

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
123983/FO/2019	9th Aug 2019	12th Mar 2020	Piccadilly Ward

**Proposal** Proposed change of use of ground floor unit and upper floors unit to mixed use Café and Drinking Establishment with only cold food provision on all floors (Sui Generis Use Class), including associated external roof plant and acoustic air vents.

**Location** 1 Salmon Street, Manchester, M4 1AA

**Applicant** Mr Scott Martin , 1 Salmon Street, Manchester, M4 4AA,

**Agent** N/A

### **Description of area**

The site is in the Northern Quarter which contains a variety of uses including wholesale rag trade companies, creative businesses, niche and alternative retail, café bars, public houses, galleries, hotels, nightclubs and homes. It is in the Smithfield Conservation Area (1987) and adjacent to the Shudehill Conservation Area (1987). It adjoins the Grade II listed Hare and Hound. There are other heritage assets nearby, including the Grade II Former Wholesale Fish Market, 10-20 Thomas Street and 75 and 77 High Street.

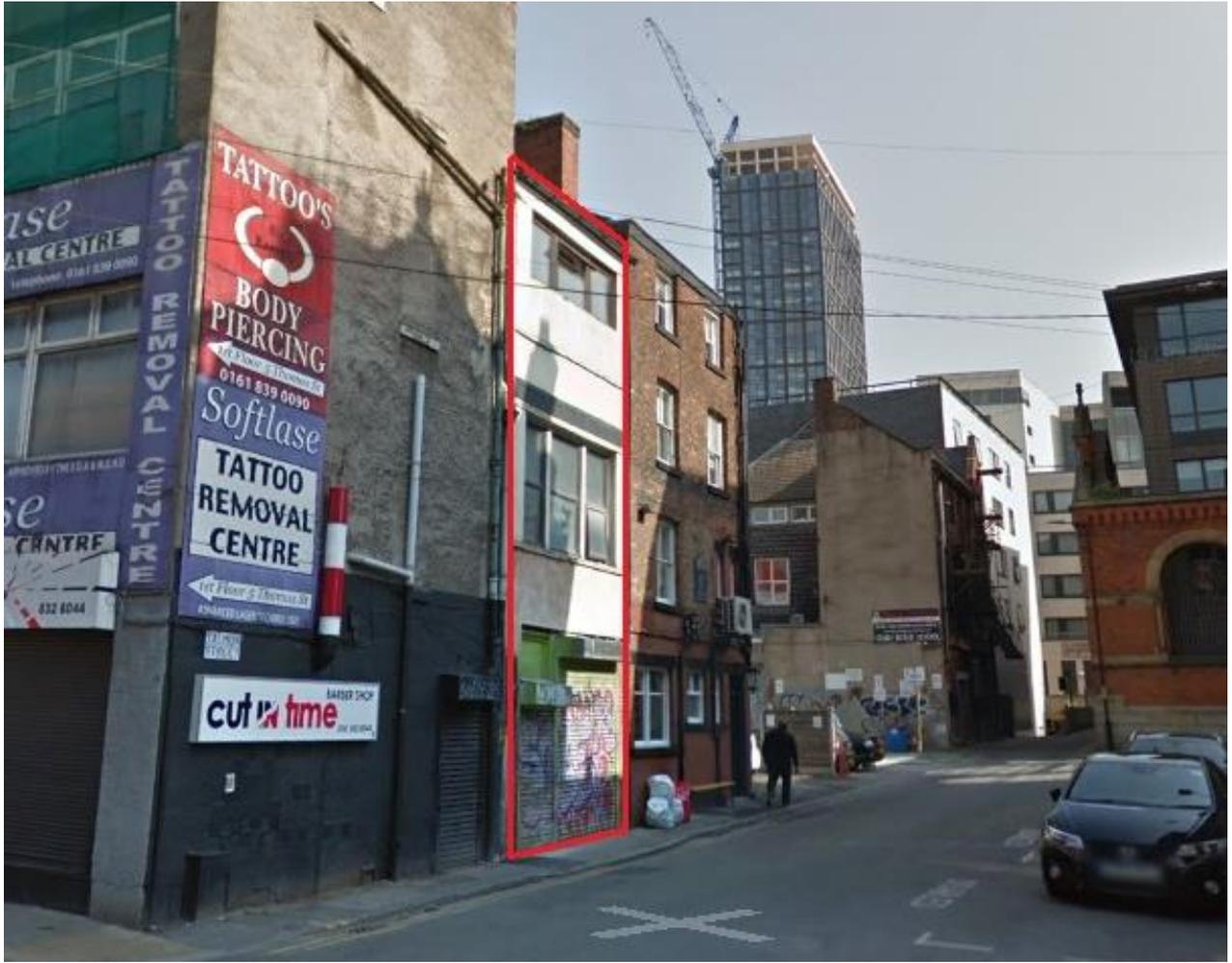
The site benefits from all forms of sustainable transport modes, including the Shudehill Transport interchange and Victoria Station. Salmon Street has a narrow public foot path and parking is restricted. The Shudehill interchange has a 777 space multi-storey car park with 42 bays for disabled people.

