

Application Number	Date of Appln	Committee Date	Ward
129327/FO/2021	16th Feb 2021	29th Jul 2021	Ancoats & Beswick
129324/LO/2021			Ward

Proposal Creation of a bistro (Use Class E) and associated elevational alterations including the installation of a retractable awning

Location 59 - 61 George Leigh Street, Manchester, M4 5DR

Applicant James Spalding, New Islington Marina, Old Mill Street, Manchester, M4 6EA

Agent Stephen Fish, Fish Associates Ltd, 216 St. Georges Road, Bolton, BL1 2PH

Executive Summary

The proposal is for a change of use of a vacant unit to a bistro and associated internal and external alterations, including the installation of a retractable awning as well as the provision of an outside seating area.

Key issues:

Principle: The unit is located in the city centre within the established neighbourhood of Ancoats. The commercial uses are acceptable in this location subject to there being no unacceptable impacts on residential amenity.

Residential amenity: The effects on the residents within Victoria Square and surrounding residential developments have been considered within the context of the local area. It is acknowledged that there would be some impact on nearby residents, but it would not be so harmful so as to warrant refusal of the application

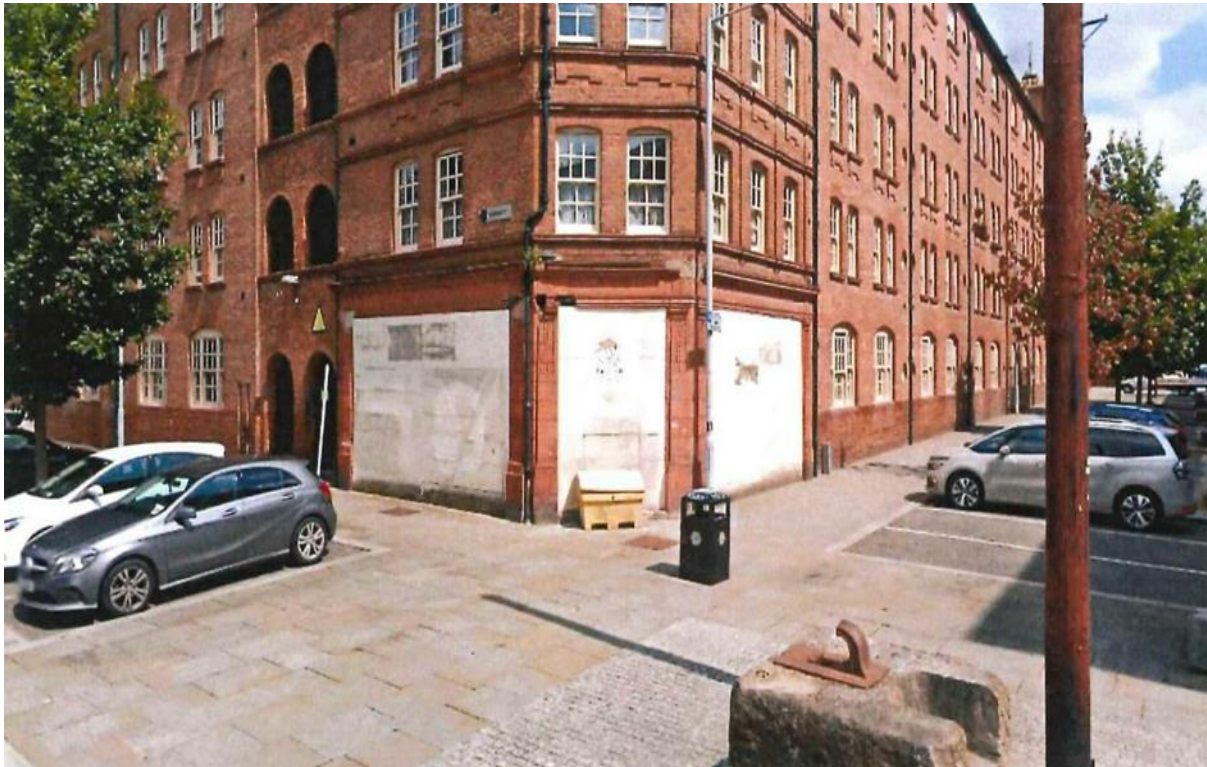
Impact on the Listed Building and setting of Conservation Area: Any harm to heritage assets would be less than substantial and would be outweighed by the public benefits of the scheme, in accordance with the provisions of Section 66 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

A full report is attached below for Members consideration.

