

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
136558/FO/2023	17th May 2023	14th December 2023	Ancoats & Beswick Ward

**Proposal** Use of ground and first floor as a restaurant (Use Class E) together with elevational alterations and other associated external works.

**Location** 46 Henry Street, Manchester, M4 5DD

**Applicant** Mr Michael Mcloughlin , Fresh Fuel (Ancoats) Limited

**Agent** Mr Philip Grant, Euan Kellie Property Solutions

### **Executive Summary**

The proposal is for application relates elevational alterations, including extending and creating a first floor to the building, in association with the creation of a restaurant.

Six letters of objection have been received from two households.

### **Key Issues**

**Principle of the proposal and the schemes contribution to regeneration** – The development is in accordance with national and local planning policies, and the scheme would bring economic, social and environmental benefits. The application site is a disused commercial unit and represents an outlying plot within an area that has seen extensive regeneration works.

The development would form one of a number of commercial units within Ancoats that would provide amenity and entertainment to residents of the City Centre.

**Economic** – The proposal would result in the investment of a disused property and the delivery of a restaurant within the neighbourhood of Ancoats. The ability to strengthen Manchester’s nighttime/entertainment economy is vital for the continued growth and development of the City Centre, as well as its ongoing regeneration. Direct and indirect construction jobs are expected to be created as a result of implementation the proposal.

**Social** – The reuse of an existing commercial unit would bring an active frontage and natural surveillance to Henry Street. The development would be fully accessible with level access and a ground floor WC. Crime and anti-social behaviour would be minimised through the use of secured by design principles.

**Environmental** – The development would not see the erection of new building but rather the improvement and extension of an existing one, thus minimising carbon emissions during the construction phase of the development. Investigation with regard to the proposal’s impact on local biodiversity has taken place and no protected species have been found to be present on site. The proposal would not require deep ground penetration or remediation by virtue of the existing building

being retained on site. The height, scale and appearance would be acceptable. Secured by Design principles would ensure the development is safe and secure. Waste management facilities would allow for the segregation of waste and the prioritisation of recycling.

**Impact on the historic environment** – The development would be a new addition to the Ancoats Conservation Area, seeing the alteration of a property that does not contribute positively to the Conservation Area’s setting and significance. The development if implemented would contribute positively to the setting and significance of the Conservation Area through the delivery of a scheme that would utilise high quality materials and a design ethos that is more akin to the architectural points of merit of the Conservation Area than that of the existing building on site.

**Impact on local residents and local businesses** – The impact on daylight/sunlight and overlooking would be acceptable in this context. Construction impacts would not be significant and can be managed to minimise the effects on local businesses and residents. Noise outbreak from plant and the commercial unit would be controlled by planning condition so that it would meet relevant standards.

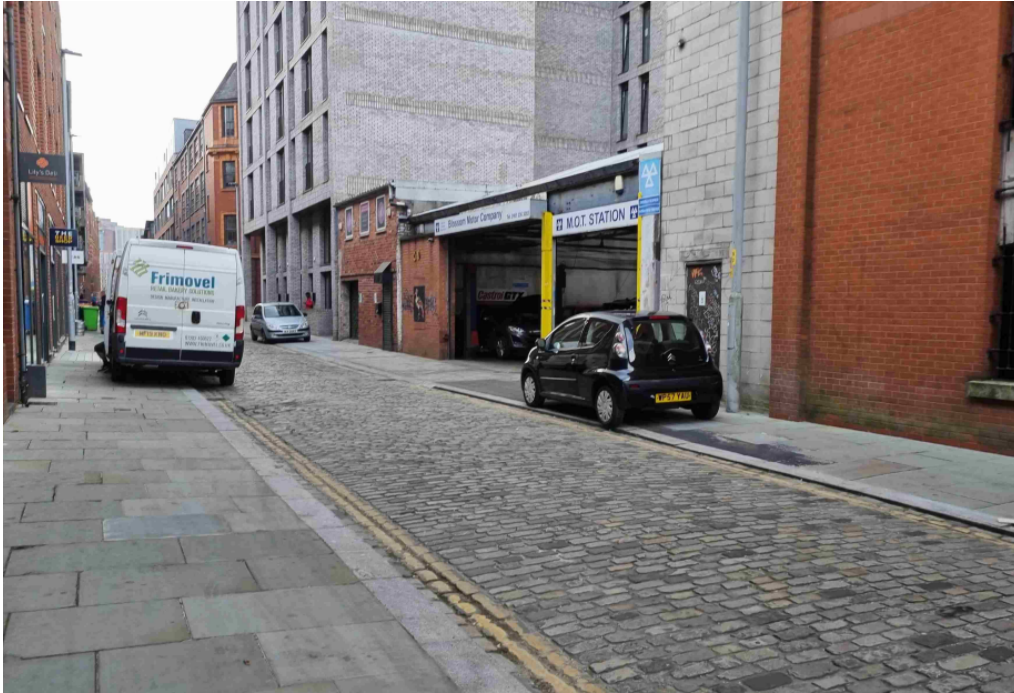
A full report is attached below for Members consideration.