### **Description of site**

The site contains a three storey building fronting Salmon Street and Shudehill. It is divided into two units with one accessed off Salmon Street and the other off Shudehill. The applicant's demise is 212m<sup>2</sup> over three floors and fronts Salmon Street.

The building has been vacant for some time and appears to be in a poor state of repair externally. The ground floor frontage onto Salmon Street has timber doors and windows and external roller shutters. The upper floor on Salmon Street is a mixture of painted brick and render. The upper floors to Salmon Street and Shudehill have timber and UPVC windows, with some boarded up. The roof has two predominant pitches and the building has a light well.

The adjacent Hare and Hounds is a 3-4 storey Grade II listed building, which operates as a drinking establishment with an upper floor residential use. Planning permission was granted in 2017 to use the adjacent building 42 Shudehill as a 15 bed hotel (116454/FO/2017). This does not appear to have been implemented.



*Existing frontage of proposal site, Salmon Street*

### **Description of Proposal**

Permission is sought for a mixed use Café and Drinking Establishments, serving only cold food (Sui Generis Use Class). The ground floor and upper levels would operate as two separate business but would be operated and managed by the applicant.

The ground floor would operate as a Café with the option of drinking alcohol. The upper floors would operate as a conventional bar with a supplementary food offer. There would be no cooking appliances or associated extract units and the proposed food offer would be prepared off-site and brought in via an independent supplier.

Both businesses would be accessed from Salmon Street entrances, with level access being provided to the ground floor unit via a small internal ramp. Two acoustically treated external air ventilation extracts would be located within the first floor windows. There would be ventilation equipment on the roof within the light well. The opening hours would be Monday to Friday 8:00 - 02:30, Saturday 08:00 - 03:30, Sunday and Bank Holidays 10:00 - 22:00.

There would be no live music with background music played at modest levels, which would not exceed dB noise levels set out in the submitted Noise Impact Assessment Report.

There would be internal and external CCTV in operation at all times and the premises would be managed by door supervisors from 21:00 onwards. A dispersal policy would require staff to ensure an orderly and gradual dispersal of patrons at closing time. Notices would be displayed requesting customers to give consideration to neighbours when leaving the premises and staff would discourage customers from congregating outside the premises. People smoking outside would be monitored by staff and signs would request customers to keep noise to a minimum. Customers who disregard neighbours amenity would be verbally asked by the staff to move inside the premises or leave the vicinity.

Waste and recycling receptacles would be stored within the premises within shared refuse areas and would be collected daily by a third party via bag collections.

There would be three cycle stands under the ground floor stairs.

The applicant operates other existing businesses in the City Centre, including Mash Tun (Restaurant) on King Street and Fundamentum (Bakery) within Piccadilly Place.

### **Consultations**

Publicity - 284 neighbour notification letters were sent to surrounding properties, a site notice was displayed and an advert went in the local press. A total of 4 objections have been received from neighbouring residential properties. The concerns raised are summarised below:

- The proposal would have negative impacts on neighbouring residential and other neighbouring occupiers in regard to noise and general disturbance.
- The cumulative impact of the proposal, given it is next to an existing pub, would create another noise source and result in more people urinating and being sick in the street.
- Smokers would gather outside at late hours resulting in disturbance for residents.
- The submitted smoking strategy would not be likely to be enforced and would be inadequate.
- The proposal would add to the existing rubbish which accumulates in the street every weekend.
- The waste management strategy does not specify what times the collections would take place or what times sacks would be put out, early or late night collections would mean unsightly piles of waste on the highway and noise at unreasonable hours.
- Residents already suffer from noise from existing bottle bins being emptied which may seem trivial but reverberates between the buildings.
- The use has nowhere to put rubbish bins but on the highway, which would cause obstruction.
- The licence application for the sale of alcohol was for the entire building, back and front including multiple escape means, however this is no longer the case for the planning application, what fire safety implications does this have.
- The proposal includes no fire escape.

- Works have already started on site, with a kitchen being installed which contradicts the planning information submitted.
- The plans include a kitchen which would be positioned next to a bedroom.
- The building is in a poor state of repair, with rot and damp and may be dangerous for crowds, including inadequate support for the ground floor.
- The basement unit suffers from leaks from the main sewer and this would be exacerbated by increased use of the site and extra wash and toilet facilities.
- Previously the building owner has removed dangerous substances such as asbestos illegally.

Environmental Health - No objections subject to conditions regarding acoustics, operational hours and waste management.

Highway Services - No objections subject to conditions regarding deliveries, servicing and waste, and cycle storage provision.

Greater Manchester Police - No objection subject to recommendations in the Crime Impact Assessment being accorded with.

Ward Councillors - No comments received.

## **Issues**

### **Policy**

The Core Strategy Development Plan 2012-2027 was adopted in 2012 and is the key document in the Local Development Framework. A number of the Manchester Unitary Development Plan (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, alongside the revised National Planning Policy Framework (2019).