Description

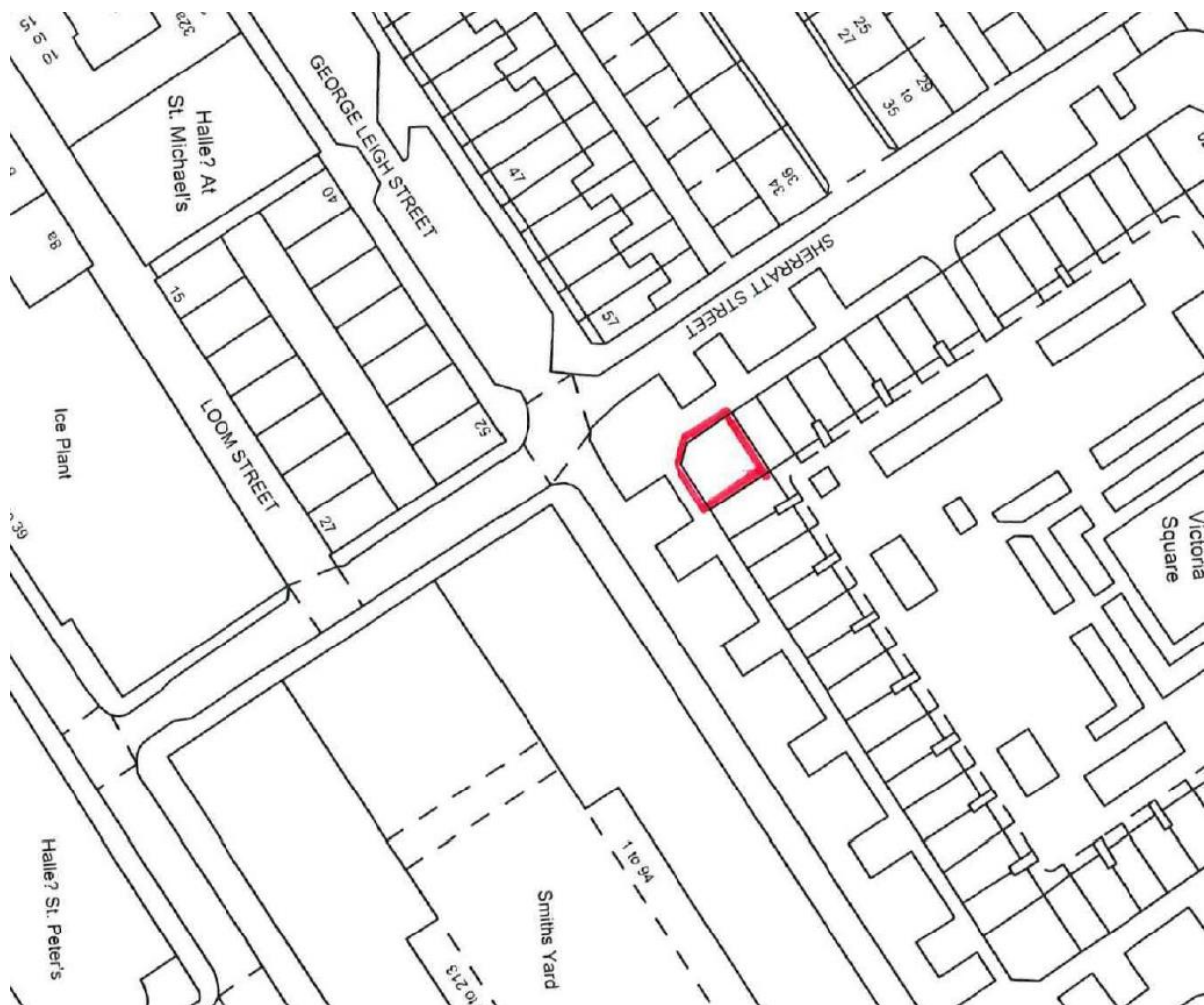
The application site relates to a vacant corner unit at the junction of George Leigh Street and Sherratt Street. The shop front is currently boarded up to prevent vandalism and unauthorised access. The property comprises ground and basement accommodation. Original timber shop front and doors are in situ along with other decorative internal and external features such as wood block flooring, cast iron columns, raised bench display window and terracotta.

Site Photograph



The unit is located within Victoria Square, which is Grade II Listed Building and located within the Ancoats Conservation Area. Victoria Square was the first single-class housing area in the country was built in 1889 to provide homes for mill workers in Ancoats. Victoria Square is the first example of municipal housing in Manchester and it continues to be used for social housing and contains a total of 165 retirement properties and is managed by Northwards Housing.

Site Location Plan



There are a number of commercial premises along the Oldham Road frontage of Victoria Square which contain uses such as Shops, Cafes, Hairdressers and Solicitors. The building originally contained 16 shops at ground floor, each with a cellar. The application site was one of these units and was once occupied by a Cobblers however it is understood to have been vacant for over 15 years and used for storage associated with the wider residential use of the building.

The surrounding area is a mixture of residential and commercial developments. At the opposite end of Victoria Square along George Leigh Street, at the junction with Bengal Street, is a further vacant unit. The former Shamrock Public House is also situated on this junction.

To the south of the site is cutting room square, bounded by the converted Hallé St Peter's building, the Fairbairn Building, the Hood Street development site and the Ice Plant. These are a mixture of new and converted residential blocks fronting the square together with ground floor commercial units.

The submitted application seeks planning permission for the creation of a bistro (Use Class E) and associated elevational alterations including the installation of a retractable awning. A Listed Building consent application has also been submitted

alongside this for internal fit out works as well as elevational alterations including the installation of a retractable awning.

The proposal internally would consist of a bar, seating area, wine display and shop on the ground floor and a kitchen and two toilets sited within the basement area

Consultations

Local residents and businesses were notified, and a site notice was displayed for 21 days to advertise that the proposal would affect the setting of the conservation area and listed buildings as well as listed building consent.

Two rounds of neighbour notification was carried out resulting in 7 objections. The comments can be summarised as follows:

First Notification

4 objections have been received. The comments can be summarised as follows:

-The residents of Victoria square have had to endure noise, dust and pollution whilst the nearby houses and apartments were being built.

- Residents have experienced problems since the bars opened on Blossom Street including anti-social behaviour, public urination and singing and shouting sat on the benches nearby to Victoria Square. This can happen up until 5am.

-The last nine years has caused a lot of physical and mental distress to Victoria Square tenants who have felt marginalised and ignored.

-Many of the tenants in Victoria Square are ill and elderly and it is not appropriate to open a wine bar and restaurant in a building for elderly people.

-The proposed outside seating area would be directly under people's living rooms or bedrooms.

-Concerns raised with regards to noise from patrons of the proposed use particularly as many residents have their windows open for a lot of the year as the flats are warm.

-There are a number of existing pubs and wine bars around the Blossom Street area, the objector would like to see the unit occupied by something that would benefit the occupants of Victoria Square, as well as the new houses and flats and which would close at a reasonable time.

-Comments made that Victoria Square tenants have endured noise and disturbance as well as issues with crime when the nearby Shamrock pub was in operation and complaints from residents were ignored.

-Concerns raised that licencing conditions would not be adhered to.

-The use would attract undesirable people to the area.

- A bistro use with the associated outside noise is not conducive to the mental and physical health of elderly people who reside within Victoria Square.

- The outside noise level made by patrons cannot be controlled and smoking from patrons will penetrate the flats above which is not good for people with lung issues.

-The noise assessment was carried out on the basis that tenants windows are closed, this is often not the case during the summer is and the proposal are to have 32 people seated at tables and chairs underneath tenants' living rooms and windows.