**Description**

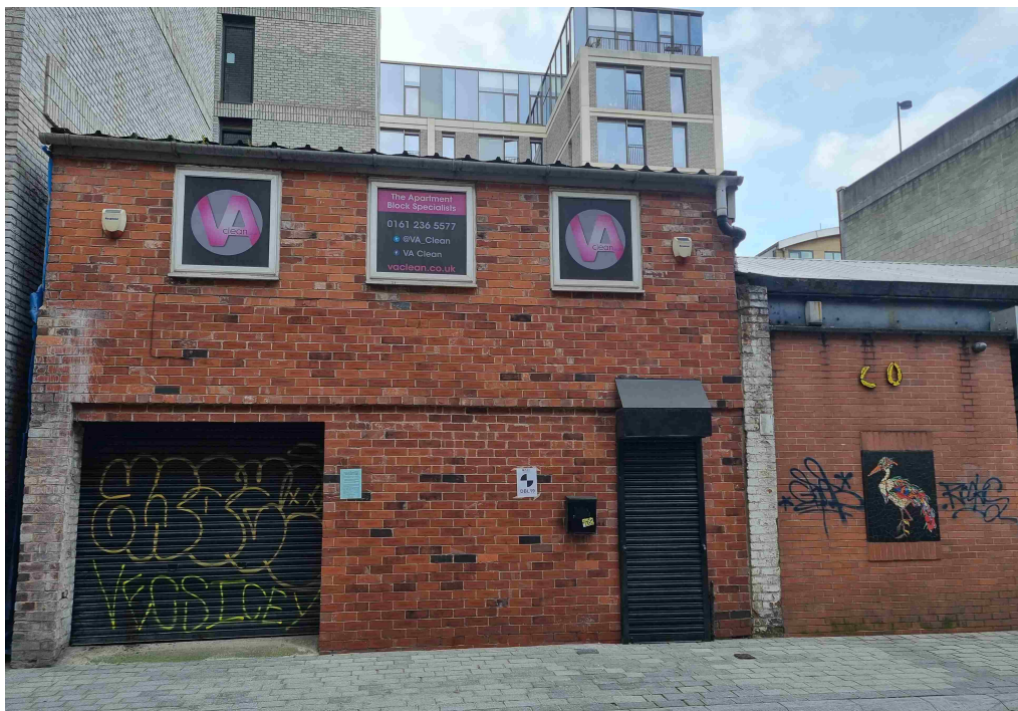
This two storey property is a former commercial premises and is vacant. The front elevation is red brick, with roller shutter, and a gable metal sheet roof. There are windows on the front and rear elevations. It adjoins an MOT garage.



*Aerial photograph of application site*



*Application site together with neighbouring single storey MOT Garage, and 8no storey tower block at no13 Blossom Street in the foreground, pictured from the north-west along Henry Street.*



*Application site as viewed from the northern side of Henry Street adjacent to the entrance, with tower blocks fronting out onto Great Ancoats Street in background.*

Ancoats is contains medium to high density homes with ground floor commercial uses, in new buildings or conversions. The original grid road network remains evident throughout the area.

Henry Street contains a variety of uses including light industrial, a multi storey car park, drinking establishments and retail premises. There are homes on Henry Street in the upper floors of Cotton House and 13 Blossom Street. Henry Street contains a mixture of older and more modern buildings.