The main policies that are relevant in particular to the proposal are Section 6 (Building a Strong and Competitive Economy), Section 7 (Ensuring the Vitality of Town Centres), Section 8 (Promoting Healthy and Safe Communities), Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving well designed places) and Section 16 (Conserving and Enhancing the Historic Environment) of the revised National Planning Policy Framework, Policies SP1 (Spatial Principles), DM1 (Development Management), EC1 (Land for Employment and Economic Development), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development), Policy EN8 (Adaptation to Climate Change), EN16 (Air Quality), EN19 (Waste), CC1 (Primary Economic Development Focus : City Centre and Fringe), CC4 (Visitors – Tourism, Culture and Leisure), CC5 (Transport), CC7 (Mixed Use Development) CC9 (Design and Heritage), CC10 (A Place for Everyone), C10 (Leisure and the Evening Economy), DM1 (Development Management), T1 (Sustainable Transport) and T2 (Accessible Areas of Opportunity and Need) of the Adopted Core Strategy for the City of Manchester and saved policies DC26 (Development and noise), DC10 (Food and Drink Uses), DC18.1

(Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan (UDP) for the City of Manchester.

These policies are considered against the proposal in further detail below.

### **Relevant Local Policy**

SO1 (Spatial Principles) - This is a highly accessible location which would reduce the need to travel by private car and would support sustainable growth and help to halt climate change. The proposal would provide increased accessibility which currently does not exist.

SO2 (Economy) - The scheme would provide construction jobs along with permanent employment in a highly accessible location. The mixed use café and drinking establishment would support the City's employment function.

S05 (Transport) - The development would be highly accessible, reduce the need to travel by private car and would make the most effective use of public transport. Secure cycle parking would be provided.

S01 (Environment) - The development would increase recreational opportunities to the City Centre and ensure that it is inclusive and attractive to residents, workers, investors and visitors.

Policy SP1 (Spatial Principles) - The development would be sustainable and would deliver economic and commercial development. It would be close to sustainable transport and encourage the use of public transport.

Policy EC1 (Land for Employment and Economic Development) - The proposal would generate employment close to transport infrastructure and promote walking, cycling and public transport use.

Policy CC1 (Primary Economic Development Focus (City Centre and Fringe)) - The development would complement existing uses in the area and bring a vacant unit back into active use.

Policy CC4 (Visitors – Tourism, Culture and Leisure) - The café and drinking establishment would improve facilities for visitors and contribute to the quality and variety of the City's food and drink offer. The proposals would bring the building back into use and improve access for all.

Policy CC5 (Transport) - The accessible location would help to improve air quality and reduce carbon emissions. The internal cycle store would promote sustainable transport.

Policy CC7 (Mixed Use Development) - The mixed use development would use the site efficiently. It would create street level activity and provide services for visitors and residents.

Policy CC9 (Design and Heritage) - The proposal would not have any adverse impact on designated or non-designated heritage assets.

Policy CC10 (A Place for Everyone) - Level access would be provided into the ground floor and an accessible ground floor WC would be provided. Alterations to the stairs throughout the building would improve access to ambulant disabled people. The proposal would appeal to a wide range of people.

Policy C10 (Leisure and the evening economy) - Homes alongside bars, restaurants, takeaways and other night-time uses in the Northern Quarter is an established part of the character of the area. Conditions relating to the management and control of servicing, noise and disturbance and crime and disorder would protect residential amenity.

Policy T1 (Sustainable Transport) - The city centre location would encourage modal shift away from car travel to more sustainable alternatives. The proposal would facilitate walking, cycling and public transport use which reduce carbon emissions.

Policy T2 (Accessible Areas of Opportunity and Need) - The proposal would be accessible by a variety of sustainable transport modes. Parking for disabled people is available nearby.

Policy EN1 (Design Principles and Strategic Character Areas) - It is understood that the applicant would seek to uplift the building through repair and maintenance in order to provide an attractive offer to residents and visitors, which would be benefits associated with bring a vacant building back into active use.

Policy EN3 (Heritage) - The proposal would not have any adverse impact on designated or non-designated heritage assets.

Policy EN4 (Reducing CO2 Emissions by Enabling Low and Zero Carbon Development) - The proposal would result in internal repairs of the building fabric, external window repairs along with added sound insulation which would improve the energy requirements of the building.

Policy EN8 (Adaptation to Climate Change) - The reuse of an existing building in an extremely suitable location would intrinsically contribute positively to reducing the impacts of development on climate change.

Policy EN16 (Air Quality) - The proposal would be highly accessible by all forms of public transport and reduce reliance on cars and therefore minimise emissions from traffic generated.

Policy EN19 (Waste) - The development would be consistent with the principles of the waste hierarchy and includes an appropriate Waste Management Strategy.

Policy DM1 (Development Management) - The proposal would have no adverse impact on the surrounding areas in terms of design and appearance and would have no detrimental impact on amenity, safety, crime and disorder or traffic impacts.

