

Application Number	Date of Appln	Committee Date	Ward
111490/FO/2016/N1	16th May 2016	28th Jul 2016	Cheetham Ward

Proposal Installation of 7 stacked container units to the rear of existing building and reconfiguration of existing building to form a total of 11 wholesale cash and carry units (sui generis) together with elevational alterations to existing building and new car parking layout

Location 11 Bent Street, Cheetham, Manchester, M8 8NF

Applicant Mr Mark & Mrs Jo Hamburger , Bent Street Properties LLP, 6 Croft Close, Hale Barns, WA15 0BT

Agent Mr Dougal Sheridan, LiD Architecture, 278 Woodstock Road, Belfast, Antrim, BT6 9DN.

Description

The application site relates to an existing part single, part two-storey, red brick, former school building situated within the heart of the established warehouse district.



Side view of existing building and the access road – Torah St

In recent times the building has been used for wholesale cash and carry purposes and has undergone extensive refurbishment by the current owners following a period of disrepair. The building has previously had planning permission to be used as 7 individual wholesale units.

To the rear, is an area of hard-standing, enclosed by Paladin fencing accessed from Torah Street which also forms part of the application site and may have previously been used for parking.

In terms of the immediate surroundings, the site is neighboured by similar uses on either side and to the rear by a single storey, pre-fabricated warehouse which shares the access along Torah Street.

The application site is situated within the Strangeways Employment Area and sited in the Cheetham Hill district of the city. This part of Cheetham Hill is dominated by wholesale buildings and employment generating uses and contains a variety of building which large floorplates.

In this case, planning permission is sought for the installation of 7 stacked container units over two levels to the rear of existing building in order to form additional wholesale business units (sui generis), together with elevational alterations to the existing building and a new car parking layout. The units will be situated on an area of existing hardstanding.

The proposal aims to complement the existing building and turn both the existing building and the new development into one hub forming a total of 11 units, with ancillary space for creative small businesses in the fashion and garment industry.

The rentable spaces are aimed at small to medium sized tenants with the units orientated around the internal central hall and an external courtyard directly connected to the existing building via a proposed new opening in its rear wall. The courtyard creates a new entrance to the building, directly adjacent to the car park

It is proposed that the existing building remain relatively unaltered with the exception of some minor alterations including the reinstatement of windows to south and north elevations and a new opening to form a connection to the proposed new build elements.

The application as submitted did not include the unadopted highway and the access lane to the north of the existing site within the site edged red location plan. It is necessary to include these elements as they allow facilitate access to the site from Bent Street. It is also necessary to serve notice on affected landowners who use the access and may have an ownership stake in the access gates at the junction of Torah Street and Bent Street.

Given the above, the applicant amended the site edged red location plan to include the access points. An amended land ownership certificate (certificate B) was also submitted to confirm notice had been served on adjoining landowners who use the shared access points. The application was re-registered accordingly.

Consultations

Local Residents/Occupiers – 2 objections have been received from adjoining business occupiers. 1 of the objectors appointed an agent to make representations on their behalf. Comments are summarised below:

- The short street from Bent St which leads to the car park and servicing area would be obstructed by the proposed use.

- The existing fence around the car park encroaches onto Torah Street.
- There are inaccuracies with the submitted floorplans and it is questioned whether the existing units within the existing building have planning permission.
- The proposed use would caused traffic congestion along Torah Street as a consequence of deliveries and traffic movement.
- The amount of off-street parking to be provided is not sufficient and could have a detrimental impact on the surrounding highway network.
- The turning spaces for deliveries and servicing is not sufficient.
- It is believed the proposed use would block the right of way of a neighbouring business.

Highway Services – The following comments are provided:

Traffic Impact

Whilst there are no details of anticipated trips associated with the proposed development, Highways are satisfied that the introduction of 7 additional small units would be unlikely to generate a significant traffic impact at the location and the proposed level of 11 off street car parking spaces coupled with the availability of on street parking along Bent Street is considered satisfactory for the development demands.

On Site Parking

The development proposes 11 parking spaces including 1 accessible space. Covered cycle stands are included with capacity to store 6 bicycles. The proposed car park layout shows appropriate dimensioned spaces and there is satisfactory manoeuvrability space so vehicles are able to enter and leave in a forward gear. The level of car parking provision is considered appropriate for the scale of the development and is therefore accepted by Highways.

