MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138783/FO/2023
Date registered valid:	7 December 2023
Proposal:	Change of use of part of basement to form private hire taxi office (sui generis)
Address:	Basement, 439 - 441 Cheetham Hill Road, Manchester, M8 0PF
Ward(s):	Cheetham Ward
Applicant:	Mr Zubair Akram
Agent (if any):	Mr Muthahar Khan, Studio Tashkeel Architecture
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	23 January 2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 22 December 2023

Standard consultations:
Printed: 11 December 2023 Expired: 1 January 2024

Neighbour notifications
Printed: 11 December 2023 Expired: 1 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

The application site relates to the front basement area of a mixed use educational/office building. The basement is currently used for storage but is understood to have been used as classrooms in the recent past.



View of property frontage from Cheetham Hill Rd

The basement relates to a mid-terraced, two-storey building and is neighboured by offices to one side and by an electrical/plumbing retail shop to the other. The upper floor is understood to be used for educational purposes.

To the frontage is an area of hardstanding used for communal car parking, with access from Cheetham Hill Road.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is situated adjacent to the busy, main arterial route of Cheetham Hill Road, which links the city centre with north Manchester.

The site which lies just to the south of Cheetham Hill district centre can be described as being mixed in character, with office uses, professional services, shops and a mosque neighbouring the site on the side of the road to which the application property relates. Opposite is a petrol filling station and residential properties, including a mixture of dwellinghouses and multi storey apartments.

Description of development

Planning permission is sought to convert part of a front basement area currently used for storage purposes to a taxi radio base. The proposed office would take telephone calls, bookings or queries, as well as email bookings to enable private hire drivers to be despatched for pickups/drops offs.

Drivers would communicate with the office over the telephone and the internet. No driver would be required to visit the office, except on an individual basis for any administrative need or work-related matters. The office would not be open for public use and no private hire vehicle would be required to congregate outside the premises.

The applicant states that the proposed use would not involve more than 2-3 members of staff within the office.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection. Conditions relating to waste management arrangements, servicing hours and a restriction on usage are advised.

Highway Services – It is anticipated that the proposed change of use is unlikely to generate any network capacity concerns.

It is unclear whether existing car parking provision (accessed from Cheetham Hill Road) will be made available/has sufficient capacity for taxi office staff and taxi drivers who may be required to visit the office.

No cycle parking provision is proposed. Highways request that the site includes some secure and sheltered cycle parking provision to cater for staff.

Refuse servicing will take place from Heywood Street which is considered acceptable by Highways.

Flood Risk Management - The site is situated within Flood Zone 1 – low probably of flooding. No objection is raised. An 'informative' is advised with respect to surface water drainage.

Planning History

117774/FO/2017

Change of use of part of ground floor to 3 studios to provide short term residential accommodation (Sui Generis). *Approved 3 November 2017*.

093159/FU/2010/N1

Change of use from offices with residential use above to education centre (Class D1) at basement, ground and first floor and two units of student accommodation at second floor level. *Approved 2 November 2010.*

070987/FU/2004/N1

Change of use of ground and first floors from hotel (C1) to offices (B1). *Approved 29 June 2004*.

028582

Change of use of basement to health centre. *Refused 2 April 1987.*

F10929 (439 Cheetham Hill Rd)

Alterations and extension to hotel to form a reception area. *Approved 17 July 1979.*

Policy

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

-Saved policy DC26 of the UDP;
-Policies DM1, EC1, EN19 and SP1 of the Manchester Core Strategy;
-Places for Everyone (consultation draft);
-National Planning Policy Framework (NPPF).

Issues

Principle

It is considered that given the mixed-use character of the immediate area, the low-key nature of the proposed use and as redundant floorspace would be brought into effective use to the benefit of the local economy whilst improving local transport opportunities, the proposed use is considered to comply with the aforementioned policy and guidance. Specific planning issue are outlined further below.

Impact to the Highway

Due to the nature of the business, i.e. booking office only, it is not considered that the use will generate such additional levels of traffic in the vicinity of the site so as to prove detrimental to existing levels of pedestrian and highway safety. A condition designed to prevent private hire vehicles parking at the site is included. In light of this, it is not considered that the proposal would have a harmful impact to the operation of the local highway.

In terms of staff, the site is situated adjacent to multiple bus routes and sufficient space within the forecourt area is envisaged for any demand.

On this basis, the impact to the highway is considered satisfactory.