## **Saved Unitary Development Plan Policies**

Policy DC10.1 (Food and Drink Use) -The effects on the amenity of neighbouring residents, in regard to noise and disturbance, has been considered and appropriate conditions have been attached to control such matters. The practical availability for car parking, and the proposed servicing, waste storage and waste collections provisions have been considered and are acceptable. The proposal increases access into and throughout the site, which is not currently available.

Policy DC 10.4 (Food and Drink Use) - The proposal sets out various operational and management strategies in order to protect the amenity of nearby residents. Conditions would control the hours of operation, noise, fumes, smells, servicing and the collection and storage of waste.

DC18.1 (Conservation Areas) - The proposal includes minimal external alterations and therefore would have no significant impact on the setting of the identified Conservation Areas.

DC19.1 (Listed Buildings) -The proposal includes minimal external alterations and therefore would have no significant impact on the setting of nearby listed buildings.

DC26.1 and DC26.4 (Development and Noise) – A Noise Impact Assessment provides recommendations to ensure no adverse impacts on amenity in relation to noise. Appropriate conditions would ensure there would be no unacceptable impacts regarding noise on people living, working in or visiting the City Centre.

## **Relevant National Policy**

The revised National Planning Policy Framework (2019) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and an environmental role (paragraphs 7 & 8). Paragraphs 11, 12, 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 "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. 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, 7, 8, 9, 11, 14 and 16 of the NPPF for the reasons outlined below:

Section 6 – (Building a Strong and Competitive Economy) - The proposal would support economic growth and create jobs and prosperity.

Section 7 (Ensuring the Vitality of Town Centres) - A vacant building would be brought back into use and increase the City Centre Food and Drink offer.

Section 8 (Promoting Health and Safe Communities) - The proposal would encourage use of sustainable transport modes. The ground floor would be fully accessible and adaptations would assist ambulant disabled people to upper floors.

Section 9 (Promoting Sustainable Transport) - This site is close to railway stations, tram and bus services, and would have a cycle store. This would be sustainable development and contribute to sustainability and health objectives.

Section 11 (Making Effective Use of Land) - The proposal would bring a long standing vacant building back into active use.

Section 14 (Meeting the challenge of climate change, flooding and coastal change) - The proposal would seek to reuse a vacant building in the City Centre which is an intrinsically sustainable development in nature.

Section 16 (Conserving and Enhancing the Historic Environment) - The proposal includes minor external alterations which would not impact on identified heritage assets.

### **Legislative requirements**

Section 72 of the Listed Building Act 1990 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 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise disadvantages suffered by persons sharing a protected characteristic and to encourage that group to participate in public life. Disability is among the protected characteristics.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

### **Principle of the Use and Contribution to Regeneration**

The Northern Quarter is an important part of the City Centre and its distinctive mix of uses form part of Manchester's global offer. The area has evolved in response to ongoing investment which has seen the growth of a residential community alongside growth around creative industries such as fashion designers, art galleries and media related businesses and of a largely independent sector of retailers including shops,

restaurants and bars. Many disused and dilapidated buildings have been refurbished and reused as part of this process.

This site is on the fringe of the Northern Quarter and fronts onto Shudehill. This part of the Northern Quarter has seen some investment but a number of properties, including this site, remain underused and vacant and detract from the area. It is important that viable new uses are found for these buildings otherwise they will continue to deteriorate and have a negative impact on the area. This particular building has been empty for many years and the proposed use could add to the vibrancy of the area and enhance its attractiveness and could therefore be considered as acceptable in principle.

The proposed development would bring vacant floorspace, in a prominent location within a Conservation Area, back into use and could consequently have a positive impact on the Northern Quarter.

The City Centre Strategic Plan notes the need to preserve the Northern Quarter's unique identity and to allow independent businesses and new complementary uses to be introduced to flourish.

The reuse of vacant, derelict and dilapidated premises is a key objective in the Northern Quarter. This however, needs to be balanced against the need to maintain a complementary balance of uses that is not detrimental to the character of the area, its attractiveness or the amenity of residents. It is considered that this proposal would add to and complement the character of the area and it is considered that the proposal has the potential to add to the area's vibrancy and contribute positively to the character of the Northern Quarter.

### **Visual Amenity and Heritage Impacts**

The proposed development includes external two acoustic ventilation fans on the Salmon Street elevation at first floor and an externally mounted air-conditioning unit located on the roof within a central light well.

The acoustic ventilation fans would have no significant impact on the visual amenity of the building or on identified heritage assets. The roof mounted AC unit would not be visible from the street.

The applicant would carry out repair and maintenance works that would not require planning permission in order to renew the existing building. These works include; internal refurbishment of floors, stairs, walls and ceilings; like-for-like replacement of the ground floor shop frontage; like-for-like replacement and repair of the upper floor timber framed windows and glazing as required; and repainting of external façade.