Off Site Parking

There are no waiting restrictions present on Bent Street adjacent to the building and parking within the carriageway is therefore unrestricted. Bent Street is also considered sufficiently wide for vehicles to park adjacent to the building without blocking through traffic on the carriageway.

Vehicular Access

Traffic accessing the development is to make use of the existing 'shared access' from Torah Street. This arrangement is considered satisfactory and therefore accepted by Highways. Vehicle access is also available from the short cul-de-sac running along the northern boundary to the building, also off Bent Street.

Servicing

A servicing strategy has been submitted which proposes for the majority of deliveries to use Torah Street. A swept path of visiting vehicles has been provided which demonstrates that vehicles with long fixed wheel bases, such as Transit and Sprinter vans can enter and leave the development in a forward gear. The servicing arrangements are therefore considered appropriate and accepted in principle by Highways.

Construction Management

Due to the close proximity of neighbouring businesses and the shared use of Torah Street, Highways recommend that a construction management plan is set as a condition of planning to ensure that any sensitive receptors are suitably accommodated by the construction processes.

Other Highway Issues

The shared access along Torah Street is not adopted and is presently subject to a legal closure. There are gates installed to Torah Street but to legalise the installation of the gates, Torah Street should be formally stopped up and its highway status extinguished.

Environmental Health – No objection. Conditions are recommended with respect to hours of use, waste management and the acoustic insulation of any external equipment.

United Utilities – No objection. No conditions are recommended.

Flood Risk Management – No conditions are seen as necessary. The following informative is recommended:

'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 policies EN08, EN14 and EN17 of the Core Strategy'.

Greater Manchester Police – Various security specifications are recommended. It is also recommended that the development be designed and constructed to 'Secured by Design' standards.

Policy

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant

elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EC1 looks to ensure priorities for economic growth. The Council will support significant contributors to economic growth and productivity including health, education, retailing, cultural and tourism facilities, and other employment generating uses.

Policy T2 looks to manage the pattern of development to ensure that new development is located in accessible locations. Particular emphasis is given to the need to ensure residents are able to live in locations accessible to employment health, education, open space and leisure opportunities. The policy also states that all new development should provide appropriate car parking facilities.

In addition, the following saved policy of the *UDP* is also considered relevant:

Policy CC10 encourages the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas. The Council recognises the regional role played by this locality and will pursue policies designed to improve the efficiency of existing businesses by environmental improvements and better parking and servicing.

Permission will only be granted where proposals incorporate sufficient parking and servicing for their own needs, subject to a proper balance of other planning requirements.

Strangeways Local Plan – The City Council document outlines aspirations for the Strangeways area and recognises the economic importance that the area plays in the wholesale trades and an important provider of employment in Manchester.

The Local Plan identifies the site as being within the ‘warehouse district’ and acknowledges the need to retain and improve the neighbourhood as a vibrant business location. The Plan also encourages a programme of public realm improvements and improvements to accessibility and the physical environment.

National Planning Policy Framework - The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7).

Paragraphs 11, 12, 13 and 14 of the NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Issues

Principle

The overarching policy framework and in particular, the Strangeways Local Plan, recognises the site as being within the warehouse district and advocates that further businesses which support economic growth in the area are generally welcomed.

Saved Policy CC10 of the UDP encourages the continued high level of economic activity in Strangeways and lower Cheetham Hill Rd areas, recognising particularly the needs of the wholesale trades which dominate these areas.

Given the policy context, it is considered that the general principle of the proposed use would be acceptable in this location, although other issues surrounding design, car parking and any impact upon nearby residents also needs to be considered.

Design, Scale and Appearance

The proposed development includes the use of stacked container units to form an innovative, contemporary design solution not typical of ordinary containers. Shipping containers and alike have been increasingly used for a variety of permanent uses including affordable homes due to their flexibility, durability and cost effectiveness.

In this case, the units will be stacked to predominantly two storeys high, with a single third storey unit to provide a canopy to the ground floor entrance. Due to the stacking arrangement, a ground floor courtyard will be formed which will be served by both stepped and ramped access. The proposed courtyard will form an access hub which will comprise of non slip timber deck to match the internal floor height.

The containers are to comprise of galvanised metal cladding which will be painted with high quality metal paint and will include a decorative chain-link metal mesh screen within a galvanised metal frame which will incorporate painted graphics.