-The applicant is assuming that residents do not go to bed until after 11 pm and this is not the case as many elderly people retire to bed from 8 pm onwards.

-There are safety issues for tenants as the gate to enter the building is next to the customer seating which will make tenants feel intimidated, and could leave tenants vulnerable to being followed into the building.

-Visitors using the intercom system could overheard by customers who could use this information to access the building in the future.

Second Notification

1 letter of support has been received. The comments can be summarised as follows:

Resident states that they are delighted that the use is to commence within this unit and that people have to realise that Ancoats is an up and coming place to live and the resident is proud to be a part of this.

They also state that they speak on behalf of a lot of residents that they would like for the vacant unit to become occupied so it can be enjoyed by local people.

3 objections have been received reiterating the comments already received during the first notification as well as raising security concerns

Environmental Health Recommendation of the addition of conditions relating to opening hours, deliveries, noise, waste management and fume extraction.

Highways advise that whilst no car parking is proposed as part of the development, it is a central location with access to sustainable transport connections. A secure cycle storage should be provided for the use of customers and staff. The provision of the outside seating area and position of the awning would not compromise highway and pedestrian safety.

Design for Security at GMP Recommendation of physical security measures in relation to external doors, windows, internal security, CCTV, lighting, alarms and external seating.

Policy

The Development Plan

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.

Planning applications in Manchester must be decided in accordance with the Core Strategy and saved UDP policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

Those which are of particular relevance to the proposal are as follows:

Policy SP 1 (Spatial Principles) - The development would be highly sustainable and would deliver economic and commercial development within the Regional Centre. It would be accessible by all forms of sustainable travel. It would enhance the built environment and create a well designed place that would enhance and create character, re-use previously developed building and reduce the need to travel.

Policy EN1 (Design Principles and Strategic Character Areas) – The proposals would ensure that the existing rich pattern of development and legacy of the evolution of the City would be preserved and maintained for future use. The introduction of an active street frontage would improve natural surveillance and safety as well as sensitively restoring the listed façade.

Policy EN3 (Heritage) - The proposal would improve the condition of the building and protect its heritage significance. The impact on the listed building and conservation would be considered in detail in this report.

Policy EN19 Waste - Conditions would ensure that the proposal is consistent with MCC waste strategy requirements.

Policy T1 (Sustainable Transport) – This highly sustainable location would increase the use of sustainable transport modes such as walking and cycling.

Policy T2 Accessible Areas of Opportunity and Need - The proposal would create employment opportunities that are accessible by a range of transport modes.

Policy DM 1 (Development Management) - Outlines a range of general issues that all development should have regard. The application is supported by information in relation to Fumes and Waste Management as well as an Acoustic Report. These reports assess the impact of the proposals upon the local environment, recommend mitigation measures where necessary and conclude that the proposals would not have an adverse impact on the amenity of surrounding residents, provided appropriate mitigation measures are in place.

Policy CC5 (Transport) – A The site is accessible by public transport and sustainable modes of travel.

Policy CC8 (Change and Renewal) – The reuse and refurbishment of the vacant space would create employment which should be supported subject to the balance of any heritage issues associated.

Policy CC9 (Design and Heritage Design) – The internal and external works would be of an appropriate quality and would on balance serve enhance the heritage asset.

Policy CC10 (A Place for Everyone) - The building would include adaptations to meet disabled access needs where possible given heritage related constraints.

Policy C10 (Leisure and the evening economy) - The impact of the proposal would be acceptable subject to the imposition of conditions.

Saved Unitary Development Plan Policies

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.

Policy DC10.1 (Food and Drink Use) - The proposal would provide a Bistro which is considered appropriate in this location. The effect on the amenity of neighbouring residents has been considered and appropriate conditions have been attached to control this. The availability of safe and convenient arrangements servicing have been considered and deemed acceptable by Highways Services and will be subject to appropriate conditions. A waste management strategy has been provided which is acceptable and ensures the storage of waste in a segregated internal store.

Policy DC 10.4 (Food and Drink Use) - Conditions would be imposed in order to protect the amenity of nearby residents including limitations on the hours of opening, the need to deal satisfactorily with noise, fumes, odours and the storage and collection of refuse.

DC18.1 (Conservation Areas) -The impact of the proposal on the Ancoats Conservation Area Building is considered within the issues section of the report.

DC19.1 (Listed Buildings) -The impact on the Listed Building is considered within the issues section of the report.

DC26.1 and DC26.4 (Development and Noise) - Acoustic assessments have been submitted and appropriate conditions would be imposed to reduce the impact of noise surrounding residents.

National Policy

The revised National Planning Policy Framework (Feb 2019) sets out the Government's planning policies for England and how these are expected to apply. It aims to promote sustainable development.

The Government states that sustainable development has an economic role, a social role and an environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14

of the NPPF outline a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan.

Paragraphs 11 and 12 state that: "For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay" and "where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed".

The proposed development is considered to be consistent with sections 6, 8, 9, 12, 15 and 16 of the NPPF for the reasons briefly outlined below, and further explored in the Issues section of this report.

NPPF Section 6 - Building a strong and competitive economy – The development would bring a vacant unit and create employment during construction and assist economic growth. It would complement the wider area, enhance the built and natural environment and help to create a neighbourhood where people would choose to be. Section 8 Promoting healthy and safe communities – The potential reuse of the vacant unit would help to re-integrate the site into the locality and increase levels of natural surveillance in the area.

NPPF Section 9 Promoting Sustainable Transport – This highly sustainable location would give people choice about how they travel and contribute to sustainability and health objectives. The site is close to train, tram and bus links and would help to connect residents to jobs, and local facilities.

NPPF Sections 12 (Achieving Well Designed Places) - The proposal would be appropriate to its context, the extension would be of an acceptable quality and would deliver regeneration. Further justification for the scale and massing and the positive aspects of the design are discussed below.