The site is in the Ancoats conservation area. The site is in Flood Zone 1 and a critical drainage area. The Air Quality Management Area (AQMA) is located along Great Ancoats Street.

## **The Proposal**

The application seeks consent to use the building as a restaurant (Class E(b)) and alterations to the external elevations including a new front façade, with a first floor extension. The façade would be in a conservation red brick with natural mortar and decorative soldier coursing.

There would be a powder coated aluminium entrance and a metal louvred bin store door at ground floor. Two large aluminium windows are proposed to the first floor with deep brick reveals. A zinc cladded feature would form a staircase to the side.

An aluminium downpipe would be installed to the rear and two windows would be infilled. Plant and extraction equipment would be installed to the roof. A serving area, shop floor, accessible WC and bin store would be provided at the ground floor. There would be a kitchen, freezer room, office and WC on the first floor.

The proposed restaurant use would have a maximum capacity of 18 covers and would operate the following hours of opening:

- Monday to Saturday - 11:00 to 00:30
- Sunday and Bank Holidays - 11:00 to 23:30



*CGI view of the proposed development.*



Proposed North East Elevation

*Proposed front elevation of development.*

## Planning History

059081/FO/NORTH2/00 - Demolition and rebuild of Henry Street facade and extend existing roof to create additional garage space – Approved July 2000.

## Consultations

**Publicity** Nearby properties were notified, a site notice was posted and an advertisement was placed in the Manchester Evening News.

**Local residents/public opinion** Six objections were received, from two households. The comments can be summarised as follows:

- The hours of opening would cause an increase in noise, anti-social behaviour and light pollution, causing an unacceptable impact on the amenity of neighbouring properties.
- Proposed windows would infringe upon local resident's right to privacy.
- The use of the site as a restaurant will lead to cigarette and vape fumes to cause an unacceptable impact on neighbouring amenity.
- Insufficient information has been provided to confirm that odours would not impact neighbouring properties.
- Insufficient information has been provided to confirm that there would be no unacceptable impact on potential bat roosts on site.

**Highway Services** two cycle storage spaces should be provided. The construction management plan is acceptable. All external doors should open inwards and not over the public highway.

**Environmental Health** condition should be imposed in respect of acoustic insulation, plant, fumes/odour extraction, waste and servicing and lighting. The construction management plan and opening hours of the premises are acceptable.

**Greater Manchester Ecology Unit (GMEU)** have no objection.

**Design for Security at Greater Manchester Police** the premises should be covered by CCTV and the shop front achieve Secured by Design principles.

## Policy

### The Development Plan

The Development Plan consists of the Core Strategy (2012); and saved Unitary Development Plan policies (1995). The Core Strategy is the key document in the Local Development Framework and 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 and saved UDP

policies as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 unless material considerations indicate otherwise.

### **Manchester Core Strategy Development Plan Document (July 2012)**

The relevant policies within the Core Strategy are as follows:

**Policy SP1 (Spatial Principles)** – The proposal would have a positive impact on visual amenity and the character of Henry Street in the conservation area. The building would be a high quality addition to the street scene and complement existing and recent developments.

**Policy EC3 (The Regional Centre)** – The proposal would provide a premises that would generate commercial employment in an area well connected to both the City Centre and other residential areas.

**Policy CC1 (Primary Economic Development Focus (City Centre and fringe))** - retail, leisure, entertainment, cultural and tourism uses are encouraged in the City Centre, to support the development of a vibrant employment location attractive to businesses, employees and visitors. The proposed use and hours would not be detrimental to residential amenity for the reasons discussed below and would support investment within the area.

**Policy CC2 (Retail)** –The restaurant would contribute positively to Ancoats.

**Policy CC5 (Transport)** – The site is close all form of sustainable transport.

**Policy CC9 (Design and Heritage)** – The proposal would replace a vacant and underused site from the Ancoats conservation area with a high quality development that would enhance the heritage assets significance.

**Policy C10 (Leisure and Evening Economy)** – the proposed restaurant would have no unacceptable impacts on residential amenity and would contribute positively to the variety of uses in the area.