It is therefore considered that the proposal would likely result in a positive uplift of the vacant unit and therefore would enhance the street scene. The proposal is therefore considered to accord with the revised NFFP, policies SP1, DM1, EN1, EN3 and CC9 of the Core Strategy and saved UDP policy DC18.

### **Residential amenity**

The impact of the proposal on nearby residents needs to be considered carefully. The aspiration to create a diverse mix of uses within the Northern Quarter, inevitably involves restaurants, bars and clubs being in close proximity to peoples homes. Measures should be incorporated which help to mitigate the impact of a use on residents. However, in evaluating the potential impact, there is a responsibility to consider and balance the reasonable expectations of residents in a City Centre context and the aspirations to develop a mixed use area with activity in both the day time and evening economies.

The applicants have provided details of how noise and disturbance from people leaving the premises would be managed. This includes placing of notices asking people to leave quietly and in an orderly manner and verbally requesting any customers who do not adhere to such notices to do so. No external drinking area is proposed.

Environmental Health have made no objection to the operation hours which would be controlled through conditions. A Noise Impact Assessment recommends various measures to ensure the proposal would have no adverse impact on neighbouring residential uses through noise emanating from within the premises via either background music or general operation. Environmental Health have no objection subject to final external plant noise details being submitted and verified and the recommendations within the noise impact assessment being implemented and verified. These matters would be controlled through the conditions recommended within this report.

The applicant has demonstrated that they would seek to operate in a responsible manner and has agreed to a personal permission, including their named business partners, which would potentially prevent the site being operated by others who may not operate to similar standards.

Given the above, it is considered that on balance and subject to conditions, controlling the acoustic insulation of the premises and associated plant and equipment, the hours of operation, the hours during which deliveries can take place, and the storage and disposal of refuse, the proposals would be consistent with the revised NPPF, policy DM1 of the Core Strategy and saved UDP policies DC10.1, DC10.4 and DC26.

### **Crime and disorder**

The applicant has submitted operational and management strategies designed to ensure no significant increase in crime and disorder at the premises. The proposal is supported by a crime impact statement which provides recommendations relating to physical and operational security measures. The operational management strategy submitted by the applicant confirms that customers would be encouraged when leaving the premises to do so in an orderly and quiet manner. The applicant has indicated that any significant congregation or smoking outside the premises would be discouraged by staff.

Greater Manchester Police Design for Security Unit support the proposal subject to the recommendations of the crime impact statement being implemented.

Conditions recommended within this report would ensure that the various management and operational strategies submitted by the applicant, and the recommendations set out by GMP Design for Security Team, are implemented fully and retained thereafter during the operation of the development.

The reuse of the vacant premises would serve to significantly increase passive surveillance in the immediate vicinity, which would be very likely have a positive impact in reducing the occurrence of potential antisocial or criminal behaviour in the locality.

In these regards it is therefore considered that the proposals are consistent with the revised NFFP, policies DM1 and SP1 of the Core Strategy.

### **Odour, Fume and Ventilation**

The two ventilation extracts at the first floor between the window openings on Salmon Street would be acoustically treated to ensure no unacceptable noise breakout from the units.

The proposal would include an external ventilation unit on the second floor in a light well.

Food would not be cooked at the premises, and the food offering would be brought to the premises via an independent operator.

Environmental Health had no objection to the proposal subject to conditions relating to noise from the use and external air conditioning equipment, and waste storage.

A condition is recommended within this report ensuring appropriate control on these matters along with the restriction of the types of food cooking at the premises in order to protect residential amenity.

It is therefore considered that the proposal would have no adverse impact on neighbouring occupier's amenity and as such accords with the revised NFFP, policies CC5, DM1, SP1, EN19 and T2 of the Core Strategy and saved UDP policies DC10.1, DC10.4 and DC26.

### **Transport, Servicing, Waste**

The site is highly accessible by all public transport options including bus, rail and Metrolink. The proposal would include 3no internal cycle storage spaces for staff at ground floor. Servicing, deliveries and waste collections would take place from a nearby loading bay on Salmon Street.

Highway services do not anticipate any unacceptable impacts on the highway in terms of safety or congestion, given the highly sustainable location of the proposal.

Waste and recycling receptacles would be stored internally within the unit at ground floor and first floor, then collected by a private waste contractor on a daily basis via bag drops outside the premises.

Environmental Health and Highway Services have made no objections to the servicing, delivery and waste arrangements subject to conditions regarding waste provisions and servicing hours, including waste collections hours.

In view of the above it is therefore considered that the proposals are consistent with the revised NFFP, policies CC5, DM1, SP1, EN19 and T2 of the Core Strategy and saved UDP policy DC26.

### **Disabled access**

The applicant has considered options to provide full access into and throughout the entire building. However, this would not be feasible on the upper floors, due to the tight dimensions of the site and the viability of the proposal.

There would be full level access at ground floor, which is not currently possible, through a small entrance ramp and an accessible WC. People with ambulant disabilities would be assisted in accessing the upper floors with the provision of stair rails at all level changes, which would be compliant with building regulations. The applicant has also indicated that all staff would be trained in disability awareness and committed to assisting all persons with disabilities were possible.