Section 16 (Conserving and Enhancing the Historic Environment) –The proposal would bring the vacant unit back into beneficial use and involve the repair and reinstatement of the original features The heritage impacts are discussed in more detail below.

In terms of the NPPF the following should also be noted: Paragraph 193 states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its

setting), should require clear and convincing justification. Substantial harm to or loss of:

a) Grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Section 195 states that where a proposal will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a. the nature of the heritage asset prevents all reasonable uses of the site; and

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.

Section 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 197 states that the effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 200 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.

Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The proposal would involve the reuse of a vacant unit which includes repairs that would ensure the future use, and therefore preservation, of the building is secured for this and future generations.

Planning Policy Guidance (PPG)

The PPG provides additional guidance to the NPPF and the following points are specifically highlighted.

Noise states that local planning authorities should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and

- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Design states that where appropriate the following should be considered:

- layout – the way in which buildings and spaces relate to each other
- form – the shape of buildings
- scale – the size of buildings
- detailing – the important smaller elements of building and spaces
- materials – what a building is made from

Health and wellbeing states opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces and opportunities for play, sport and recreation);

Travel Plans, Transport Assessments in decision taking states that applications can positively contribute to:

- encouraging sustainable travel;
- lessening traffic generation and its detrimental impacts;
- reducing carbon emissions and climate impacts;
- creating accessible, connected, inclusive communities;
- improving health outcomes and quality of life;
- improving road safety; and
- reducing the need for new development to increase existing road capacity or provide new roads.

Heritage states that Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the Proposed Development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not

always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.”

Public benefits may also include heritage benefits, such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- Reducing or removing risks to a heritage asset;
- Securing the optimum viable use of a heritage asset in support of its long-term conservation.

Other material policy considerations

Ancoats and New Islington Neighbourhood Development Framework (December 2016)

The purpose of this document is to update the Ancoats and New Islington Neighbourhood Development Framework (NDF) approved by Manchester City Council's Executive Committee in October 2014, to reflect further detailed master plan for the area and to take into account changes in policy context and the significant progress that has been made towards delivering the original 2014 NDF proposals.

The NDF states that the mix of uses within the area should create a destination of choice and should benefit the needs of the local community, with a pre-disposition against late night drink and entertainment licences. No licences will be granted after 11pm.

Other legislative requirements

Section 66 Listed Building Act requires the local planning authority to have special regard to the desirability of preserving the setting of listed buildings. This requires more than a simple balancing exercise and case law has considerable importance and weight should be given to any impact upon a designated heritage asset but in particular upon the desirability of preserving the setting with a strong presumption to preserve the asset.

Section 72 of the Listed Building Act provides that in the exercise of the power to determine planning applications for land or buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

S149 (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.

Ancoats Conservation Area declaration

The significance of the Ancoats Conservation Area is derived from the former cotton spinning mills, which dominate the area and are principally located adjacent to the Rochdale Canal and the nearby housing. Historically throughout the area, there have always been commercial and residential buildings. This juxtaposition, and interlinking of manufacturing, transport and residential uses meant that Ancoats functioned as the first industrial estate in the world.

Furthermore, the concentration of mill buildings within Ancoats has become an important landmark in the history of the Industrial Revolution. Murray Mills, McConnel and Kennedy Mill, along with others in the area, represent a clear chronology of development of cotton mill architecture from 1800 to the 1920s.

Although the area is dominated by the mill buildings, the Conservation Area also contains other Listed Buildings of differing character such as the application site.

Issues

Principle of Development

The application site is located in the Ancoats neighbourhood of the city centre. Restaurants and café are considered to be acceptable in principle in these locations as part of supporting the vitality and vibrancy of these neighbourhoods helping to create a sense of place and in the interest of economic growth. The integration of such uses has been a key part of the growth of Ancoats attractiveness as a place to both live, visit and work.

The proposal is considered to be consistent with the aspirations of policies SP1 and C10 of the Core Strategy as the use would repurpose a long standing vacant use in the heart of Ancoats to support the daytime and evening economy as well as supporting the aspirations of the Ancoats and New Islington NDF which seeks to create a mixed use neighbourhood by encouraging uses that would add to the vitality of the neighbourhood.

The proposal is considered to be acceptable in principle. Consideration should be given to any associated impacts on the listed building and conservation area together with residential and visual amenity. In particular, consideration would be given to the noise, hours of use, fume extraction, servicing and refuse and waste management arrangements

Residential Amenity

The unit is located within Victoria Square which is a largely residential building with some commercial ground floor uses, there are also residential properties to the West and South of the Site on George Leigh Street. There are residential apartments directly above the application property. This is a similar arrangements that other commercial units within Victoria Square have with the upper floor residential accommodation.

Although it is recognised the relationship would therefore not be unique, the premises would generate a degree of noise and disturbance from comings and goings not least as the unit has been vacant for a number of years. To the degree to which this would be noticeable would depend on the time of the day, the size of the unit would, however, restrict the number patrons to 23 internally. The outside seating area could accommodate a further 24 patrons.

The applicant has indicated that the premises would operate in line with the established commercial operating hours which exist across all commercial premises in Ancoats.

- Monday to Thursday - 10am to 11.30pm,
- Fridays and Saturdays - 10m to midnight
- Sundays and Bank Holidays 10am to 11.30pm

An acoustic report has also been submitted and considered by Environmental Health. Further technical information has been prepared during the course of the application with regards to possible methods of attenuating the premises including kitchen and toilet extraction systems to minimise noise transfer to the upper floor residential accommodation.

These measures and opening hours are considered to be acceptable and if approved would need to be implemented and prior to the first use of the premises validated through post completion testing to ensure that no further mitigation is required. In addition, a condition is also recommended to require all windows to be shut in line with the acoustic report requirements.

Whilst it is noted that comments and concerns have been raised by residents regarding noise and disturbance from the use, particularly late at night, it is considered that given the location, the level of noise is commensurate with its location. Mitigation measures are possible and can be in place to minimise the effects of the use on residents. As such, there are not likely to be any unduly harmful impacts which would warrant refusal of this planning application.