**Policy EN1 (Design Principles and Strategic Character Areas)** –The proposal would respect the character of the Ancoats Conservation Area and would respond sensitively to neighbouring uses. This is discussed further below.

**Policy EN3 (Heritage)** – The impact on the historic environment would be acceptable and this is considered in detail in the report.

**Policy EN14 (Flood Risk)** – The site is located within an area of low risk. The development would not be detrimental to local flood risk for reasons discussed below.

**Policy EN15 (Biodiversity and Geological Conservation)** –The proposal has been accompanied by a Bat Roost Assessment which is discussed further below.

**Policy EN17 (Water Quality)** – The development would not have an adverse impact on water quality.

**Policy EN19 (Waste)** – The proposals incorporate areas for the provision of storage and collection of waste generated by the development.

**Policy DM1 (Development Management)** - Careful consideration has been given to the design, scale and layout of the building along with associated impacts on residential amenity from loss of privacy and daylight and sunlight considerations.

For the reasons given above, and within the main body of this report, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

### **The Unitary Development Plan for the City of Manchester (1995)**

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

**Saved Policy DC10 (Food and Drink Uses)** – the proposal would represent an acceptable use in the city centre and add positively to the variety and mix of uses within this vibrant area. The impacts on residential amenity have been carefully considered and mitigation secured.

**Saved policy DC18 ‘Conservation Areas’** – The impact on the Ancoats conservation area is considered in detail in this report.

**Saved policy DC26, Development and Noise** - The impact from noise sources would be minimised and further mitigation would be secured by planning condition.

### **Other material policy considerations**

#### **Places for Everyone (2023)**

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.



Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies to the proposal are show below:

Policy JP-P2 (Heritage) – Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct character, identity and sense of place. Particular consideration will be given to ensure that the significance of key elements of the historic environment which contribute to Greater Manchester's distinctive identity and sense of place are protected from harm. The development's impact on the Ancoats Conservation Area and how it will respect the historic environment of the area is discussed further below.

Policy JP-S5 (Flood Risk and the Water Environment) – The proposal's impact on local flood risk is discussed further below.

Policy JP-G9 (A Net Enhancement of Biodiversity and Geodiversity) – Amongst other things, new development will be expected to do the following:

- I. Avoid significant harm to biodiversity;
- II. Adequately mitigate any harm to biodiversity;
- III. Adequately compensate for any remaining harm to biodiversity.

### **The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)**

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 'Design' – outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment;

Paragraph 2.7 states that encouragement for "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.

Paragraph 2.8 suggests that in areas of significant change or regeneration, the future role of the area will determine the character and design of both new development

and open spaces. It will be important to ensure that the development of new buildings and surrounding landscape relates well to, and helps to enhance, areas that are likely to be retained and contribute to the creation of a positive identity.

Paragraph 2.14 advises that new development should have an appropriate height having regard to the location, character of the area and specific site circumstances. Although a street can successfully accommodate buildings of differing heights, extremes should be avoided unless they provide landmarks of the highest quality and are in appropriate locations.

Paragraph 2.17 states that vistas enable people to locate key buildings and to move confidently between different parts of the neighbourhood or from one area to another. The primary face of buildings should lead the eye along important vistas. Views to important buildings, spaces and landmarks, should be promoted in new developments and enhanced by alterations to existing buildings where the opportunity arises.

Chapter 8 'Community Safety and Crime Prevention' – The aim of this chapter is to ensure that developments design out crime and adopt the standards of Secured by Design;

Chapter 11 'The City's Character Areas' – the aim of this chapter is to ensure that new developments fit comfortably into and enhance the character of an area of the City, particularly adding to and enhancing the sense of place.

### **Ancoats and New Islington Neighbourhood Development Framework (2016 and 2020)**

The Neighbourhood Development Framework (NDF) was originally endorsed by Manchester City Council's Executive in October 2014 and an updated version was adopted in December 2016. The 2016 NDF highlights

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 destinations 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.

### **City Centre Strategic Plan 2015-2018 (March 2016)**

On the 2 March 2016 the City Council's Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with

the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to “*shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England*”.

It should also be noted that the strategic plan approved by the Executive also endorsed an extended boundary of the City Centre upon which the strategic plan is based. This extended boundary includes the application site.