The proposal is of a scale sympathetic to the existing building in terms of height and massing. Its average height of 6 metres is less than the existing building's average height of approximately 10 metres.



Taking into account the mixed style and scale of adjoining buildings and their relationship to each other, coupled with the warehouse context of the immediate area, including the adjoining metal clad warehouse, the design, scale and appearance of the proposed development is considered acceptable. Any impact will be minimised due to the siting of the new stacked units behind the existing building, away from the main road frontage.

Residential Amenity

Due to the relatively detached position of the nearest residential neighbourhood and given the context of the site's immediate surroundings, it is not believed that there would be any significant, adverse effect upon the living conditions of nearby occupiers in terms of increased activity and any associated noise and disturbance. Any impact can be mitigated through the use of planning conditions to control hours of use, external equipment and servicing arrangements. Conditions have therefore been imposed in this regard.

In terms of any impact upon adjoining business occupiers, it is felt that given the design and scale of the proposed development, the relationship of the structure with adjoining buildings and the absence of any directly facing windows, there will be no significant impact in terms of over-dominance or overlooking.

Parking

Saved Policy CC10 relates specifically to the Cheetham area of Manchester and whilst it recognises the economic importance of wholesaling in the area, it advocates that permission should only be granted where proposals incorporate sufficient parking and servicing for their own needs.

In this case, 11 car parking spaces are proposed along with bicycle parking for a minimum of 6 bikes.

Vehicular access will be provided from Bent Street to both sides of the development via Torah St. and the lane to the north side of the property.

Whilst there no parking standards enshrined within policy for this type of use, it is believed that the number of proposed spaces provides an acceptable ratio given the use of the premises, the anticipated number of employees, the limited amount of visitors, the proximity of public transport links and the availability of nearby on-street parking.

The area may have previously had potential to be used for car parking associated with the existing building, but it is not thought that given the proposed use and the revised parking layout that there would insufficient space for vehicles to park and that any overspill parking could be absorbed by on-street provision.

The parking ratio is comparable to other similar business in the area and it is not therefore believed that there will be marked or detectable impact upon the highway network. Highway Services raise no objection to the level of provision.

Servicing

The individual units are to be let to small businesses in the fashion and garment industry.

The information submitted as part of the application states that due to the relatively compact nature of goods handled and the small scale of the units, the industry norm for delivery vehicles is small to long wheel base delivery vans. For example, 'Sprinter' or equivalent. It is further estimated that on average, each business may take 1-2 deliveries per week, resulting in an average of 8-16 deliveries per week for the development.

It is considered that give the type and frequency of servicing movements and the availability of turning space for the delivery vehicles proposed, the proposed servicing arrangement is considered satisfactory. Highway Services raise no objection to the principle arrangement, although a condition has been included to allow for the submission and approval of a more detailed servicing strategy and in particular the servicing demands of each individual unit.

Refuse Storage

A dedicated undercover, shared refuse storage area is proposed within the recess of the existing building to provide accessible bin storage for the proposed occupiers.

Receptacles will include 2 no. 1100 litre Euro bins, 2 No. 240 litre wheeled paper bins, 1 no. 140 litre glassed bin and 1.no wheeled can bin. On refuse collection day the bins are to be wheeled to a dedicated collection point beside the Torah St Gate for collection from Bent St by the building management. Shared refuse facilities are considered more practical for the kind of small tenancies proposed and allow for

more effective recycling. It is the individual tenants responsibility to empty any small waste i.e paper bins to the larger shared bins.

A condition has been included to ensure compliance with the submitted strategy which is considered acceptable.

Access

Internal access to the existing is to remain unchanged. No lift is proposed to the container units as this would prove unviable for 79 m² of floorspace which in any event are to be accessed externally. A staircase to satisfy ambulant requirements is however provided and the hub courtyard units and the existing ground floor are fully accessible and include a 1:20 ramped access from the car parking area adjacent to the disabled car parking space.

Other Issues

Issues have been raised by the appointed agent of one objector regarding the fence line of the existing car park along Torah Street, land ownership, rights of access along Torah Street and the internal arrangement of the existing building.

In response to the fence in dispute, the applicant has submitted revised plans showing the removal of the fence in order to appease the neighbour.

Whilst the fence is not considered to create any undue impact in planning terms, the applicant has sought to overcome the objection by removing a fence which the neighbouring landowner claims is on land outside of the applicant's ownership, which in turn narrows the shared access route along Torah Street.