It is considered that the applicant has proposed measures to improve access and facilities for disabled facilities at the premises, which currently do not exist. Given this context it would be considered unreasonable to refuse the proposal for lack of full access, taking into account the relevant planning policy, guidance and the requirements of the Equality Act 2010.

### **Other Matters**

A number of concerns have been expressed regarding the potential for the proposed development to potentially result in undue noise and disturbance to neighbouring residents and commercial occupiers. A Noise Impact Assessment has set out internal maximum dB levels and building improvements and sound insulation required to meet MCC noise criteria. The applicant has provided an operating schedule, smoking policy and dispersal policy. A Crime Impact Assessment has been prepared by GMP.

The proposal includes a smoker's management strategy for customers to keep noise to a minimum via signage asking customers to be aware of their impact on neighbouring properties. Customers failing to take notice of such signage, would be asked to either enter the premises or leave the immediate vicinity. There would be trained door staff from 21:00 daily, who would help to manage noise and disturbance. These acoustic matters and operational management strategies would be controlled appropriately through the conditions recommended within this report.

Concern has been expressed about people urinating and vomiting in public. This is of course outside of the applicants control but the premises includes an accessible WC at ground floor and upper floor toilets. Licensing controls require that alcohol should not be served to any customer who appears to be overly intoxicated, and a log book would be kept detailing any refusals of alcohol sales at the premises. These measures would decrease the likelihood of such issues occurring. The reuse of the unit is likely to dissuade people from antisocial behaviour through increased passive surveillance.

Concern has been expressed regarding the management of waste and collections. There would be internal waste storage areas at ground and first floors, including recycling of paper, glass and plastic. The waste would be disposed of via bag collections on a daily basis, between 7:30-20:00 Monday to Saturday and 10:00-18:00 Sundays, by a private contractor. This matter would be controlled via the conditions.

Concern has been expressed regarding the integrity of the building due to long standing upkeep and maintenance issues. Significant investment is clearly required to bring this vacant building back into commercial use. It is understood that the applicant has already replaced a significant amount of failing or rotten timber and significant additional works would be required to bring the building back into active use, which would also be controlled through Building Control regulations.

Concern has been expressed regarding fire safety issues. Such matters are principally Building Control regulation matters. However, it is understood that the ground floor unit would be separated from the first floor with a 60 minutes fire rated wall. The first floor would be limited to 60 people. Given the single stair arrangement proposed and toilets at second floor (fronting Salmon Street), servicing the first floor, is understood to be acceptable due to low numbers of people, close proximity to the main stair to ground floor and the provision of smoke detection to provide early warning to people in the toilet areas. The second & third floor internal areas (fronting Shudehill) would be used as storage space and not accessed by the public. It is understood that the Fire Service have already been consulted through the Building Control regulations process and have raised no objection to the proposal. This has been evidenced by the applicants approved private building control inspector.

A representation notes that drainage at the site is poor and often backs up. The provision of the ground floor WC and toilets at second floor require a significant amount of internal works to drainage. Building Control regulations would ensure that the drainage at the site is both adequate and functional.

A representation stated that a kitchen is being installed on site contrary to the planning permission being sought. The applicant indicated that they were storing a number of cooking units at the premises for a temporary period. Upon a site visit by officers it was clear that these units were not connected to any means of electric or gas supply. The proposal would not include any on-site cooking via electric/gas cookers or stoves and the recommended conditions would ensure appropriate controls on this matter.

## **Conclusion**

The reuse of vacant, derelict and dilapidated premises is a key objective in the Northern Quarter. This needs to be balanced against the need to maintain a complementary balance of uses that is not detrimental to the character of the area, its attractiveness or the amenity of residents. It is considered that this proposal would add to and complement the character of the area and it is considered that the proposal has the potential to add to the area's vibrancy and contribute to the character of the Northern Quarter.

Taking into account the above and any other material planning considerations, it is considered that the proposal is in accordance with the City of Manchester's planning policies and regeneration priorities including the Adopted Core Strategy, saved Unitary Development Plan policies, as well as the national planning policies contained within the revised National Planning Policy Framework and is therefore recommended to be approved subject to the conditions set out within this report.

**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**

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. Further information was sought from officers during the application and amendments were made to the proposal. Appropriate conditions were attached to the decision to ensure an acceptable development with the agreement of the applicant.

### **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 permission granted shall be personal to the applicant and named partners; Mr Scott Martin; Mr Bryan Regan and Mr Steven Cochrane, under the operating company 'Salmon Street MCR Ltd.'

Should the premises no longer be occupied and operated in full by any person as clearly named above, the use for which permission is hereby granted shall be discontinued and the land shall return to the last established and lawful use of the land prior to this permission being implemented.