Prior to its long-term vacancy, the premises was a cobblers but has subsequently been used as ancillary storage associated with the wider residential use of the building. Whilst planning permission is now sought to re-establish a commercial use from the premises, the original use of the premises would have fallen within Class E as defined by The Town and Country Planning (Use Classes) Order 1987 as amended.

The proposed would accord with Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policies DC10 and DC26.

Outside seating

As noted, the proposal includes an outside seating area on the pavement outside the unit which has a total of 6 covers (for 24 patrons). The provision of the outside seating area is considered to be acceptable in principle as it would add to the overall vibrancy of the use and increase the amount of covers the use can accommodate.

could be retained to ensure the seating area and awning would not impact on the movement of pedestrians.

Designing out crime

The proposed use would bring additional vitality to the area. The development would overlook George Leigh street and Sherratt Street and would enliven the street scene and help to provide natural surveillance.

In order to ensure that there would be no unduly harmful impacts on residential amenity of residents of Victoria Square, the opening hours would be restricted, and an operational management plan agreed. The requirements of the condition would include management of patrons and control of internal and external areas.

Waste Management

A waste management strategy indicates that waste will be stored within the existing waste store within Victoria Square which is available to both residents and commercial tenants. The waste storage includes a 1500 Litre bin per 20 guests, totalling 3 bins, each bin would have a specific storage purpose; glass, food waste & paper / plastics. This will remove the likelihood of cross contamination and ensure recycling.

All refuse will be sorted into separate internal bins within the commercial unit prior to being deposited in the bin stores.

Vehicular access to the bin store would be via Sherratt Street through an electric gate which the applicant has the agreement of Northwards Housing, who manage Victoria Square, to use.

Waste collections would occur twice daily, between the hours of 10am and 6pm which would reduce impact on residents of Victoria Square.

The waste storage and collection strategy is acceptable to both Environmental Health and Highways in order to satisfy policies DM1 and EN19 of the Core Strategy.

Inclusive access

The main entrance would include level access to the ground floor. Patron toilets would be located within the basement area of the unit. Due to the size and listed nature of the building, the toilet provision cannot be achieved in another format without unduly affecting highly significant elements of the building including the original staircase which is of heritage value and would be retained. This would therefore preclude lift provision into the basement area. The proposals would therefore be consistent with sections 7 and 8 of the National Planning Policy Framework and policies SP1, DM1 and CC10 of Core Strategy.

Heritage Impact

Sections 66 and 72 of the Listed Building Act 1990 provide that, in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and in determining planning applications for land or

buildings within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 12 of the NPPF establishes the criteria by which planning applications involving heritage assets should be assessed and determined. Paragraph 128 identifies that Local Planning Authorities should require applications to describe the significance of any heritage assets in a level of detail that is proportionate to the assets importance, sufficient to understand the potential impact of the proposals on their significance.

A Heritage Impact Assessment has been submitted in support of this planning application which states that Victoria Square, as Grade II listed building, has high evidential, historic and aesthetic value. The report also acknowledges the sites position in the Ancoats Conservation Area.

The report highlights that unit contains a number of decorative features to the exterior including a splayed symmetrical shop frontage attractively decorated with terracotta tiles and classical Doric pilasters. The report concludes that the proposal would result in no instances of harm to the listed building with the proposal resulting in a beneficial impact on the character of the listed building.

The proposal seeks to bring the commercial unit back into use which would re-instate an active frontage to this part of Victoria Square. The use would be accommodated with the existing floorspace of the premises and retain the existing volumes together with retaining and repairing historic features. Additions that are required for the functional use have been minimised.

The proposals involve internal renovation to the ground floor and basement level of the unit which includes the retention of original features including the timber window frames, fireplace and wrought iron balustrade. The ground floor will remain largely unchanged, except for new furniture and some fittings, whereas the basement will be fitted out as a kitchen.

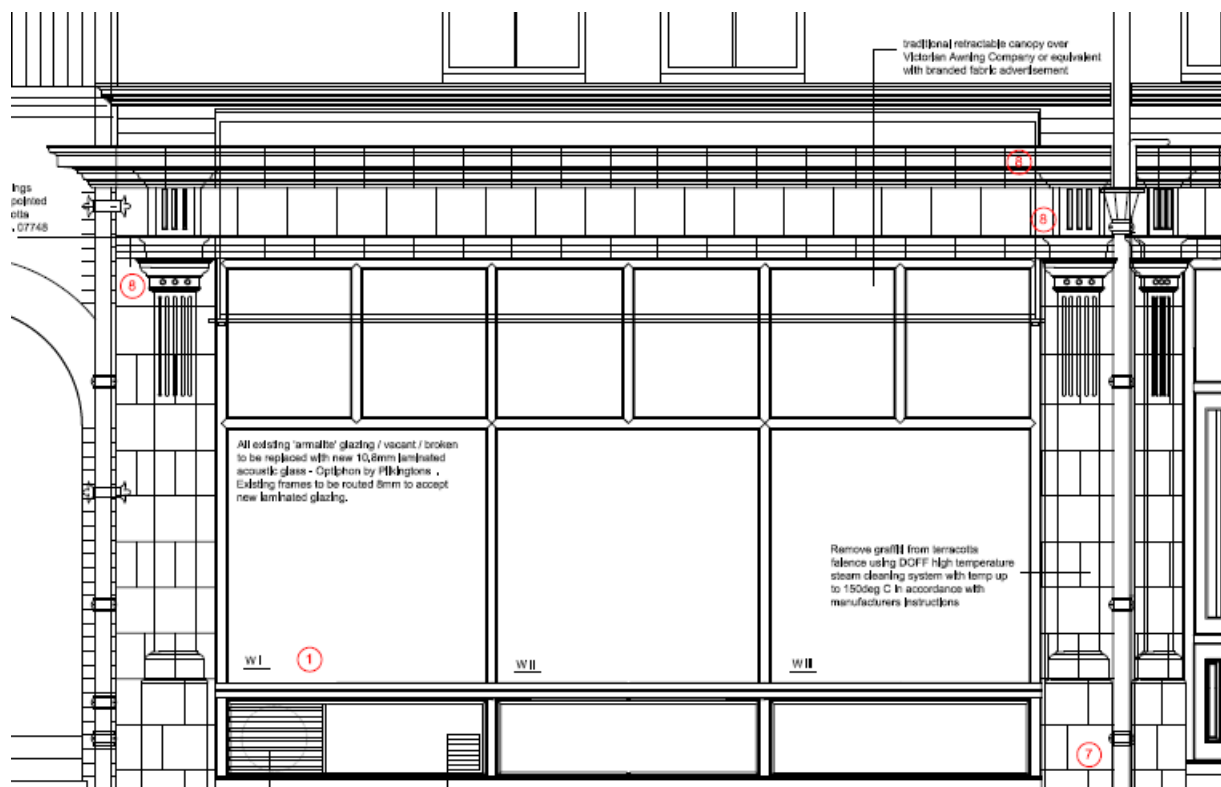
All works to the existing fabric include:

