

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131137/FO/2021

Date registered valid: 17 January 2022

Proposal: Change of use for mezzanine area to allow for function room, conference, non residential training, trade fairs and networking event facilities (Sui Generis).

Address: Mezzanine Of 16,17 And 18 Cheetham Hill Shopping Centre , 40 Bury Old Road, Manchester, M8 5EL

Ward(s): Crumpsall Ward

Applicant: Mr Tariq Mohammed, Manchester Plaza

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 6 February 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 21 Aug 2021

Standard consultations:

Printed: 21 February 2022 Expired: 1 March 2022

Neighbour notifications

Printed: 21 February 2022 Expired: 1 March 2022

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 application site relates to vacant mezzanine floorspace above an existing retail unit. A previous planning application referenced 118867/FO/2018 was approved for a temporary 3 year period for the change of use of mezzanine floorspace from non-residential institution (Class D1) to a combined non-residential institution and assembly and leisure use (Classes D1 and D2). The use was not implemented and has now expired.

The property is situated along the main pedestrianised street within the Cheetham Hill Shopping Centre - a purpose-built shopping precinct situated just off the main road of Cheetham Hill Road.

Description of area

The site is situated within a purpose-built shopping arcade within the heart of Cheetham Hill District centre which is mainly focused north to south along Cheetham Hill Road and neighbours the site to the west. A short distance to the east is a large Tesco supermarket and its associated car park which link to the eastern end of the arcade.

Due to the district centre location, the site is situated within a highly commercialised area containing a wide variety of retail, food and drink and professional uses.

Description of development

Planning permission is sought to change the use of the mezzanine area to allow for function room, conference, non-residential training, trade fairs and networking event facilities (Sui Generis).

Access to the mezzanine will not change and will be through the existing ground floor door. No other external changes are proposed as part of this application.

Site History

118867/FO/2018 Change of use of mezzanine floorspace from non-residential institution (Class D1) to a combined non-residential institution and assembly and leisure use (Classes D1 and D2) for a temporary period of 3 years. The use was not implemented and has now expired.

Consultations & Notification Responses

The occupiers of the surrounding properties were consulted, and no representations were received.

The Highways Team confirmed there are public car parks within close proximity of the premises and the anticipated number of visitors to the venue can be accommodated within the existing car parking provision.

The shopping centre servicing area manages the storage and collection of waste, as well as deliveries. The existing arrangement is considered acceptable.

Environmental Health were consulted and confirmed fumes, hours restriction, servicing hours and noise outbreak conditions be attached to the consent.

Issues

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 premises 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, first floor/mezzanine floorspace and will contribute to the diverse range of uses within the district centre to the benefit of the community. It will also facilitate the creation 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 application premises and a number of neighbouring premises are presently vacant. The proposed use would therefore bring the premises back into effective use without any undue impact on the retail function of the 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.

Residential Amenity

Due to the commercial context of the area, existing background noise levels and the position of the premises just off the major north/south arterial route of Bury New Road, it is not believed that there would be any significant or material impact in terms of background noise levels and levels of activity.

It is further believed that any impact can be limited by a restriction to the opening proposed. In this instance the opening hours of premises are limited to 11 am to 11.00 pm daily.

On balance, given that the premises is situated within a commercial parade, within a busy district centre, it is not considered that the amenity of residents would be unduly affected.

Noise

Given the commercial location of the premises and the distance between the host unit and the nearest residential properties to the east, it is highly unlikely that any noise impact created by use of the floorspace would result in any harmful impacts to residential occupiers who are perhaps the most noise sensitive of occupant.

An acoustic assessment has been submitted to provide details of the baseline noise environment and the likely noise impact to be generated.

Environmental health require further details relating to noise generation at the site as the scheme proposed may need to include different measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels. These forms of mitigation will control any adverse impacts.

Impact upon the Highway

In comparison to other units within the shopping centre and much of the district centre, no off road car parking is provided within the curtilage of the premises or for the sole use of occupiers/visitors of the building.

It is considered that the given the highly sustainable location of the premises with proximity to public transport and also through the use of linked trips, any impact upon car parking is unlikely to be detectable during the less busy times of the function facility. Similarly, given the number of staff proposed and the anticipated number of patrons, there will be minimal impact upon the operation of the highway network.