Reason - The City Council as local planning authority has had regard to the special circumstances of the applicant, and in these exceptional circumstances a personal permission is in the interests of protecting residential amenity, in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

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

Site Location Plan Drawing No. A100, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Drawings No. A101, A102, A107, A108, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Drawing No. A103 Revision B, stamped as received by the City Council as Local Planning Authority on 24 January 2020.

Drawings No. A104, stamped as received by the City Council as Local Planning Authority on 24 January 2020.

Drawings No. A105, stamped as received by the City Council as Local Planning Authority on 18 October 2019.

Drawing No. A106 Revision B, stamped as received by the City Council as Local Planning Authority on 14 January 2020.

Design Statement, stamped as received by the City Council as Local Planning Authority on 24 January 2020.

Crime Impact Statement (Version A: 22/02/19, Reference 2019/0141/CIS/01), stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Dispersal Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Operating Schedule, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Smoking Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Waste Management Proforma, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Noise Impact Assessment, stamped as received by the City Council as Local Planning Authority on 30 October 2019.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1, EC1, EN1, EN3, EN19, CC1, CC4, CC5, CC7, CC9, CC10, C10, DM1 T1, and T2, of the Manchester Core Strategy and saved policies DC10.1 DC10.4, DC18, DC19 and DC26 of the Unitary Development Plan for the City of Manchester.

4) The premises shall operate in accordance with the submitted Noise Impact Assessment, stamped as received by the City Council as Local Planning Authority on 30 October 2019, and the premises shall play background music only. No live music is permitted within the premises.

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

5) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the recommendations within the approved Noise Impact Assessment, stamped as received by the City Council as Local Planning Authority on 30 October 2019.

The recommendations contained within the above report shall be implemented in full before the use commences.

b) Notwithstanding the approved plans and documents specified in condition 2 and the above part a, prior to the first use of the development a verification report will be required to 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 consultant's report. The report shall also undertake post completion testing to confirm that acceptable 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. Any subsequent further approved mitigation measures submitted within the verification report shall be implemented in full prior to the first use of the development.

For the avoidance of doubt where entertainment noise is proposed the  $L_{Aeq}$  (entertainment noise) shall be controlled to 10dB below the  $L_{A90}$  (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, respectively.

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

6) a) Notwithstanding the approved plans and documents specified in condition 2, any externally mounted ancillary equipment, plant and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB ( $L_{Aeq}$ ) below the typical background ( $L_{A90}$ ) level at the nearest noise sensitive location.

Prior to the first occupation of the development a scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Notwithstanding the approved plans and documents specified in condition 2 and the above part a, prior to first occupation of the development a verification report will be required, to be submitted to and approved in writing by the City Council as local planning authority, to validate that the work undertaken confirms to the above noise criteria. The report shall give the results of post-completion testing to confirm that the proposed noise limits are being achieved once the equipment and any mitigation measures have been installed. Any instances of non-conformity with the above criteria shall be detailed along with any measures required to ensure compliance.

The approved report and any necessary mitigation measures shall be implemented, and retained thereafter, in full in accordance with the approved details before the first occupation of the development.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

7) The development hereby approved shall not operate outside the following hours:-  
Monday to Friday 08:00 - 02:30  
Saturday 08:00 - 03:30  
Sundays and Bank Holidays 10:00 - 22:00

Reason - In the interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

8) Notwithstanding the approved plans and documents specified in condition 2, prior to the first operation of the development the management, operation and security measures set out within the following submitted documents:

Crime Impact Statement (Version A: 22/02/19, Reference 2019/0141/CIS/01), stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Dispersal Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Operating Schedule, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Smoking Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

shall be fully implemented and operational prior to first occupation, and such measures shall be retained and maintained thereafter while the use is in operation.

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

9) a) Notwithstanding the approved plans and documents specified in condition 2, prior to the first operation of the development the management, operation and security measures set out within the following submitted documents:

Crime Impact Statement (Version A: 22/02/19, Reference 2019/0141/CIS/01), stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Dispersal Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Operating Schedule, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Smoking Policy, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

shall be fully implemented and operational prior to first occupation, and such measures shall be retained and maintained thereafter while the use is in operation.

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

9) a) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours:  
07:30 to 20:00, Monday to Saturday,  
10:00 to 18:00 Sunday/Bank Holidays.

b) Notwithstanding part a, the waste management strategy shall be fully implemented and operated in accordance with the approved documents:

Drawing No. A107, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Drawing No. A103 Revision B, stamped as received by the City Council as Local Planning Authority on 24 January 2020.

Waste Management Proforma, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Reason: In the interests of public and highway safety and the protection of residential amenity, pursuant to policies DM1 and T1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

10) Cooking at the premises shall be limited to cold foods and no primary cooking (electric/gas powered ovens or stoves), or the frying or deep frying of food products is permitted at the premises.

Reason: In order to protect neighbouring residential amenity in regard to noise, fumes and odours, pursuant to policies DM1 of the Manchester Core Strategy and policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC10.1, DC10.4 and DC26 of the Unitary Development Plan for the City of Manchester.