### **Manchester Strategy (January 2016)**

The strategy sets the long term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

### **National Planning Policy Framework 2023**

The revised NPPF re-issued in September 2023 states that the ‘*purpose of the planning system is to contribute to the achievement of sustainable development*’. The document clarifies that the ‘*objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs*’ (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

#### Section 9 (Promoting Sustainable Transport)

Paragraph 111 - *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The development’s impact on highway safety is considered to be negligible and is discussed further below.

#### Section 12 (Achieving Well Designed Places)

Paragraph 130a – 130f - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal's impact in this regard are considered to be acceptable and are discussed further within this report.

Section 16 '*Conserving and enhancing the historic environment*' states that in determining applications, Local Planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation (para 194).

In determining applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. (Paragraph 197)

In considering the impacts of proposals, paragraph 199 states that 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 200 goes on to state 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.

Paragraph 202 states that where a development 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.

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 proposal is considered to enhance the setting of the Ancoats Conservation Area, the development's contribution to the heritage asset is discussed further below.

### **Planning Policy Guidance (PPG)**

The relevant sections of the PPG are as follows:

*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 well being* 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);

*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 Legislative Requirements**

### **Planning (Listed Buildings and Conservation Areas Act) 1990**

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states “In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area”.

The proposal’s impact on the Ancoats Conservation Area is discussed further below.

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.

The concentration of mill buildings in 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.

## **Issues**

### **Principle of the development**

The site is in a part of Ancoats where restaurants and café are considered to be acceptable in principle as part of supporting the vitality and vibrancy of the area. The growth of this type of use has been a key part of the attractiveness of Ancoats as a place to both live, visit and work. There are a variety of commercial uses nearby together with homes.

The proposal would be consistent with policies SP1, EC3, CC1, CC2 and C10 of the Core Strategy by developing a long standing vacant site in the heart of Ancoats. It would support the daytime and evening economy and contribute positively to 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 areas vitality.

Consideration should be given to any associated impacts on the 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.

### **Visual Amenity**

The property is a vacant and underused building which has been extensively altered in recent years. The first-floor extension, and elevational alterations, would create a full height second floor, creating a better proportioned addition to the street scene. This would contribute positively to the variety of building heights along Henry Street.

The new façade would incorporate heritage brickwork with large, slim profile window openings, within deep brick reveals. This would add depth to the elevations and, together with brick feature banding would create a high quality façade.

An enclosed zinc clad staircase would be erected to the side of the building. Its height would project marginally above the brick building. It would be a complementary addition to the brick building and add visual interest to the street scene.

It is considered that the development is acceptable and accords with Policies EN1 and DM1 of the Core Strategy. Conditions would ensure that the proposal is delivered to the required standard.

### **Impact of the historic environment**

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states "In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area".

The significance of the conservation area is derived from the former cotton spinning mills which are principally located adjacent to the Rochdale Canal. There are lower rise commercial and residential buildings in and around the larger buildings. This relationship of manufacturing, transport and residential uses meant that Ancoats functioned as the first industrial estate in the world.

There is new development in the immediate street scene at Cotton House and 13 Blossom Street. These developments have generously proportioned windows, consistent fenestration pattern, and use high quality brickwork.

The application property and the neighbouring MOT garage are buildings of lower scale in the conservation area, and have less architectural merit than other nearby buildings. The property has a neutral impact on the conservation area.



*Henry Street as seen from the junction where Blossom Street intersects Henry Street.*





*Henry Street as seen from the junction where Henry Street meets George Leigh Street*

The proposal would alter and extend a low rise industrial building in the conservation area. It would be marginally larger than the current building preserving the character and significance of the conservation area through the retention of a lower rise building.

The external alteration would enhance the appearance of the property and preserve the masonry appearance of the conservation area. Decorative soldier coursing would provide visual interest.

The two new windows at first floor would bring rhythm and symmetry to the front elevation complementing the facades and portions of adjacent buildings.

The zinc clad staircase would add visual interest and respond to the areas industrial heritage in a contemporary manner.