Any further disputes between the applicant and neighbouring land owner regarding rights of access along Torah Street and land ownership are considered a civil legal rather than a planning matter and should not therefore be considered as part of this application.

In terms of the configuration of the existing building and any deviation from the approved floor plans as part of the original planning permission referenced 095063/FO/2010/N1, the circumstances are not fully clear. It is however possible to reconfigure floorspace within the same use class without the need for planning permission. In any event, any inaccuracies can be clarified and regularised via the granting of the current proposal.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

Reason for recommendation

Approve on the basis that the proposal accords with policies DM1, EC1, T2, CC10 and SP1 of the Manchester Core Strategy, The Strangeways Local Plan and the National Planning Policy Framework (NPPF).

Conditions to be attached to the decision

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) No above ground development that is hereby approved shall commence unless and until 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 only be carried out in accordance with the approved materials.

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.

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

Drawings numbered BS-P-006, BS-P-007, BS-P-008, BS-P-009, BS-P-010 and BS-P-012 stamped as received by the City Council as Local Planning Authority on 7th March 2016, revised drawings numbered BS-P-001, BS-P-002, received by the City Council as Local Planning Authority via e-mail dated 16th May 2016 and drawing

numbered BS-P-005 received by the City Council as Local Planning Authority via e-mail dated 7th July 2016.

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.

4) All units comprising the development hereby approved shall not be open outside the following hours:

08.00 - 19.00 hrs Monday to Friday.

At no times on Saturdays, Sundays and Bank Holidays.

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

5) 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, servicing and all collections, including waste collections shall take place on Sundays and Bank Holidays

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

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building or container units hereby approved shall not be further subdivided to form additional units.

Reason - To prevent an over-intensive use of the site, pursuant to Policies SP1 and DM1 of the Manchester Core Strategy

7) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the local planning authority, which for the avoidance of doubt should include;

- Hours of working;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

Development shall be carried out in accordance with the approved construction management plan unless otherwise agreed in writing by the local planning authority.

To safeguard the amenities of nearby occupiers, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

8) The proposed development hereby approved shall only be carried out in accordance with the waste management strategy outlined in the submitted Design and Access Statement stamped as received by the City Council as Local Planning Authority on 7th March 2016 and drawing numbered BS-P-005 received by the City Council as Local Planning Authority via e-mail dated 16th May 2016. 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 - In the interests of visual amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

9) Prior to the installation of any externally mounted ancillary plant, equipment and servicing a scheme shall be submitted for approval writing by the City Council as Local Planning Authority. The approved scheme shall then be implemented in accordance with these details prior to their first use.

A scheme shall be designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave wave band at the nearest noise sensitive location.

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

10) The car parking indicated on the approved plans shall be demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policies DM1 and SP1 of the Manchester Core Strategy.

11) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

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 occupation of the business units hereby approved a scheme for the management of the access through the vehicle and pedestrian gates on Torah Street are to be submitted and approved in writing by the City Council as local planning authority. The scheme shall include:

- Details of the times of the opening and closing of the pedestrian and vehicle gates; and
 - The arrangements for neighbouring properties who utilise Torah Street to gain appropriate vehicular and pedestrian access through the gates.
- The access gates shall thereafter operate in accordance with the agreed scheme.

Reason - To ensure that: users of Torah Street are able to gain appropriate access to their properties; and, that the efficient operation of the surrounding local highway network is maintained pursuant to saved policies DM1 and SP1 of the Manchester Core Strategy.

13) Notwithstanding details submitted, no unit shall be occupied until a full servicing strategy has been submitted to and approved in writing by the City Council as Local Planning Authority. 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 - In the interests of highway safety and to safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

14) For the avoidance of doubt, the development hereby approved shall be used as wholesale units (sui generis) only and shall not be used for retail sales (Use Class A1) as prescribed by the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason - To ensure the premises are used for wholesale purposes only, pursuant to saved policy CC10 of the Unitary Development Plan for the City of Manchester.

15) The new container units hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secured by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 111490/FO/2016/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

Highway Services
Environmental Health
North Manchester Regeneration Team

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

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Environmental Health
Greater Manchester Police

Relevant Contact Officer : Steven McCoombe
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Application site boundary ● Neighbour notification
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