development hereby approved shall not be occupied until a plan indicating the positions, design, materials and type of all boundary treatment (including gates) to be erected, has been submitted to and approved in writing by the City Council as Local Planning Authority. The boundary treatment shall be completed before the development hereby approved is first occupied. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as Local Planning Authority in the interests of the visual amenity of the area within which the site is located, pursuant to policies SP1 and DM1 of the Core Strategy.

14) A Construction Management Plan should be provided by the applicant prior to any construction works beginning. The Construction Management Plan should detail the phasing and quantification / classification of vehicular activity associated with planned construction. This should include commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway. The document should also consider ongoing construction works and contractor parking in the locality.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

15) Prior to occupation of the development a hard and soft landscaping treatment scheme (including details of boundary treatment) has been 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.

16) Prior to above ground development commencing, an Environmental Standards Statement shall be submitted to, and approved in writing by, the City Council, as Local Planning Authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and approved measures shall be implemented in the construction of the approved development.

Reason - In order to minimise the environmental impact of the development, pursuant to policies DM1 and SP1 of Manchester's Core Strategy and the National Planning Policy Framework.

17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose(s) of part (g)(i) of Class E (Cafe use) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior agreement, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

18) Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; Manchester City Council Your ref: 137359/FO/2023B
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policy EN14 & EN17 of the Core Strategy.

Informatives

1) 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.

2) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

3) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Appendix 1 – List of consultees & neighbours notified

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

458A Cheetham Hill Road, Manchester, M8 9JW
Flat 2, 450A Cheetham Hill Road, Manchester, M8 9LE
Flat 1, 450A Cheetham Hill Road, Manchester, M8 9LE
Ground Floor, 460 Cheetham Hill Road, Manchester, M8 9JW
Flat At, 448 Cheetham Hill Road, Manchester, M8 9LE
Basement Flat, Cheetham Hill Road, Manchester, M8 9LE
First Floor, 460 Cheetham Hill Road, Manchester, M8 9JW
450A Cheetham Hill Road, Manchester, M8 9LE
7 Broomfield Drive, Manchester, M8 9EE
First Floor, 460 - 462 Cheetham Hill Road, Manchester, M8 9JW
5 Broomfield Drive, Manchester, M8 9EE
458 Cheetham Hill Road, Manchester, M8 9JW
448 Cheetham Hill Road, Manchester, M8 9LE
450 Cheetham Hill Road, Manchester, M8 9LE

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester 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