The proposal is considered to be a positive addition to the conservation area, enhancing the setting and appearance of the Ancoats Conservation Area. The proposal is considered to be in accordance with Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC18, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Residential Amenity**

The area is mixed and contains commercial uses and homes. There are homes directly opposite and adjacent to the site.

The development would generate a degree of noise and disturbance from comings and goings which could be noticeable depending on the time of the day. The size of the unit would restrict the number of covers to 18. 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 Saturday - 11:00 to 00:30
- Sunday and Bank Holidays - 11:00 to 23:30

An acoustic report demonstrates that no unacceptable impacts would arise subject to the final specification of windows and other design features being selected and the opening hours being restricted and Environmental Health agree with this. This should be validated through post completion testing prior to the first use of the premises to ensure that no further mitigation is required.

Deliveries and the servicing of the site be limited to between 07:30 to 20:00, Monday to Saturday.



*Neighbouring commercial units at the ground floor of Cotton House on the northern side of Henry Street located opposite the application site.*

Three blade lights would be mounted to the staircase extension. Three spotlights would be mounted on the property's parapet with two curved window lights and three wall lights mounted to the ground floor. The lighting would illuminate the adjacent street scene for patrons.

All proposed lights would face downwards apart from the 2 window lights. Environmental Health have no objection to the lighting in principle, subject to the final details being agreed by condition.

Objections have been received that state the proposal would have an unacceptable impact on neighbouring dwelling's privacy. Henry Street is a narrow road with built development on either side, with habitable windows to homes facing directly onto each other at Cotton House and 13 Blossom Street.

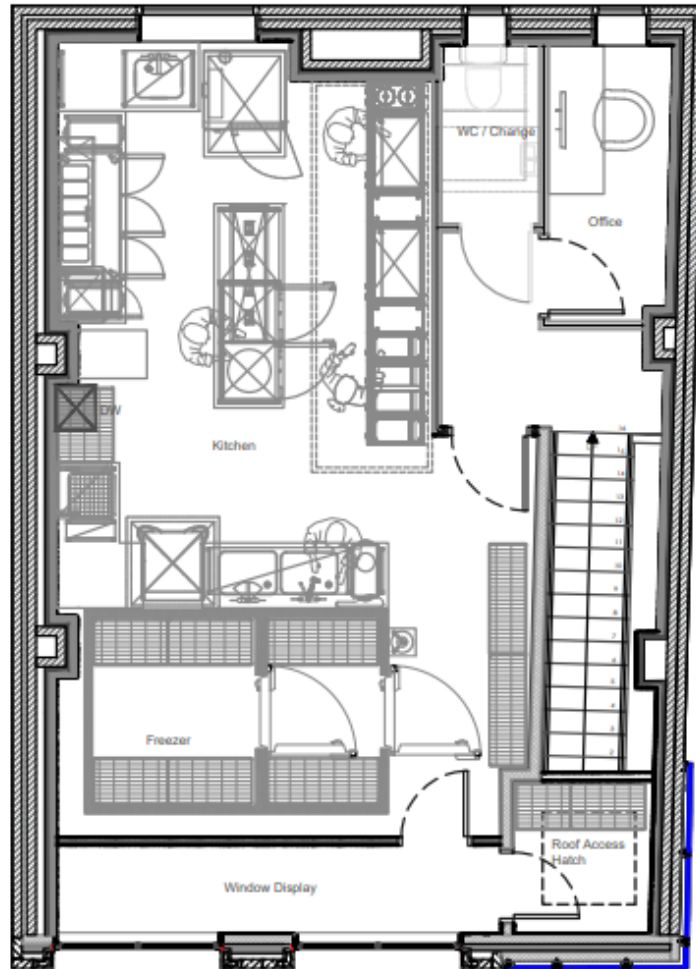
The windows at first floor of the application property, although obscured by internal vinyl advertisements, currently face directly onto windows to homes in Cotton House.

Windows facing directly on either side of the street is a characteristic of Henry Street and throughout the conservation area. The proposal would not worsen this relationship. The first floor windows are to a display area, where there would be low levels of activity and would not be used for seating/dining.

The increase in height would overshadow or restrict light to nearby homes.