- Repair to the shop front's terracotta faience mouldings to match existing;
- Repair and reinstatement of existing entrance door with moulding to match existing;
- Raking out of debris and vegetation in faience coping bricks and repointed;
- Installation of new external extract louvre to kitchen ventilation within existing stall riser;
- Installation of new extract vent to toilet ventilation;
- Replacement of all existing non original/ broken or vacant glazing with acoustic glass;
- Removal of graffiti from terracotta using DOFF high temperature steam cleaning system;
- Installation of 2 layers of soundbloc plaster board and wool acoustic insulation to ceilings;
- Opening of existing original disused fireplace, reinstatement of bloc work and re-plastering;
- Lime plaster repairs to walls and painting with natural emulsion;
- Retention of original herringbone floor lightly sanded and sealed;

- Retention and exposure and painting of existing cast iron columns;
- Removing of non-original coverings to wrought iron balustrade and handrail and to receive a metal paint finish;
- Removal of all caulking and clean all surfaces of cast iron downpipes and painted to match existing downpipes;
- Addition of awning to the shop windows to provide a covered seating area at the front of the unit;

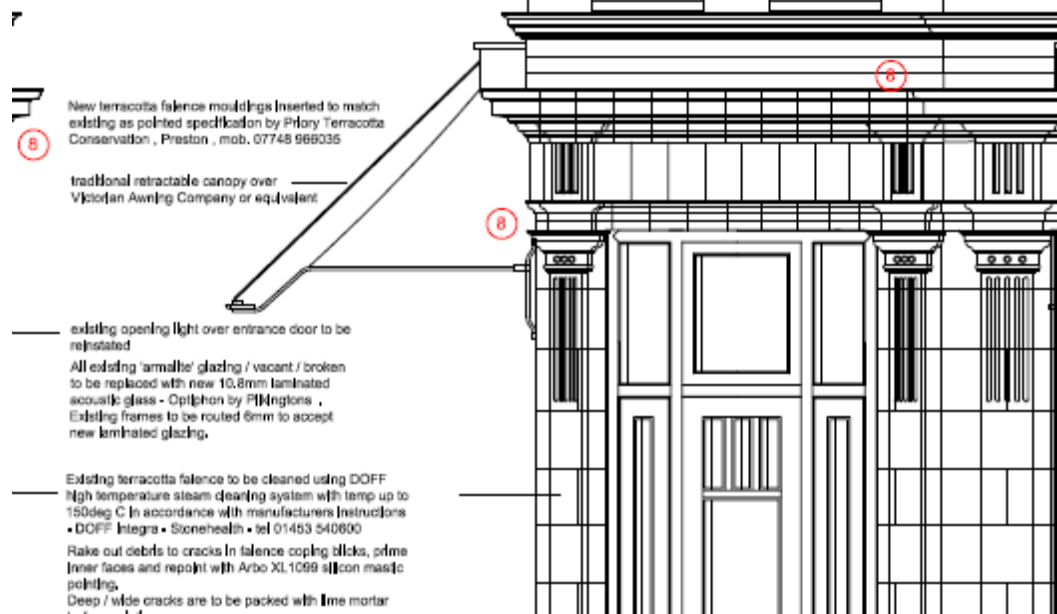
The above works would involves the repair and reinstatement the external elevations, which are in poor condition, and their repair would contribute to the wider architectural interest of the whole building and therefore considered to be a heritage benefit.

Proposed Elevations



New extract grille to kitchen use fabric - 800 x 800mm size

New extract vent to toilet ventilation - 200 x 200mm size standard - 200mm dia



The following interventions would, however, judged to have a minor adverse impact on the significance of the listed building

- The installation of new external extract louvre to kitchen ventilation within existing stall riser
- The installation of an awning to the existing shopfront

The works would require intervention into the listed façade and removal of listed fabric. The works have been designed to minimise the impact on the listed façade and conditions would be used to agree a method statement for the works and agree the appropriateness of any new materials.

The proposed awnings would not conceal the most impressive of the terracotta mouldings such as the Doric column detailing flanking the corner unit's entrance. From an analysis of archival photographs, there is a historical precedent for the use of awnings on Victoria Square's shop fronts albeit not on this particular unit.

All remaining impacts would be negligible or beneficial and would include beneficial impacts such as the repairs to the terracotta and reinstatement of the shopfront as well as the exposure of original historic features internally.

The proposal would therefore create instances of low levels of less than substantial harm as defined within the NPPF. Any level of harm should be outweighed by the public benefits that would be delivered in accordance with the guidance provided in paragraph 196 of the NPPF. In assessing the public benefits, consideration has been given to paragraph 8 of the NPPF which outlines the three dimensions to achieve sustainable development: economic, social and environmental.

In this instance, the low levels of harm are more than outweighed by the extensive beneficial impacts which would restore areas of high significance. The alterations are sensitive to the architectural, historic and aesthetic values of the building, which would be conserved by its re-use.