Residential Amenity – The proposed booking office would operate 24 hours a day. However, given the nature of the use, limited staffing and the mixed-use context of the area, adjacent to a busy, main arterial route, which separates the host building from the nearest residential occupiers opposite, it is not believed that the proposal would significantly impact upon the levels of amenity enjoyed by the residents of those dwellings.

Through the use of planning conditions which prevents members of the public from visiting the premises and restricts the radio control base for taxi / private hire vehicles only, and for no other purpose, including customer waiting or visits by the drivers of the private hire vehicles or customers, it considered that any impact to neighbouring living conditions as a result of activity levels and any associated noise and disturbance, can be effectively controlled.

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: Approve

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. Pre application

advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Location plan and drawing referenced PL_002, received by the City Council as Local Planning Authority on 7 December 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The premises shall not be open to the public and shall be restricted to that of a radio control base for taxi / private hire vehicles only, and for no other purpose, including customer waiting or visits by the drivers of the private hire vehicles or customers.

Reason - To safeguard the amenity of the occupants of nearby residential accommodation pursuant to saved policy DC24 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

4) Deliveries, servicing and collections, including waste collections shall not take place outside of the following hours:

07.30 to 20.00 hrs Monday to Saturday;
No deliveries/waste collections on Sundays and Bank Holidays.

Reason - To safeguard the amenities of nearby residential occupiers, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

5) Private hire taxi drivers shall not:

a) return to the site for any reason other than administrative purposes and shall only do so between the hours of 08.00 and 18.00 hrs daily.

b) use any adjoining car parking area or the highway within 100 metres of the premises, for the purposes of a taxi rank, for the collection of customers, as a waiting facility during quiet periods or for the repair, maintenance and valeting of vehicles at any time.

Reason - In the interests of residential amenity and pedestrian and highway safety, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) Notwithstanding details submitted, the development hereby approved shall not become operational until a more detailed scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as

Local Planning Authority. 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 - Further detail is required in relation to recycling arrangements and In the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Ground And First Floor, 439 - 441 Cheetham Hill Road, Manchester, M8 0PF
Flat 8, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 7, 437 Cheetham Hill Road, Manchester, M8 0PF
Penthouse, 441 Cheetham Hill Road, Manchester, M8 0PF
441 Cheetham Hill Road, Manchester, M8 0PF
Penthouse, 439 Cheetham Hill Road, Manchester, M8 0PF
439 Cheetham Hill Road, Manchester, M8 0PF
180 - 182 Heywood Street, Manchester, M8 0PD
330 Cheetham Hill Road, Manchester, M8 0PL
1 Keane Court, Manchester, M8 0AS
3 Keane Court, Manchester, M8 0AS
4 Keane Court, Manchester, M8 0AS
6 Keane Court, Manchester, M8 0AS
7 Keane Court, Manchester, M8 0AS
8 Keane Court, Manchester, M8 0AS
10 Keane Court, Manchester, M8 0AS
11 Keane Court, Manchester, M8 0AS
14 Keane Court, Manchester, M8 0AS
15 Keane Court, Manchester, M8 0AS
17 Keane Court, Manchester, M8 0AS
2 Keane Court, Manchester, M8 0AS
5 Keane Court, Manchester, M8 0AS
9 Keane Court, Manchester, M8 0AS
12 Keane Court, Manchester, M8 0AS
16 Keane Court, Manchester, M8 0AS
Flat 6, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 3, 437 Cheetham Hill Road, Manchester, M8 0PF
180 Heywood Street, Manchester, M8 0PD
176 - 178 Heywood Street, Manchester, M8 0PD
439 - 441 Cheetham Hill Road, Manchester, M8 0PF
Shirley Service Station, 332 Cheetham Hill Road, Manchester, M8 0PL
237 Heywood Street, Manchester, M8 0PB
233 Heywood Street, Manchester, M8 0PB
239 Heywood Street, Manchester, M8 0PB
231 Heywood Street, Manchester, M8 0PB
445 Cheetham Hill Road, Manchester, M8 0PF
443 Cheetham Hill Road, Manchester, M8 0PF
Flat 1, 437 Cheetham Hill Road, Manchester, M8 0PF
2 Shirley Road, Manchester, M8 0ND
235 Heywood Street, Manchester, M8 0PB
Flat 5, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 4, 437 Cheetham Hill Road, Manchester, M8 0PF
Flat 2, 437 Cheetham Hill Road, Manchester, M8 0PF

Appendix 2 – Planning constraints

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) -
Area Team Boundary - Name: NORTH AREA