*Unobscured windows serving habitable rooms within residential dwellings at Cotton House and no13 Blossom Street facing directly onto each other, at the south-eastern end of Henry Street.*



*Proposed first floor plan depicting that the windows within the front elevation would serve as a display area and a hallway that provides access to the property's roof.*

The restaurant would have extraction and plant equipment on the roof. A ventilation statement and noise impact assessment have been submitted and assessed by Environmental Health.

The plant and fumes can be treated to prevent noise outbreak and control odours. A verification report would be required to ensure compliance with agreed noise limits.

Comments and concerns have been raised regarding noise and disturbance from the use, particularly late at night. Mitigation measures can be put in place to minimise the effects of the use on residents. As such, there would be no unduly harmful impacts which would warrant refusal of this planning application.

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

### **Crime and Public Disorder**

The use would bring additional vitality to the area. The development would overlook Henry Street and would enliven the street scene and provide natural surveillance.

In order to ensure that there would be no unduly harmful impacts on residential amenity, 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.

Greater Manchester Police (GMP) do not object to the proposal subject to the shopfront achieving secured by design standards and the property being covered by CCTV.

## **Ecology**

The site is of minimal ecological value but the existing roof could contain bat roosts. A Bat Emergence Survey Report found no evidence of bat roosts on site. Bats are protected under the Wildlife & Countryside Act 1981 and as such in the event of an approval it is considered appropriate to attach an informative notifying the applicant of their obligation if a bat roost is found during construction works.

No objection has been received from the Greater Manchester Ecology Unit. Subject to a condition that would see the addition of a bat and bird box the property's roof the proposal is acceptable in this regard and therefore accords with Core Strategy Policy EN15, Places for Everyone Plan Policy JP-G9 and the National Planning Policy Framework.

## **Impact on the local highway network**

The city centre location means that the site is within walking distance of sustainable transport. A condition seeks to secure cycle arrangements for staff and customer.

A construction management plan has accompanied the proposal, both Environmental Health and Highway Services are content with the plan.

## **Accessibility**

Level access is proposed and an accessible WC would be located at ground floor. The development is therefore considered to be wholly accessible in accordance with Core Strategy Policy DM1, the National Planning Policy Framework and the Equality Act 2010.

## **Waste Management**

There would be an internal bin store on the ground floor accessed directly off Henry Street. The store would be capable of accommodating 4no 140L refuse bins and the store's doors would open inwards away from the public highway. Waste collections would then take place from Henry Street.

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.

## **Conclusion**

The proposal conforms to the development plan taken as a whole as directed by section 38 (6) of the Planning and Compulsory Purchase Act 2004 and there are no material considerations which would indicate otherwise.

The application would provide a restaurant in a disused commercial property and external alterations that improve the appearance of the application site and neighbouring street scene.

The development would contribute to the entertainment and nighttime economy, whilst also assisting the further regeneration of the City Centre all in accordance with Core Strategy Policies SP1, CC1, CC2, C10 and DM1.

The development through planning condition would not result in any unduly harmful impact on visual amenity, heritage, residential amenity, ecology, highway safety and waste management.

### **Other Legislative Requirements Equality Act 2010**

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

**Human Rights Act 1998 considerations** – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have 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 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**

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance, this has included ongoing advice that has resolved the issues associated with the proposal.

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

- o 037/01(02)001: Location Plan (Received 12/05/2023)
- o 037/01(02)003 D: Existing and Proposed Floor Plans (Received 25/10/2023)
- o 037/01(02)004 D: Existing and Proposed Elevations (Received 25/10/2023)
- o 037/01(02)010 B: Waste Management Plan (Received 25/10/2023)
- o 037/01(02)030 A: Section A-A (Received 14/11/2023)
- o 037/01(02)040 B: Bay and Material Study (Received 25/10/2023)
- o 037/01(02)050: Lighting Strategy Plan (Received 25/10/2023)
- o 037/01(21)001: Zinc Cladding Details and Setting Out (Received 25/10/2023)
- o Shell Works Specification (Received 20/11/2023)
- o Material Schedule (Received 15/11/2023)

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) Prior to commencement of the works not included within the approved "Shell Works" noted in the submitted Shell Works Specification (Dated and Received 20/11/2023), the following shall be submitted for approval in writing by the City Council, as Local Planning Authority:

- i. baseline samples and specifications of all materials to be used on the property's external windows and shopfront;
- ii. a sample panel of the approved zinc cladding and heritage brick detail.

