

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137339/FO/2023
Date registered valid: 19 September 2023
Proposal: Erection of 5 metre high rear boundary wall.
Address: Land To The Rear Of 58-74 Red Bank Service Station, (Fronting Fernie Street) Cheetham Hill Road, Manchester, M4 4EX
Ward(s): Cheetham Ward

Applicant: Mr K Patel
Agent (if any): Mr R Anwar RA Design & Project Management Ltd
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 20/11/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 28 September 2023

Expired: 19 October 2023

Neighbour notifications

Printed: 28 September 2023

Expired: 19 October 2023

Site notice

Posted: 3 October 2023

Expired: 24 October 2023

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to a stretch of Fernie Street to the rear of the Red Bank Service Station on Cheetham Hill Road. There is a significant level change between Cheetham Hill Road and Fernie Street, with a steep bank from street level on Fernie Street up to the rear of the petrol station. The rear office of the service station is in an extension suspended on stilts to manage the level change.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The area relates to Cheetham Hill Road on the fringe of Manchester's city centre. The character of the area comprises a mixture of residential and commercial developments. Cheetham Hill Road is a major route from the City Centre to the north of the City. Residential developments in the area are those associated with the Green Quarter which relates to a 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 within this area.

Description of development

The development relates to the erection of a new retaining wall on Fernie Street at the bottom of the slope. The new wall would replace the existing, substantially lower, retaining wall in order to provide greater structural integrity to the bank at the rear of the service station. It would be 5m

tall at its highest point and would be fabricated from concrete with Equitone fibre cement cladding on the street-facing side of the wall.

Consultations & Notification Responses

Publicity - a notice was displayed on site to advertise the works to passers-by for reason of public interest. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health - no comments to make on application

Highways Services - method statement including highway dilapidation survey and footpath and pedestrian protection measures requested, together with detailed cross sections of site.

Appropriate conditions have been attached to this approval.

Issues

The main policies that relate to this development

Principle

The proposed development would see the introduction of a new retaining wall at the bottom of a steep bank at the rear of Red Bank Service Station which runs down from Cheetham Hill Road to Fernie Street. The retaining wall would help improve the structural integrity of the bank, the service station above it and the public highway more generally.

The principle of the proposal is therefore considered acceptable pursuant to policy DM1 of the Manchester Core Strategy (2012)

Visual amenity

The proposal would see the use of cladding to the street facing elevation of the proposed wall. It would be clad in Equitone fibre cement board. This is the same cladding that has been applied to the apartment building directly adjacent to the site. The use of this matching cladding would give the effect of one continuous wall running from the ground floor extension of the apartment building up Fernie Street. The use of a matching product for the cladding of the new wall and the existing apartment block would create a visual continuity which would allow the new structure to integrate into the existing street scape.

The bank currently has a low quality, overgrown appearance with no landscaping or elements of visual interest. The erection of the wall would create a clean, regular, low-maintenance feature in the streetscape as the height of the wall, at 5m, would effectively screen the bank itself from public vantage points on the highway.

Given the above, the works are considered acceptable pursuant to policy DM1 of the Manchester Core Strategy (2012) which requires the impacts of development on visual amenity to be assessed.

Highways safety/protection

MCC Highways Services were consulted as part of the application. They requested a number of items of further information, including a highways dilapidation survey, method statement outlining measures to protect the highway adjacent to the development site, as well as pedestrians, and detailed cross sections of the structure and its relationship to the surrounding terrain.

Appropriate conditions have been attached to this approval to ensure this information is provided prior to the commencement of the development. Hence, the development is considered acceptable pursuant to policy DM1, which requires highways safety to be considered, and saved policy DC22 of the Unitary Development Plan (1995), which states that

development shall only be allowed that does not result in unacceptable inconvenience to pedestrian movement.

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:

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The scheme is considered acceptable and appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC1 of the Manchester Unitary Development Plan, policies SP1 and DM1 of the Core Strategy and the National Planning Policy Framework.

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:

-Drawing - Proposed RAD/2872/23/2 REV A PLANS AND ELEVATION

-Supporting Information RAD/2872/23/4/REVA SITE LEVEL SECTIONS

-Supporting Information EQUITONE APPLICATION GUIDE

received by the City Council, as Local Planning Authority, on 19/09/2023

-Design & Access Statement DESIGN AND ACCESS STATEMENT received by the City Council, as Local Planning Authority, on 19/06/2023

-Supporting Information EQUITONE-BROCHURE-DUAL-UK-AND-IRELAND received by the City Council, as Local Planning Authority, on 11/08/2023.

-Tree survey or information TOPOGRAPHIC SURVEY received by the City Council, as Local Planning Authority, on 14/08/2023

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 commencement of above ground construction works, details of highways works to Fernie Street shall be submitted to and approved in writing by the City Council as local planning authority. This shall include:

-Dilapidation surveys are requested, this should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

-The details of the boundary wall installation.

-Identify the measures to protect the footway and footway users.

The approved details shall be implemented as part of the development and will be in place prior to the first occupation of the development.

Reason - In the interest of pedestrian and highway safety and in the interests of local amenity, as specified in policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

4) Notwithstanding the details approved under Condition 2 (Drawing - Proposed RAD/2872/23/2 REV A PLANS AND ELEVATION and Supporting Information RAD/2872/23/4/REVA SITE LEVEL SECTIONS, both received by the City Council, as Local Planning Authority, on 19/09/2023), prior to the commencement of the development hereby approved, full and final details of the boundary wall arrangement shall be submitted to and approved in writing by the City Council, as Local Planning Authority.

These details shall include detailed cross-section at points A, B & C referenced in the approved drawing (Drawing - Proposed RAD/2872/23/2 REV A PLANS AND ELEVATION received by the City Council, as Local Planning Authority, on 19/09/2023). The cross-sections shall include the profile of the land within the property and including the existing road on Fernie Street.

The approved details shall be implemented in full as part of the development and shall remain in situ for the duration of the development.

Reason - in the interest of amenity and road safety pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012)

5) Notwithstanding the details approved under Condition 2, prior to the commencement of the development hereby approved, samples and specifications of the materials to be used on the wall, including fixing details, shall be submitted for approval in writing by the City Council as

Local Planning Authority. This includes any of the external materials, including the cement fibre cladding.

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 89, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 134, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 73, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 122, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 13, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 15, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 3, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 139, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 74, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 66, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 130, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 146, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 10, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 47, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 35, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 76, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 50, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 91, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 59, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 32, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 37, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 94, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 9, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 88, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 99, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 62, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 112, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 133, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 102, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 121, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 41, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 5, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 107, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 124, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 68, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 82, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 42, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 8, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 128, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 109, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 93, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 104, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 4, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 24, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 7, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 61, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 39, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 44, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 77, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA

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Flat 110, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 81, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 114, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 71, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 23, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 118, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 2, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 127, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 65, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 27, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 63, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 129, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 43, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 135, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 22, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 84, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 38, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 106, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 51, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 26, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 64, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 57, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 103, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 6, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 78, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 105, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 119, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 108, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 60, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 117, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 70, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 131, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 14, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 90, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 141, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 16, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 137, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 67, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 53, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 54, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 140, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 97, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA
Flat 28, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 25, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4FZ
Flat 85, Hallmark Tower, 6 Cheetham Hill Road, Manchester, M4 4GA

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
Area Team Boundary - Name: CENTRAL