11) Prior to the use first commencing the details regarding internal bicycle storage submitted shall be fully implemented, retained and permanently reserved for bicycle parking in accordance with the following documents:

Drawing No. A103, stamped as received by the City Council as Local Planning Authority on 06 August 2019.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policies SP1, T1 and T2 of the Manchester Core Strategy.

12) Notwithstanding the approved plans and documents, prior to the first occupation of the development hereby approved disabled access provision shall be fully implemented in accordance with the submitted and approved documents:

Drawing No. A106 Revision B, stamped as received by the City Council as Local Planning Authority on 14 January 2020.

The disabled access provisions shall be retained thereafter in perpetuity while the development is in operation.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policy SP1, DM1 and CC1 of the Manchester Core Strategy.

### **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: 123983/FO/2019 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:**

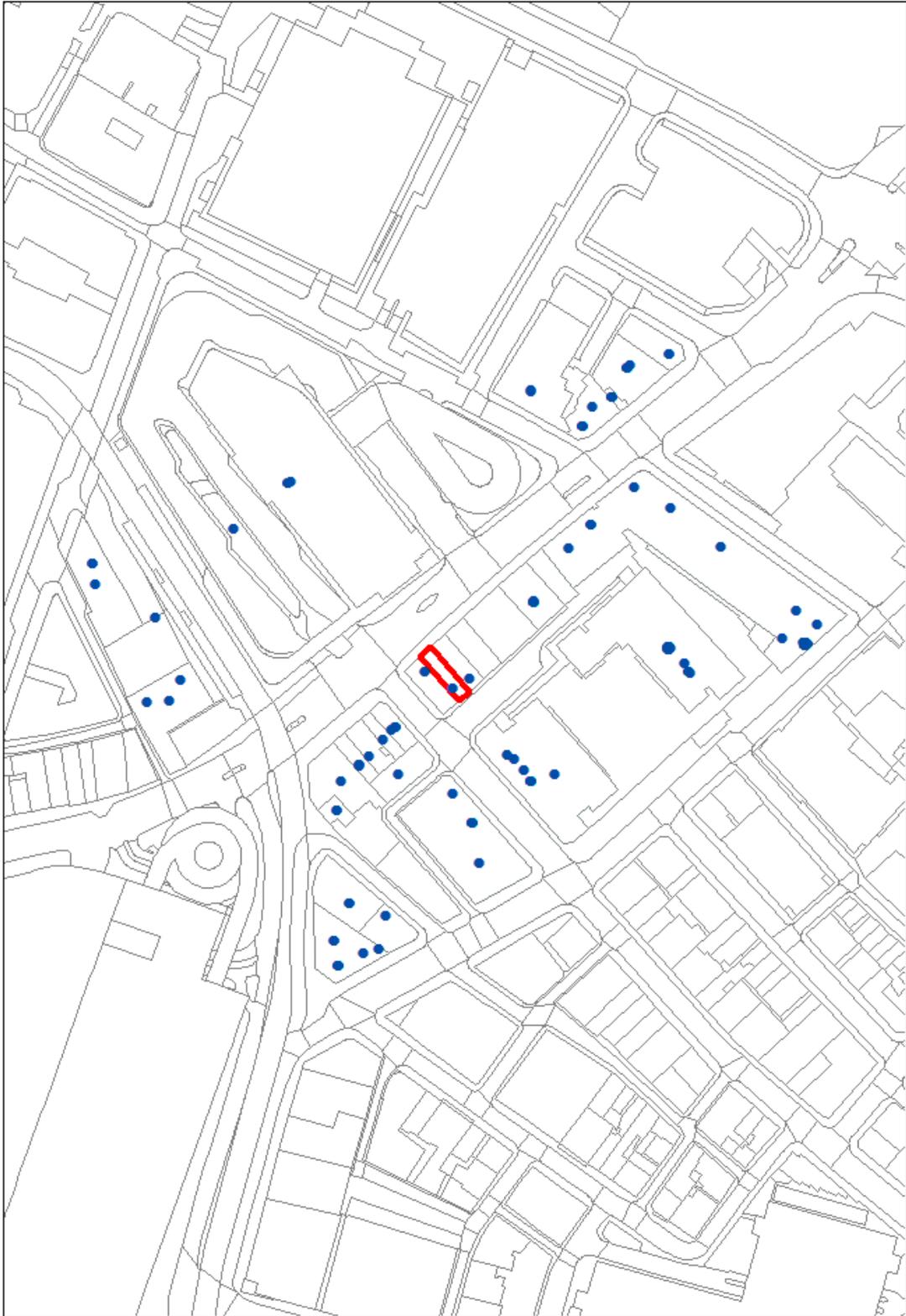
**Environmental Health  
Highway Services  
Greater Manchester Police  
Ward Councillors**

**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:**

**Environmental Health  
Highway Services  
Greater Manchester Police**

**Relevant Contact Officer :** Christopher Smith  
**Telephone number :** 0161 234 4529  
**Email :** christopher.smith@manchester.gov.uk



 Application site boundary  Neighbour notification  
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