The panel to be produced shall include jointing and fixing details between all component materials and any component panels, details of any external ventilation requirements, details of the drips to be used to prevent staining and details of the glazing and frames.

The approved materials shall be implemented as part of the proposals.

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.

4) The premises shall be used for Class E (Commercial, Business and Services) within the following criteria: b (Sale of Food and Drink) only and for no other purpose (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - The use of the premises other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality, for reasons of impact upon the vitality and viability of town and local centres, residential amenity and highway safety, in accordance with etc.

5) a) Prior to the commencement of the use hereby approved a scheme detailing the extraction and discharge of fumes, vapours and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties. The development shall then proceed in accordance with the approved details which shall then be retained for the lifetime of the development.

b) Prior to commencement of the use hereby approved a verification report confirming the installation of the measures approved under part a of this condition will be submitted to and approved in writing by the Local Planning Authority

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

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

- o Monday to Saturday - 11:00 to 00:30
- o Sunday and Bank Holidays - 11:00 to 23:30

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

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

- o 07:30 to 20:00, Monday to Saturday

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework



8) a) The development shall be carried out in accordance with the submitted acoustic report (Prepared by Jameson Acoustics; Dated 27/04/2023; Received 03/05/2023). Notwithstanding this, prior to the commencement of the use hereby approved an addendum report shall be submitted to and approved in writing by the Local Planning Authority. The addendum shall confirm detailed specifications of the development's final internal design including how the premises will be acoustically insulated. The development shall then proceed in accordance with the approved details.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report, that shall validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report and subsequent addendum, shall be submitted to and approved in writing by the Local Planning Authority. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

9) a) The development's plant shall be completed in accordance with the measures put forward under the submitted Noise Impact Assessment (Prepared by Jameson Acoustics; Dated 27/04/2023; Received 03/05/2023). Should any of the plant change prior to installation an addendum acoustic report will be required to be submitted to and approved in writing by the Local Planning Authority to reflect the changes.

b) Prior to the operation of the scheme, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

10) a) Notwithstanding the details depicted on drawing no.037/01(02)050, before the use hereby approved commences, external lighting shall be designed and installed in accordance with a scheme that shall be submitted to and approved in writing by the

City Council as local planning authority so as to control glare and overspill onto nearby residential properties. The development shall then proceed in accordance with the approved details.

b) Prior to occupation of the development a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

11) The development shall proceed in accordance with the Construction Management Plan prepared by Mere Development Group (Received 24/11/2023). For the entirety of the construction period of the development hereby approved.

Reason - In the interest of highway safety and neighbouring amenity in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

12) The refuse storage facilities as shown on drawing no.037/01(02)010 B shall be made available for use prior to the occupation of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity, public health and good waste storage, in accordance with Core Strategy Policy DM1 and the National Planning Policy for Waste.

13) All external doors of the development hereby approved shall open away from the public highway.

Reason - In the interest of highway safety in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

14) The development hereby approved shall proceed in accordance with the recommendations made within the submitted Bat Emergence Survey (Prepared by JCA; Dated 06/06/2023).

Reason - In the interest of protecting the ecology of the application site and neighbouring area.

15) Prior to the occupation of the development hereby approved, evidence demonstrating that the approved shopfront has secured a Secured by Design accreditation shall be submitted to and approved in writing by the Local Planning Authority.

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.

16) Prior to the occupation of the development hereby approved, a verification report confirming the installation of a bat box and bird box in an appropriate location on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved boxes shall then be retained thereafter for the lifetime of the development.

Reason - In order to secure a biodiversity net gain on site in accordance with Manchester Core Strategy Policy EN15, Places for Everyone Plan Policy JP-G9 and 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: 136558/FO/2023 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  
Heritage & Urban Design  
Greater Manchester Police  
Greater Manchester Ecology Unit**

**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 :** Michael Pearson  
**Telephone number :** 0161 219 2735  
**Email :** michael.pearson@manchester.gov.uk