Public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF (para 7). Public benefits may include heritage benefits, such as:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- reducing or removing risks to a heritage asset;
- securing the optimum viable use of a heritage asset in support of its long term
- Conservation;

In this instance, the new use would secure the long-term future of this vacant unit and would allow for the sensitive repair and restoration of the listed building. Conditions are recommended to require details of the final treatment to the proposed louvres to be submitted prior to installation to ensure these are sympathetic to the character of the building along with repairs to the windows, terracotta and installation of the awning.

The proposal is not considered to impact on the setting of the Conservation Area. The proposal would preserve and restore the appearance of the shop front within the listed building. Whilst there would be minor interventions into the listed façade, the significance of the building would remain legible as would its appearance in the conservation area. The conservation would benefit from the active frontage at the important junction in the Ancoats neighbourhood.

It is considered, therefore, that, notwithstanding the considerable weight that must be given to preserving the setting of the listed buildings as required by virtue of S66 of the Listed Buildings Act, and paragraph 193 of the NPPF, the harm caused would be less than substantial and would be outweighed by the public benefits of the scheme and meet the requirements set out in paragraph 196 of the NPPF.

Conclusion

It is considered that on balance the proposed change of use would not give rise to unacceptable impacts to warrant refusal of the application. The use would introduce additional activity to the street scene and would bring a currently long term vacant unit back in to use, securing a viable use of the heritage asset in support of its long-term conservation and leading to employment opportunities.

Although it is recognised there is residential accommodation adjoining the unit, it is not considered that the proposed use would give rise to unacceptable impacts in terms of residential amenity either by way of noise, odours or an increase in comings and goings within the area. The scheme is considered to be in accordance with the guidance contained within saved policies DC10, DC26 and Core Strategy policies DM1, C10 and SP1 and EN3.

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 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 of the application 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/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.

Conditions to be attached to the decision 129327/FO/2021

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 received by the City Council as Local Planning Authority on 05 February 2021
- Existing Ground Floor Plan drawing ref. 900.PL.01 received by the City Council as Local Planning Authority on 30 March 2021.
- Existing Elevations drawing ref. 933.PL.02 received by the City Council as Local Planning Authority on 30 March 2021.
- Proposed Ground Floor Plan drawing ref. 993-PL.03 B received by the City Council as Local Planning Authority on 30 March 2021.
- Proposed Elevations drawing ref. 933.PL.04 A received by the City Council as Local Planning Authority on 01 July 2021.
- Proposed Basement Floor Plan and Section drawing ref. 933.PL.05 A received by the City Council as Local Planning Authority on 01 July 2021.
- Design and Access statement received by the City Council as Local Planning Authority on 30 March 2021.
- Heritage statement received by the City Council as Local Planning Authority on 30 March 2021.
- Heritage Survey received by the City Council as Local Planning Authority on 30 March 2021.
- Gob Manchester Limited Waste Management Policy received by the City Council as Local Planning Authority on 01 July 2021.
- Noise Impact Assessment prepared by PDA acoustics Ltd ref. J003081/4604/3/TD received by the City Council as Local Planning Authority on 01 July 2021.
- Email from Gordon Moore, dated 20 May 2021
- Specification sheet for Carbon Filters received by the City Council as Local Planning Authority on 01 July 2021.

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 premises shall not be open outside the following hours:-

- Monday to Thursday - 10am to 11.30pm,
- Fridays and Saturdays - 10m to midnight
- Sundays and Bank Holidays 10am to 11.30pm

External Seating Area

10am to 9pm 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.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the only uses permitted within Class E are for "Bistro" purposes only and for no other purpose, including any other purpose falling within Class E as set out within the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason -In the interests of amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 08:00 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) 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.

b) Prior to commencement of the use, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

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.

Reason - In the interests of the amenities of occupiers of nearby property pursuant to Core Strategy policies DM1 and C10 and Saved Unitary Development Plan policy DC10.

7) The development shall be carried out in accordance with the submitted scheme for the storage and disposal of refuse as detailed in the approved document 'Gob Manchester Limited Waste Management Policy' received by the City Council as Local Planning Authority on 01 July 2021, 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 - In the interests of public health and residential amenity pursuant to policy DM1 of the Core Strategy.

8) The tables and chairs associated with the outside seating area as show on the Proposed Ground Floor Plan drawing ref. 993-PL.03 B shall be removed and stored internal to the premises when the outside seating area is not in use in accordance with the permitted opening hours within condition .

Reason - In the interest of the safety and security pursuit to policy SP1 and DM1 of the Manchester Core Strategy (2012).

9) There will be no playing of live or amplified music in the outside seating area.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

10) Prior to first use, the following operational management details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

Management of patrons and control of internal and external areas. For the avoidance of doubt this shall include:

- An Operating Schedule for the premises (prevention of crime and disorder, prevention of public nuisance, and management of smokers)
- Details of a Dispersal Procedure

The approved operational management details shall be implemented and maintained upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the City of Manchester Core Strategy and to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester

11) (a) The development hereby approved shall be carried out in accordance with the submitted Noise Impact Assessment prepared by PDA acoustics Ltd ref. J003081/4604/3/TD received by the City Council as Local Planning Authority on 01 July 2021. All recommended mitigation methods shall be installed as necessary.

(b) Prior to first use, 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 report (part a of this condition). The report shall also undertake post completion testing to confirm that the noise criteria has 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. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around, pursuant to policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

12) Prior to the first use of the premises, details of secure cycle storage arrangements shall be submitted for approval to the City Council as Local Planning Authority. The approved scheme shall be implemented and thereafter remain in-situ once the development hereby approved becomes operational.

Reason - To ensure there is adequate off street car parking provision and bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

Conditions attached to the decision 129324/LO/2021

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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

-Location Plan received by the City Council as Local Planning Authority on 05 February 2021

-Existing Ground Floor Plan drawing ref. 900.PL.01 received by the City Council as Local Planning Authority on 30 March 2021.

-Existing Elevations drawing ref. 933.PL.02 received by the City Council as Local Planning Authority on 30 March 2021.

