

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138553/NMC/2023

Date registered valid: 15 November 2023

Proposal: Non material amendment to planning permission 124193/JO/2019 to amend condition 2 (Approved drawings) to insert an additional internal staircase and AOV, amend number of car parking spaces, remove sub basement and change the commercial space to residents amenity space

Address: Land Bounded By Cheetham Hill Road, Lord Street & Fernie Street , Manchester, M4 4EX

Ward(s): Cheetham Ward

Applicant: Delph Property Group

Agent (if any): Leach Rhodes Walker

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 29 December 2023

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit:

Standard consultations:

No consultations have been printed and sent.

Neighbour notifications

No neighbour notifications have been printed and sent.

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 site is approximately 0.16 hectares and currently comprises a single storey block of retail and commercial units fronting Cheetham Hill Road together with car parking to the rear accessed off Fernie Street. There is also a single storey industrial building located off Fernie Street which is in a poor state of repair and appears unoccupied.

The topography of the application site is uneven with a sharp change in site levels from Cheetham Hill Road to the west, which is situated much higher, than Fernie Street to the east. The application site is also bounded by Lord Street to the north and the Cheetham Hill Road petrol filling to the south.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The surrounding area is a mixture of residential and commercial developments reflecting the sites position on the City fringe. The site holds a key position along Cheetham Hill Road, which is a major route from the City Centre to the north of the City. The major residential developments in the area are those associated with the Green Quarter which was a major new residential neighbourhood development in the late 2000s. The buildings in the complex vary between 16 and 18 storeys in height.

Beyond the Green Quarter, to the north, are the buildings and uses associated with the 'warehouse district'. These buildings are principally in use for whole sale cash and carry purposes associated with the fashion business. The buildings are generally low rise.

Description of development

Non material amendment to planning permission 124193/JO/2019 to amend condition 2 (Approved drawings) to insert an additional internal staircase and AOV, amend number of car parking spaces, remove sub basement and change the commercial space to residents amenity space

Consultations & Notification Responses

n/a

Issues

The proposed changes are as follows:

- Installation of an additional internal stair which requires internal reconfiguration to apartments (which would remain compliant with the space standards);
- Installation of a window to side elevation to stair case;
- Amendments to the size of the lifts;
- Amendments to the number of spaces within the basement car parking from 67 space to 20 spaces (provided within one basement level as oppose to two)
- Creation of a residential amenity space in the location of the commercial space

The requirement for second stair case is a requirement of the change in fire safety which is an essential component of high rise residential buildings. The creation of the second staircase would require modifications to the internal layout but would not impact on the space standards of the apartments which would remain complaint.

The level of excavation would be reduced reducing the level of car parking at the site from 67 to 20 spaces. This is considered to be a highly sustainable location; close to major transport infrastructure and close proximity to the city centre. The proposal would not reduce the number of accessible spaces. The change is considered to be acceptable in this location.

The commercial space becoming residential amenity space is considered to be acceptable in this instance and would still provide an active frontage to Cheetham Hill Road.

The insertion of a window to the stair case would be adjacent to the petrol station site. Given this is a window to a non habitable space it would not preclude the redevelopment of this site if a some point development was to be brought forward.

The changes are considered to be non material in nature and would ensure that the development remains deliverable. Conditions have been updated to reflect the above changes.

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

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

1) The proposed seeks to reconfigure internal floor spaces with associated elevational alterations together with modifications to use of roof terrace.

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

8389-LRW-ZZ-ZZ-DR-A-00-207_P02_West Elevation (Colour)
8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour)
8389-LRW-ZZ-B1-DR-A-00-108_P02_Basement Floor Plan (Colour)
8389-LRW-ZZ-15-DR-A-00-114_P01_Fifteenth Floor Plan (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-207_P02_West Elevation (Colour)
8389-LRW-ZZ-01-DR-A-00-110_P01_First Floor Plan (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-112_P01_Typical Floor Plan (Level 3,5,7,9,11,13) (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-204_P02_North Elevation (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-206_P02_East Elevation (Colour)
8389-LRW-ZZ-16-DR-A-00-114_P01_Sixteenth Floor Plan (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-205_P02_South Elevation (Colour)
8389-LRW-ZZ-02-DR-A-00-111_P01_Second Floor Plan (Colour)
8389-LRW-ZZ-ZZ-DR-A-00-113_P01_Typical Floor Plan (Level 4,6,8,10,12,14) (Colour)

Transport statement

All received by the City Council, as Local Planning Authority, on the 15 November 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.

2) Following an assessment of the details submitted, I can confirm that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as the Local Planning Authority. The City Council is satisfied that the proposed changes will not result in any significant material alterations to the planning approval.

12) Notwithstanding Environmental Noise Study prepared by Fisher Acoustics (ref. PR0556-REP01B-MPF) stamped as received by the City Council, as Local Planning Authority, on the 13 September 2016, prior to the first occupation of the residential amenity/commercial premises as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023, details of how the commercial units will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment. For the avoidance of doubt, where entertainment noise is proposed the Laeq (entertainment noise) shall be controlled to 10 db below the La90 (without entertainment noise) in each octave band at the façade of the nearest noise sensitive location.

(b) The approved scheme shall be implemented and prior to the first use of each of the commercial units, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

14) The residential element of the development hereby approved shall be carried out in accordance with the waste management strategy and drawing 8389-LRW-ZZ-B1-DR-00-108-P02 stamped as received by the City Council, as Local Planning Authority, on the 15 November 2023. The refuse arrangements shall be put in place prior to the first occupation of the residential element of the development and remain in situ for as long as the development is in use.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

15) Notwithstanding the waste management strategy and drawing 8389-LRW-ZZ-B1-DR-00-108-P02 stamped as received by the City Council, as Local Planning Authority, on the 15 November 2023, prior to the first use of the residential amenity space/commercial premises, as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023, details of the location and waste management arrangements shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the commercial premises and remain in situ for as long as the development is in use.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

16) Prior to the first occupation the residential amenity space/commercial premises as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

20) The residential amenity space/commercial premises hereby approved (including external seating areas), as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023 shall not be open outside the following hours:-

Monday to Saturday	08.00hrs - 23.00hrs
Sundays	09.00hrs - 23.00hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

21) The commercial premises, as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023 can be occupied as A1 (excluding convenience retail), A2, A3 (Café use only), B1 or ancillary residential amenity space. The first use the commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission subject to the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester.

27) Prior to the first use of the building, 192 cycle stands/racks as shown on drawing 8389-LRW-ZZ-B1-DR-00-108-P02 stamped as received by the City Council, as Local Planning Authority, on the 15 November 2023 shall be implemented and shall be retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

28) Prior to the first use of the development hereby approved, the car parking layout, as indicated on drawing 8389-LRW-ZZ-B1-DR-00-108-P02 stamped as received by the City Council, as Local Planning Authority, on the 15 November 2023 shall be laid out, demarcated

and made available. The car parking layout shall be retain and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

31) Should the commercial unit hereby approved, as indicated on drawing 8389-LRW-ZZ-00-DR-A-00-109_P01_Ground Floor Plan (Colour) received by the City Council, as Local Planning Authority, on the 15 November 2023, by an A3 café, details of the fume extraction system shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and thereafter retained and maintained in situ.

Reason - To ensure an adequate fume extraction system is put in place in the interest of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Article 4 Direction - City Centre PD Restriction - Class B1(c) 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: CENTRAL