

| <b>Application Number</b> | <b>Date of Appln</b> | <b>Committee Date</b>       | <b>Ward</b>              |
|---------------------------|----------------------|-----------------------------|--------------------------|
| 121809/JO/2018            | 13th Nov 2018        | 14 <sup>th</sup> March 2019 | Ancoats and Beswick Ward |

**Proposal** Variation of planning condition 21 of planning permission 111742/FO/2016/N1 to allow the commercial units to open until 23:30 Sunday to Thursday and 00:30 on Friday and Saturdays

**Location** 51 Blossom Street, Manchester, M4 6AJ

**Applicant** Mr Hodgson , C/o Agent,

**Agent** Ms Ema Klevan, Mace Group, Unit 5 Royal Mills, Redhill Street, Manchester, M4 5BA

### **Description**

The application site relates to a part 8 storey, part 5 storey mixed use building known as 'Smiths Yard' that was granted planning permission in 2016 under planning permission reference 111742/FO/2016/N1. The building consists of 99 residential units and 4 ground floor commercial units which were granted permission for use classes A1 (retail) A2 (professional/financial services) A3 (restaurant/café) B1 (business) and D1 (non-residential institutions) with association car parking, landscaping, amenity space, vehicular access from Bengal Street and other associated works. The units are not yet occupied however are expected to be occupied by a variety of businesses within the permitted use classes.

The development is located on Blossom Street, within the Ancoats conservation area and the surrounding area is largely a mix of residential and commercial developments. To the south of the site lies cutting room square and the Grade II listed St Peter's church, the Fairbairn Building, and the Ice Plant. These are a mixture of new and converted residential blocks fronting the square, with ground floor commercial units.

To the west of the plot, along George Leigh Street, is the Grade II Listed residential building Victoria Square which was one of the first municipal housing blocks in Manchester.

The City Centre is within approximately 15 minutes walking distance of the application site providing access to a wide range of amenities and public transport facilities.

### **The Proposal**

The submitted application seeks to vary condition 21 attached to planning permission 111742/FO/2016/N1.

Condition 21 states

*The commercial units hereby approved, as indicated on drawing 1823-FCBS-A-2000 stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016, shall not be open outside the following hours:-*

*Monday to Saturday            08.00hrs - 23.00hrs  
Sundays                            09.00hrs - 23.00hrs*

*There shall be no amplified sound or any amplified music at any time within the units.*

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

The application seeks to vary the operating hours of the commercial units as follows:

*Sunday to Thursday            08.00hrs - 23.30hrs  
Friday and Saturday            09.00hrs - 00.30hrs*

### **Consultations**

Local residents were notified and a total of 3 objections and 1 letter of support were received.

A site notice was displayed at the application site together with an advertisement in the local press due to the site being located adjacent to a listed building and within a conservation area.

Comments made following neighbour consultation can be summarised as follows:

Objects -

- Concerns raised with regards to increased noise and disturbance from the units extending their opening hours causing disamenity to nearby residents.
- Concerns that the extension of the opening hours will cause the area to cater to the evening economy rather than a residential neighbourhood.

Supports -

- Operating hours should be considered on a case by case basis with no blanket policy.
- The area has always been mixed use and is on the city centre fringe therefore a certain level of noise should be expected.
- Extending the hours will help support local business which are largely independent.

### **Policy**

National Policy

**National Planning Policy Framework (2019)**

The NPPF sets out the national governments planning policies for England and how these should be applied. The document states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this there are three objectives that must be pursued: an economic objective, a social objective and an environmental objective.

The framework states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The following specific sections of the NPPF are considered to be particularly relevant to the proposed development:

#### Section 6 'Building a strong, competitive economy'

Paragraph 80 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt' It goes on to state that the approach taken 'should allow each area to build on its strengths, counter any weaknesses and address any challenges for the future'.

#### Section 8 'Promoting healthy and safe communities'

Paragraph 80 states that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places'. This includes promoting social interaction, achieving places which are safe and accessible, so that crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion and enabling and supporting healthy lifestyles.

### **Planning Practice Guide (PPG)**

*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.

## **Local Policy**

### **Manchester Core Strategy (2012)**

Manchester's Core Strategy was adopted on 11th July 2012 and is the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies are relevant for this application:

#### Policy SP1 (Spatial Principles)

Policy SP1 sets out the key spatial principles which will guide the Strategic Development of Manchester along with the Core Development principles.

Policy SP1 states that development in all parts of the City should:

Make a positive contribution to neighbourhoods of choice including:

- Creating well designed places that enhance or create character;
- Making a positive contribution to the health, safety and wellbeing of residents;
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- Protect and enhance the built and natural environment.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

#### Policy DM1 (Development Management)

Policy DM1 states that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- Community safety and crime prevention;

- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection.

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

The Unitary Development Plan for the City of Manchester was adopted in 1995. It has largely been replaced by the Manchester Core Strategy, however 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:

#### **Policy DC10 (Food and Drink Uses)**

Planning applications for development involving the sale of hot food to be consumed off the premises the Council will have regard to, particularly in this instance:

- The general location of the proposed development;
- The effect on the amenity of neighbouring residents;
- The storage and collection of refuse and litter.

The Council will normally accept the principle of development of this kind in the City Centre, industrial and commercial areas and, at ground level, in local shopping parades of more than 8 shops or offices.

Where the Council considers food and drink premises to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

#### **Policy DC26 (Noise)**

Policy DC26 seeks to reduce the impact of noise generating development. This policy states that the Council will consider the effect of new development proposals and the implications of new development being exposed to existing noise sources. Developments likely to result in unacceptably high noise levels will not be permitted.

### **Other material policy considerations**

#### **Ancoats and New Islington Strategic Regeneration Framework (December 2016)**

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

The SRF 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.

This position is then reiterated within the core development principles which states that Ancoats and New Islington neighbourhoods will be predominantly residential in character, late night uses including bars (Class A4) and nightclubs (Sui Generis) will generally not be appropriate or supported where there would be a potential conflict with residential amenity. The SRF states that no licences will be granted after 11pm.

**Issues**

**Principle of Development**

The principle of commercial units being located at the ground floor of the Smiths Yard development was established when planning permission was granted under application 111742/FO/2016/N1. The application sites immediate surroundings are largely mixed use developments with commercial ground floor units including the adjacent Ice Plant and nearby Fairbairn Building that front on to Cutting Room Square.

As such, the principle aim of providing ground floor commercial uses was to support the objectives of the Ancoats and New Islington Framework which makes it clear that the aspirations for the Ancoats Core where the application site is located is that it becomes a mixed use residential and commercial neighbourhood.

The provision of commercial uses was considered acceptable as it would help support the mixed use aim of the development and add to the vitality of the neighbourhood and viability of the development in order to satisfy the aims of the Ancoats and New Islington Neighbourhood Strategic Regeneration Framework.

The applicant is seeking to amend the operating hours of the development in order to improve the attractiveness of the premises for businesses and bring the units in line with a recent change to the licensing arrangements within this part of this City which permits commercial units to open until 23:30 on weekdays 00:30 at weekends.

Additionally, it should be noted that a number of commercial premises clustered around Cutting Room Square adjacent to the application site, have been granted later opening hours in line with those proposed on this application. A summary of these can be found in the table below:

Table 1

|  |                       |   |                            |
|--|-----------------------|---|----------------------------|
| Unit 2<br>The Ice Plant<br>33 Blossom Street<br>Manchester<br>M4 7EP | CDN/18/0245           | Discharge of condition (operating hours)<br>-Sunday to Thursday 0800 - 2330<br>-Friday and Saturday 0800 – 0030   | APPROVED<br><br>04/10/2018 |
| Fairburn Building<br>55 Henry Street<br>Manchester<br>M4 5BF         | 120298/JO/20<br>18    | Variation of condition to allow deliveries, servicing and collections Monday to Saturday 07:30 to 22:00 and Sundays/Bank Holidays 09:00 to 22:00 and opening hours Sunday to Thursday 08.00 - 23.30 and Fridays and Saturdays 08.00 - 00.30 | APPROVED<br><br>24/08/2018 |
| Cotton Field Wharf<br>4 New Union Street<br>Manchester<br>M4 6FR     | 121806/JO/20<br>18    | Variation of planning condition 23 to allow the commercial unit to open until 23:30 Sunday to Thursday and 00:00 on Friday and Saturdays  | APPROVED<br><br>14/02/2019 |
| 5 Murray Street<br>Manchester<br>M4 6HS                              | 121807/JO/20<br>18    | Variation of planning condition 21 of planning permission 110077/FO/2015/N1 to allow the commercial unit to open until 23:30 Sunday to Thursday and 00:30 on Friday and Saturday  | APPROVED<br><br>21/01/2019 |
| One Cutting Room<br>Square<br>16 Hood Street<br>Manchester<br>M4 6WX | 121808/JO/20<br>18    | Variation of planning condition 22 of planning permission 109593/FO/2015/N1 to allow the commercial unit to open until 23:30 Sunday to Thursday and 00:30 on Friday and Saturdays   | APPROVED<br><br>08/01/2019 |
| Unit 3 The Ice Plant<br>39 Blossom Street<br>Manchester              | 120565/P3CP<br>A/2018 | Prior Approval for a Change of Use from retail (Class A1) to Restaurant (Class A3) (Hours - Sunday to Thursday 0700 - 2330 Friday and Saturday 0700 – 0030)   | APPROVED<br><br>05/09/2018 |
| Unit 4A The Ice Plant<br>39 Blossom Street<br>Manchester<br>M4 6AP   | CDN/18/0457           | Discharge of condition (operating hours)<br>-Sunday to Thursday 0800 - 2330<br>-Friday and Saturday 0800 – 0030   | APPROVED<br><br>23/08/2018 |
| Unit 1<br>31 Blossom Street<br>Ancoats Urban Village                 | 109019/FU/20<br>15/N1 | Change of use from cafe (Use Class A3) to drinking establishment (Use Class A4)<br>(Hours - Sunday to Thursday 12.00 to 23.30 and Friday to Saturday 12.00 to 00.00)  | APPROVED<br><br>28/07/2015 |

Alterations to the opening hours are considered acceptable in principle subject to there being no unduly harmful impacts on residential amenity of nearby residents as a consequence of any changes.

## **Residential Amenity**

Given that there are residential properties immediately above and surrounding the application site, it is imperative to consider the impacts of the development on the amenities of local residents. The residential properties identified to be most affected by this development are those within the Smiths Yard development, particularly those which are situated directly above the commercial units as well as residents at neighbouring Sawmill Court and The Ice Plant to the South and West of the application site.

Condition 21 attached to planning permission 111742 restricted the opening hours of the commercial units to 23:00 to reflect the development principles of the SRF for Ancoats and New Islington, which seeks to ensure the emergence of the area as a residential neighbourhood of choice, not dominated by night time uses.

This hours restriction sought to minimise noise and disturbance created by the premises together with ensuring that noise transfer between the commercial and residential accommodation was not unduly harmful.

Since the granting of this permission, regeneration efforts have led to a cluster of commercial uses to spring up within the immediate location of the application site, now occupying previously vacant ground floor units of the Ice plant and Fairburn building in addition to new units of Sawmill Court. It is considered that these new uses have contributed to the vibrancy of the area as well as offering residents of the mixed use developments a wider range of amenities.

It has become apparent that operating hours until 23:00 is too restrictive and could be detrimental to commercial success of the local businesses and the vitality of the Ancoats Regeneration Area as a thriving mixed use neighbourhood.

Accordingly, the licensing policy for the area has been altered which allows commercial premises within Ancoats and New Islington to operate beyond 23:00 – 23:30 weekdays and 00:30 weekends. Notwithstanding the change to the licensing regime, where the opening hours are restricted by a planning permission, these take precedent over that permitted by the premises license. As such, it is necessary to consider the appropriateness of increasing the opening hours as part of the planning process particularly on the impact on surrounding residential amenity in each individual case.

Noise and disturbance associated with the use of the commercial units including comings and goings and noise breakout, is a key consideration in determining the appropriateness of the extension to the opening hours.

As can be seen from Table 1, there are a number of commercial premises within the immediate vicinity that have been recently granted these later operating hours. It is therefore reasonable to state that there is an existing level of noise and disturbance in the area associated with this cluster of predominantly A3 uses. It is therefore not considered that the extension of hours would have an unduly harmful impact on residential amenity as background noise levels will remain raised until the operating hours of nearby units cease. It should be also noted that no A4 uses are permitted

as part of the original permission, therefore should any commercial unit, once occupied, wish to operate an A4 use then they will need to apply to the City Council, as Local Planning Authority, accordingly and the impacts of this would be assessed.

Notwithstanding this, a number of conditions were attached to the original planning permission, in order to minimise disturbance to future residents from internal noise, together with ensuring that noise transfer between the commercial units and residential accommodation does not have any unduly harmful impacts.

The residential accommodation has been acoustically insulated to the satisfaction of Environmental Health as part of discharging the corresponding planning condition on the original planning permission. The condition relating to the commercial units has not yet been discharged given the units are not currently occupied. However it is recommended that this condition be re-imposed in the event of any approval of this application, to reduce noise disturbance impacts to nearby residents once the units are in operation.

In addition, the original planning permission contained a condition relating to dispersal in the event the premises is occupied as an A3 use (restaurant/café). This condition required the following:

- Scheme for the management of patrons and control of external areas.
- Mechanism for ensuring windows and doors remain closed after 9pm

The requirements of this condition seek to reduce the impacts of noise outbreak associated with A3 uses. Furthermore, no outside seating areas were approved as part of the original application. Should any commercial unit, once occupied, wish to operate an outside seating then they will need to apply to the City Council, as Local Planning Authority, accordingly and the impact of this on residential amenity would be assessed.

Taking into account the above considerations, it is therefore recommended that condition 21 should therefore be altered as follows:

*The commercial units hereby approved, as indicated on drawing 1823-FCBS-A-2000 stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016, shall not be open outside the following hours:-*

|                            |                            |
|----------------------------|----------------------------|
| <i>Sunday to Thursday</i>  | <i>08.00hrs - 23.30hrs</i> |
| <i>Friday and Saturday</i> | <i>09.00hrs - 00.30hrs</i> |

*There shall be no amplified sound or any amplified music at any time within the units.*

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

**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 polices of the Unitary Development Plan, the Head of Planning, Building Control and Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**Recommendation      APPROVE**

### **Article 35 Declaration**

Officers have worked with the applicant/agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

### **Reason for recommendation**

### **Conditions to be attached to the decision**

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

#### Drawings

1823-FCBS-A-3100, 1823-FCBS-A-2801, 1823-FCBS-A-2822, 1823-FCBS-A-2802, 1823-FCBS-A-2821, 1823-FCBS-A-2800, 1823-FCBS-A-2700, 1823-FCBS-A-2008, 1823-FCBS-A-2007, 1823-FCBS-A-2006, 1823-FCBS-A-2005, 1823-FCBS-A-2004, 1823-FCBS-A-2003, 1823-FCBS-A-2002 and 1823-FCBS-A-2001 stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016

Drawing numbers 1823-FCBS-A-2820 Rev T2 and 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016.

#### Supporting Information

Ecology appraisal prepared by Arup (235055-42), drainage strategy prepared by Arup (235055-00), operational recycling and waste strategy prepared by Arup (235055-00), television reception study prepared by Taylor electronic systems engineers (10040C/Rev1) Archaeology statement prepared Arup (235055), construction management plan, crime impact statement prepared by Greater

Manchester Police (Version C 1st March 2016), ventilation statement prepared by Arup (235055-00), Travel Plan prepared by Arup (235055), Residential management statement, daylight and sunlight report prepared by GIA, Transport statement prepared by Arup (235055), noise assessment prepared by Arup (235055-45), Arboricultural statement prepared JCA (12662/PH), Energy and Environmental Standards statement prepared by Arup (235055-00), statement of community involvement prepared by Deloitte, The former Smiths Arms demolition justification statement, heritage statement prepared by KM Heritage, planning statement prepared by Deloitte, design and access statement and preliminary geotechnical report prepared by Arup (ref. 235055-00) stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016.

Schedule of consultee comments stamped as received by the City Council, as Local Planning Authority, on the 20 May 2016

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

2) Notwithstanding the drainage strategy prepared by Arup stamped as received by the City Council, as Local Planning Authority on the 31 March 2016, within 1 month of this permission, a scheme for the drainage of surface water from the new development shall be submitted for approval in writing by the City Council as the Local Planning Authority.

The development shall then be constructed in accordance with the approved details, within a previously agreed timescale. Within 1 month of this permission, a verification report shall be submitted, including relevant photographic evidence, that the scheme has been implemented in accordance with the previously approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

3) The ground conditions at the development have been carried out in accordance with the following information:

- Preliminary geotechnical report prepared by Arup (ref. 235055-00) stamped as received by the City Council, as Local Planning Authority, on the 16 September 2015
- Calibration certificate Gas data Limited dated 16.07.2015 stamped as received by the City Council, as Local Planning Authority 10 May 2016
- Remediation verification report Blossom Iron Ancoats Hydrock Reference BLO-HYD-XX-RP-GE-005 dated 26 July 2018

Reason - There is evidence of site contamination at the application site which requires further consideration and examination. In particular, details of outstanding gas monitoring is required to be submitted for consideration and an appropriate remediation strategy prepared. This is pursuant to policy EN18 of the Manchester Core Strategy (2012).

4) The development shall be carried out in accordance with the following materials specification:

- Email and drawings containing materials specification stamped as received by the City Council, as Local Planning Authority, on the 18 October 2018.

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.

5) The development shall be carried out in accordance with the following drainage strategy:

- Maintenance plan stamped as received by the City Council, as Local Planning Authority, on the 24 July 2018.

The approved scheme shall then be implemented in accordance with the details and thereafter managed and maintained for as long as the development remains in use.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution pursuant to policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012).

6) The landscaping at the development shall be carried out in accordance with the following submitted details:

Drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016.

Drawings MLBI\_DEP\_XX\_XX\_DR\_L\_0001 Rev P03, MLBI\_DEP\_XX\_XX\_DR\_L\_0006 Rev C00, MLBI\_DEP\_XX\_XX\_DR\_L\_0003 Rev C02, MLBI\_DEP\_XX\_XX\_DR\_L\_0007 Rev C00, MLBI\_DEP\_XX\_XX\_DR\_L\_0008 Rev C00, MLBI\_DEP\_XX\_XX\_DR\_L\_0009 Rev C00, MLBI\_DEP\_XX\_XX\_DR\_L\_0005 Rev C00 and MLBI\_DEP\_XX\_XX\_DR\_L\_0002 Rev C00 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018.

The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

7) The boundary treatment at the development should be carried out in accordance with the following submitted details:

Drawing MLBI-JMA-ZZ-GF-DR-A-(90)2000 Rev P03 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018

The approved details shall then be implemented prior to the first occupation of the residential element of the scheme hereby approved and shall thereafter be retained and maintained in accordance with these details.

Reason - To ensure that the pedestrian entrance and boundary treatment is appropriate in terms of visual amenity, and the impact on the Conservation Area, and is secure pursuant to comply policies SP1, EN1, EN3 and DM1 of the Manchester Core Strategy.

8) The Environmental Standards agreed and approved for this development is contained within the Post construction statement stamped as received by the City Council, as Local Planning Authority, on 17 December 2018

Reason - In order to minimise the environmental impact of the development pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy and the principles contained within The Guide to Development in Manchester SPD (2007) and the National Planning Policy Framework.

9) The external plant should be carried out in accordance with the following information:

- Air conditioning equipment stamped as received by the City Council, as Local Planning Authority, on the 24 July 2018
- Email from Carl Brierley dated the 22 August 2018.

The approved scheme shall be implemented prior to the first occupation of the development and thereafter retained and maintained in situ.

Notwithstanding the above submitted details, details of any external plant equipment associated with the commercial units must be submitted for approval in writing by the City Council, as Local Planning Authority, prior to first use of the units. The approved scheme shall be implemented prior to the first use of the commercial units and thereafter retained and maintained in situ.

Reason - To minimise the impact of plan on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

10) Notwithstanding the noise assessment prepared by Arup (235055-45) stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016, prior to the first use of each the commercial units, the units shall be insulated in accordance with a scheme submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall thereafter be retained and maintained in situ for as long as each commercial unit remains in use.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and

DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

11) The residential element of the development shall be acoustically insulated in accordance with the following submitted information:

- Noise assessment prepared by Sandy Brown stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018
- Further information stamped as received by the City Council, as Local Planning Authority, on the 6 April 2018

The approved scheme shall thereafter be retained and maintained in situ for as long as the development remains in use.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

12) Prior to the first occupation of the residential accommodation and first use of the commercial accommodation hereby approved, the refuse arrangement and waste management strategy, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016 and the operational recycling and waste strategy prepared by Arup (235055) stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016, shall be implemented and made available.

The approved scheme shall thereafter be retained and maintained in situ for as long as the development remains in use.

Reason - To ensure adequate refuse arrangement are put in place for the commercial unit pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

13) Prior to the first use of each of commercial units, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016, details of a scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall then be implemented prior to the first use of each of the commercial units and thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the commercial units pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC10 of the Unitary Development Plan for the City of Manchester (1995).

14) Prior to the first occupation of the commercial units as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016, details of any roller shutters to the ground floor of the premises shall be submitted for approval in writing by the City

Council, as Local Planning Authority. For the avoidance of doubt the shutters shall be fitted internally to the premises. The approved details shall be implemented prior to the first occupation of the commercial units and thereafter retained and maintained in situ.

Reason - To ensure that the roller shutters are appropriate in visual amenity terms pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

15) The lighting at the development shall be carried out in accordance with the following submitted information:

- Lighting specification stamped as received by the City Council, as Local Planning Authority, on the 2 May 2018

The approved scheme shall be implemented in full prior to the first use of the development and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Core Strategy.

16) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

17) Commercial deliveries, servicing and collections including waste collections (both residential and commercial) shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays (and Bank Holidays): No deliveries/waste collections (excluding domestic servicing/removals)

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

18) The commercial units hereby approved, as indicated on drawing 1823-FCBS-A-2000 stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016, shall not be open outside the following hours:-

|                     |                     |
|---------------------|---------------------|
| Sunday to Thursday  | 08.00hrs - 23.30hrs |
| Friday and Saturday | 09.00hrs - 00.30hrs |

There shall be no amplified sound or any amplified music at any time within the units.

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

19) The 4 commercial units as shown on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016, shall remain as separate units and shall not be sub divided or amalgamated without the benefit of planning permission being secured.

Reason- In the interests of residential amenity and to ensure the future viability and vitality of the commercial units pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1, C5 and SP1 of the Manchester Core Strategy.

20) The commercial units, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016 can be occupied as A1, A2, A3, B1 or D1 (with the exception of a place of worship) . The first use of the commercial unit to be implemented shall thereafter be the permitted use of that unit and any further change of use may be the subject of the requirement of a new application for planning permission or subject to the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

Reason - For the avoidance of doubt and in order to secure a satisfactory form of development due to the particular circumstance of the application site, ensuring the vitality of the units and in the interest of residential amenity, pursuant policy DM1 of the Core Strategy for Manchester .

21) In the event that any of the commercial units, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016, are occupied as an A3 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

- Management of patrons and control of external areas. For the avoidance of doubt this shall include:
  - Dispersal policy;
  - Mechanism for ensuring windows and doors remain closed after 9pm

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

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

22) In the event that any of the commercial units, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016, are occupied as a D1 use, prior to their first use the following details must be submitted and agreed in writing by the City Council, as Local Planning Authority. These details are as follows:

- Details of outdoor play spaces;
- A management plan for 'pick up' and 'drop off', car parking and servicing.

The approved details shall then be implemented and remain in place for as long as the development is in use for D1 purposes.

Reason - To ensure satisfactory amenity space and management plan for pick up and drop off is put in place for a nursery, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

23) The residential management of the building shall be carried out in accordance with the following information:

- Management and tenancy agreement stamped as received by the City Council, as Local Planning Authority, on the 24 July 2018

The approved management plan shall be implemented from the first occupation and be retained in place for as long as the development remains in use.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework

24) The development hereby approved shall be carried out in accordance with the Travel plan framework prepared by Arup (ref. 235055) stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016.

In this condition a Travel Plan means a document which includes:

- i. the measures proposed to be taken to reduce dependency on the private car by those living at the development;
- ii. a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii. mechanisms for the implementation of the measures to reduce dependency on the private car
- iv. measures for the delivery of specified travel plan services
- v. measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning

Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

25) Prior to the first use of the building, the provision of 192 cycle, as indicated on drawing number 1823-FCBS-A-2000 Rev T3 stamped as received by the City Council, as Local Planning Authority, on the 23 May 2016 shall be implemented and retained and maintained in situ for as long as the development remains in use.

Reason - To ensure there is sufficient cycles stand provision at the development in order to support modal shift measures pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

26) The car park layout shall be laid out, demarcated and made available in accordance with the following submitted information:

- Drawing MLBI\_DEP\_XX\_XX\_DR\_L\_0003 Rev D2 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018
- email from Simon Law dated the 30 April 2018

The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

27) The development has been carried out in accordance with the local labour agreement stamped as received by the City Council, as Local Planning Authority, on the 17 December 2018

Reason - The applicant has demonstrated a commitment to recruiting local labour pursuant to policies SP1 of the Manchester Core Strategy (2012).

28) The access and vehicular entrance for the development from Bengal Street shall be carried out in accordance with the following submitted information:

- Drawing MLBI\_DEP\_XX\_XX\_DR\_L\_0003 Rev D2 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018
- email from Simon Law dated the 30 April 2018

The approved details shall be implemented prior to the first occupation of the development and thereafter retained and maintained for as long as the development remains in use.

Reason - In the interest of highway and pedestrian safety in order to ensure that the vehicular entrance is safe and secure pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

29) The offsite high way improvement works for the development shall be carried out in accordance with the following submitted information:

- Drawing MLBI\_DEP\_XX\_XX\_DR\_L\_0004 Rev C01 stamped as received by the City Council, as Local Planning Authority on the 16 February 2018

The approved scheme shall be implemented and be in place prior to the first occupation of the development and thereafter retained and maintained in situ.

Reason - To ensure safe access to the development site in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

30) The waste collection for the commercial and residential elements of the development shall be carried out in accordance with the following submitted information:

- Drawing MLBI\_DEP\_XX\_XX\_DR\_L\_0003 Rev D2 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018
- email from Simon Law dated the 30 April 2018
- email from Dan carter dated 2 May 2018

The approved details shall be implemented as part of the development and thereafter retained and maintained for as long as the development remains in use.

Reason - There are existing pay and display bays situated on the north side of the proposed access on Bengal Street. In the interest of securing adequate visibility and available on street capacity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

31) The doorways for the development shall be carried out in accordance with the following submitted details:

Drawing MLBI\_DEP\_XX\_XX\_DR\_L\_0003 Rev D2 stamped as received by the City Council, as Local Planning Authority, on the 16 February 2018

The approved details shall then be implemented prior to the first use of the development and thereafter retained and maintained for as long the development remains in use.

Reason - To provide a satisfactory pedestrian environment pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

32) No tree felling or pruning works or vegetation clearance should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).

33) The development should be carried out in accordance with the following submitted details with regard to TV reception:

- TV reception survey, stamped as received by the City Council, as Local Planning Authority, on the 31 March 2016
- Post construction survey stamped as received by the City Council, as Local Planning Authority, on the 24 July 2018

Reason - To provide an indication of the area of television signal reception likely to be affected by the development to provide a basis on which to assess the extent to which the development during construction and once built, will affect television reception and to ensure that the development at least maintains the existing level and quality of television signal reception - In the interest of residential amenity, as specified in policy DM1 of Core Strategy.

34) The Smith Arms features strategy shall be carried out in accordance with the following submitted details:

Drawing MLBI-JMA-BLB-GF-DR-A-(40)4010 Rev C09 stamped as received by the City Council, as Local Planning Authority, on the 6 September 2018.

The strategy shall then be implemented within a timescale to be agreed with the City Council.

Reason - To preserve the historic fabric and provide evidence of the previous use at the application site pursuant to policy SP1, EN1, EN3 and DM1 of the Manchester Core Strategy (2012).

35) Within one month of the date of this permission, details of a permanent bat roost for the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved bat roost shall be implemented/installed within three months of approval and thereafter retained and maintained in situ.

Reason - To ensure a suitable alternative bat roost can be provided in mitigation of the loss of the bat habitat at the Smiths Arms Public House pursuant to policy EN15 of the Manchester Core Strategy (2012).

### **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: 121809/JO/2018 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:**

**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 :** Jennifer Atkinson  
**Telephone number :** 0161 234 4517  
**Email :** j.atkinson@manchester.gov.uk



 Application site boundary  Neighbour notification  
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