-Proposed Ground Floor Plan drawing ref. 993-PL.03 B received by the City Council as Local Planning Authority on 30 March 2021.

-Proposed Elevations drawing ref. 933.PL.04 A received by the City Council as Local Planning Authority on 01 July 2021.

-Proposed Basement Floor Plan and Section drawing ref. 933.PL.05 A received by the City Council as Local Planning Authority on 01 July 2021.

-Design and Access statement received by the City Council as Local Planning Authority on 30 March 2021.

-Heritage statement received by the City Council as Local Planning Authority on 30 March 2021.

-Heritage Survey received by the City Council as Local Planning Authority on 30 March 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1 and EN3 of the Core Strategy.

3) Notwithstanding the details approve within condition 2 before any works in relation to each of the following items commence the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

- (a) Final details of the appearance and installation of the louvres within the existing stall riser (including material samples);
- (b) Final details of the appearance and installation including method statement of the awning;
- (c) Final details including samples and specification of the materials used for repairs to the terracotta and windows;
- (d) Final details including method statement of the reinstatement of the fireplace;
- (e) Details including method statement of cleaning of external elevation;
- (f) Locations and details (including any fixtures and fittings) of any external lighting and CCTV cameras (and associated cabling and equipment)
- (g) Details of the paint specification for the finish to the internal staircase balustrade and external down pipes;
- (h) Details including method statements of any repair work to internal fabric including plaster work and flooring.

The specific areas of work, as individually identified above, shall only thereafter be implemented in full accordance with the subsequently approved details, as relevant.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The awning will over-sail the adopted highway and will therefore require a fee-based highway license pursuant to s177 of the Highways Act 1980. Subject to planning approval an over-sail license application can be made through Environment on Call on 0161 234 5004.

2) The following security measures are recommended:

Bistro

- If any new external fittings are to be installed (i.e. shutters, windows or doors) then they should be certified to Secured by Design standards.

-If cash is to be kept within the property overnight then a time delay safe certified to LPS 1183 should be installed and kept within a secure room that is only accessible by the members of staff.

-Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only.

-An intruder alarm should be installed with contacts on all external doors and with movement detectors. The alarm should be monitored by an appropriate body.

Outdoor Seating

Plain canvas screens:

The use of temporary plain canvas screens from street level to waist height (approximately 1m), held between posts is recommended - higher glass or acrylic vision screens may be more suitable in street with a high volume of pedestrians. Fixings for barriers should not protrude above ground level when the barriers (or planters) have been removed.

Defining boundaries:

Sturdy temporary barriers/screens/planters should extend from the building to define the entire licensed area to be used and to enclose the tables and chairs. There should be only one entrance / exit point for customers.

Clear Pavement width -Typically, there should be a minimum clear pavement width of 1 metre between the licensed area and the kerb. 'Clear width' is the width available to pedestrians either on a footway or a shared surface between the area being used for tables and chairs and any other obstructions e.g., trees or parking metres. We will require a wider area on streets with high pedestrian flows.

Tables and Chairs:

Tables and chairs should be heavy enough to resist movement by wind.

Tables must be of a design that are suitable for attaching 'property clips' to secure handbags/laptop bags and, if necessary, can be stacked for storage without damaging the clips. Customers should be shown how to use the clips. As an alternative use tables with shelves or net bags under the table top.

Use chairs with rounded rather than square backs to deter customers from hanging bags on them.

Layout:

Arrange the layout of furniture to reduce opportunities for crime and ensure staff are trained to be alert to all non-customers approaching tables at all times. The presence of staff in the tables and chairs area will act as a deterrent as well as ensuring tables and chairs are cleared promptly preventing littering of the street.

Lighting:

Where natural or street lighting is insufficient, the management of the premises should provide lighting for the area occupied by tables and chairs.

Dusk-till dawn lighting should be installed at the front of the property.

CCTV

A CCTV system should be used on this site. The system will require certain specifications and intelligent placement of cameras to compliment the design of the development. Designers should consider the following points when planning a CCTV strategy:

-With regards to the retention of footage, the police prefer quality over quantity. The overall retention period should be dictated by what the system is designed to achieve, though it would be better to have good quality images over a 14-day period than poor ones over a 30-day period.

-Procedures for recovery of recordings are recommended to be established (e.g. trained staff / the CCTV system instruction manual to be readily available).

-Acceptable Standard - this generally requires a resolution of 720x576 pixels at a real time frame rate of 25 frames per second. (N.B. Both the camera and DVR must be capable of this - if the camera will only send low resolution images then it does not matter how high the resolution of the recording unit is).

-Identification - One of three levels of field of view. To identify an individual, the image must capture no less than 120% of the field of view (at least from the top of the individuals head to their knees). The remaining two levels of field of view are 'Overview' and 'Recognition', which whilst effective for observational purposes, are less likely to result in the identification of a person/offender.

-CCTV systems (and lighting that supports it) require regular cleaning and maintenance to remain effective.

Where necessary cameras, and lighting, that are vulnerable to damage should be protected from attack, either by relocation to a higher level and using a bigger lens to achieve the view required, or through the fitting of a vandal resistant housing. The intelligent placement of cameras helps to provide clear facial identification of individuals. Suitable locations for cameras would be: all building elevations, with particular focus on entrance doors; perimeter gates; and the reception/entrance lobby & all roof access areas.

Management & Maintenance

The success of the development will be dependent upon the effective management and maintenance of the site. A security management plan should include measures to deal with the following:

Frequent inspection and prompt repair of security features (e.g. lighting CCTV, signage, barriers, locks, fencing and rails).

The tables, chairs and any other moveable items should be removed and stored within a secure storage area when the premises are closed.

Arrangements should be put in place for clearing and cleaning the area at the end of business.

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: 129327/FO/2021 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:

**Environmental Health
Highway Services
Greater Manchester Police
Highway Services
Environmental Health
Greater Manchester Police**

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:

Relevant Contact Officer :	Eve Woolstencroft
Telephone number :	0161 234 4533
Email :	eve.woolstencroft@manchester.gov.uk