Overall, the proposed is not likely to result in a material difference in parking demand or more so than authorised Class E use, however, during wedding receptions the demand for car parking provision will increase, however, any parking shortfall can be adequately catered for by the free Tesco car park which is situated a short walk away, immediately to the north east. This car park has been observed to have an ample supply of spaces and is often used legitimately by customers of other businesses in the area and a letter from Tesco has been provided by the applicant confirming Tesco agreed to the use of the car park would be allowed and made available during busy times, such as wedding receptions, where it is anticipated that up to 350 people may visit at any one time. To cater for this amount of visitors Tesco outlined approximately 120 spaces with a further 28 if needed on the boundary of the car park dedicated and made available for the users of the function facilities and appropriate conditions have been added to the consent.

On the basis, there it is not felt that there will be any significant, undue impact upon existing car parking operations or the operation of the highway.

Refuse storage - In comparison to other businesses in the shopping centre, the submitted scheme indicates space within a communal rear yard and a waste management strategy has been submitted and agreed by environmental health.

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 worked in a positive and proactive manner with the applicant to address the unauthorised use and to negotiate the submission of the correct information for the application. Therefore, the scheme has now been considered retrospectively and is acceptable and in accordance with the Development Plan.

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:

17062-05 BP,
17062-04,
Location Plan,
Design and Access Statement,
Acoustic Study by X Acoustics
The Waste Strategy,
Waste Transfer Note,
The Transport Assessment, stamped as received on the 21 December 2021,
The Waste Management Proforma, stamped as received on the 17 January 2022.
The emails from Tariq Mohammed dated 27 November 2022 and 23 January 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) The waste management arrangements shall be carried out in accordance with Waste Management Proforma, stamped as received by the City Council, as Local Planning Authority, on the 17 January 2022. 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 adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

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 residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and extant policy DC10 of the Unitary Development Plan for the City of Manchester.

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

11am - 11pm Monday to Sunday.

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.

6) a) The premises shall be acoustically insulated and treated to limit the breakout 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, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

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 - 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.

7) The use hereby approved shall only be implemented in accordance with the measures contained within the submitted Travel Assessment, received by the City Council as Local Planning Authority on 21 December 2021.

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns shall be submitted to and approved in writing by the City Council as Local Planning Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises at the Mezzanine level, Units 16,17 And 18 Cheetham Hill Shopping Centre, 40 Bury Old Road, shall be used as a function room, conference, non-residential training, trade fairs and networking event facilities (Sui Generis) and for no other purpose.

Reason - The restriction to the use is required for the avoidance of doubt and in order to secure a satisfactory form of development in order to preserve the character of the neighbourhood and minimise the impact on the use on residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for Manchester (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

9) Within one month from the date of this permission, details of a traffic management plan with the purpose of reducing on-street car parking within the vicinity of the site, implementation and monitoring of effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The management plan shall outline the monitoring procedures and review mechanisms that are to be put in place to ensure that the strategy and its implementation remains effective. The management plan shall then be implemented within one month of approval. The results of the monitoring and review processes shall be submitted in writing to the local planning authority within a timescale to be agreed and any measures that are identified that can improve the effectiveness of the management of car parking, associated with the use in the vicinity of the site, shall be adopted and implemented.

Reason - In accordance with the provisions contained within Planning Policy Guidance and to enable the use and activity to be monitored and to assess the impact on the general amenity of the area with particular regard to traffic generation, pursuant to policies DM1, SP1 and T2 of the Manchester Core Strategy.

10) The off-site arrangements for the provision of car parking within the Tesco car park shall be carried out in accordance with the emails received from Tariq Mohammed dated 27 November 2022 and 23 January 2023 for the use by visitors of the function rooms hereby approved. The arrangements for off-site car parking shall be made available to visitors during the occupation of the authorised use and shall be maintained in situ thereafter and shall be made available while the use of development is in operation.

Reason - To ensure that the development is supported with satisfactory car parking provision and in the interests of residential amenity and pedestrian and highway safety pursuant to policies SP1, T1 and DM1 of the Core Strategy for the City of Manchester.

11) 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.

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.

Informatives

1) Gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway

2) Any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services

Pharmacy, Tesco, Thomas Street, Crumpsall, Manchester, M8 5DP
Tesco, Thomas Street, Crumpsall, Manchester, M8 5DP
Poundstretcher, 20 Bury Old Road, Manchester, M8 5BN
15 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
14 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
18 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
14A Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
13B Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
13A Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
26 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
25 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
24 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
23 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
22 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
21 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
20 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
Sofital Thai Massage & Health Lounge, 19 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
17 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
COSTA, 13 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
12 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
11 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
8 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
7 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
6 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
5 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
4 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
3 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
2 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
1 Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
Cheetham Hill Shopping Centre, 40 Bury Old Road, Manchester, M8 5EL
Iceland Frozen Foods, 22 Bury Old Road, Manchester, M8 5BN

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH