



MANCHESTER
CITY COUNCIL

Planning

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P O Box 532 Town Hall
Manchester M60 2LA

Mr Marc Hourigan
Hourigan Connolly
WeWork
1 St. Peters Square
Manchester
M2 3DE

Date: 8 February 2022

Dear Sir/Madam,

Application No: 128802/FO/2020

Description: Change of use of the ground floor unit from retail (Use Class E) to restaurant and hot food takeaway (Sui Generis Use Class) including alterations to rear elevations for fume and ventilation equipment.

Location: 11 Chapel Walks, Manchester, M2 1HN

I refer to your recent request to withdraw the above application and write to inform you that I have marked my files and the Planning Register accordingly.

If you have any queries regarding this matter, please contact David Brettell using the details above.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Julie Roscoe'.

Julie Roscoe
Director of Planning, Building Control & Licensing

Planning

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planning@manchester.gov.uk

PO Box 532 Town Hall

Manchester M60 2LA

Application for Planning Permission. Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number

Suffix

Property name

Address line 1

Address line 2

Address line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

2. Applicant Details

Title

First name

Surname

Company name

Address line 1

Address line 2

Address line 3

Town/city

Country

2. Applicant Details

Postcode

WA3 7GB

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Primary number

Secondary number

Fax number

Email address

3. Agent Details

Title

Mr

First name

Marc

Surname

Hourigan

Company name

Hourigan Connolly

Address line 1

WeWork

Address line 2

1 St. Peter's Square

Address line 3

Town/city

Manchester

Country

United Kingdom

Postcode

M2 3DE

Primary number

Secondary number

Fax number

Email

4. Site Area

What is the measurement of the site area?
(numeric characters only).

172.00

Unit

Sq. metres

5. Description of the Proposal

Please describe details of the proposed development or works including any change of use.

If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.

Change of use of the ground floor of 11 Chapel Walks from retail (Use Class E) to restaurant and hot food takeaway (Use Class E/sui generic use) and minor alterations to the rear of the premises

Has the work or change of use already started?

☐ Yes ☒ No

6. Existing Use

Please describe the current use of the site

11 Chapel Walks - Retail (Class E).

Is the site currently vacant?

☒ Yes ☐ No

If Yes, please describe the last use of the site

Hair Salon (Class E).

When did this use end
(if known)?
DD/MM/YYYY

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

☐ Yes ☒ No

Land where contamination is suspected for all or part of the site

☐ Yes ☒ No

A proposed use that would be particularly vulnerable to the presence of contamination

☐ Yes ☒ No

7. Materials

Does the proposed development require any materials to be used externally?

☐ Yes ☒ No

8. Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

☐ Yes ☒ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes ☒ No

Are there any new public roads to be provided within the site?

☐ Yes ☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes ☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes ☒ No

9. Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

☐ Yes ☒ No

10. Trees and Hedges

Are there trees or hedges on the proposed development site?

☐ Yes ☒ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

☐ Yes ☒ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of your local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside your application. Your local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

11. Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's Flood map for planning. You should also refer to national standing advice and your local planning authority requirements for information as necessary.)

☐ Yes ☒ No

If Yes, you will need to submit a Flood Risk Assessment to consider the risk to the proposed site.

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes ☒ No

11. Assessment of Flood Risk

Will the proposal increase the flood risk elsewhere?

☐ Yes ☒ No

How will surface water be disposed of?

☐ Sustainable drainage system

☐ Existing water course

☐ Soakaway

☒ Main sewer

☐ Pond/lake

12. Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

b) Designated sites, important habitats or other biodiversity features:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

c) Features of geological conservation importance:

- ☐ Yes, on the development site
☐ Yes, on land adjacent to or near the proposed development
☒ No

13. Foul Sewage

Please state how foul sewage is to be disposed of:

☒ Mains Sewer

☐ Septic Tank

☐ Package Treatment plant

☐ Cess Pit

☐ Other

☐ Unknown

Are you proposing to connect to the existing drainage system?

☐ Yes ☒ No ☐ Unknown

14. Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

☒ Yes ☐ No

If Yes, please provide details:

See separate waste proforma.

Have arrangements been made for the separate storage and collection of recyclable waste?

☒ Yes ☐ No

If Yes, please provide details:

See separate waste proforma.

15. Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste? ☒ Yes ☐ No

If Yes, please describe the nature, volume and means of disposal of trade effluents or waste

See enclose Waste Proforma.

16. Residential/Dwelling Units

Please note: This question has been updated to include the latest information requirements specified by government. Applications created before 23 May 2020 will not have been updated, please read the 'Help' to see details of how to workaround this issue.

Does your proposal include the gain, loss or change of use of residential units? ☐ Yes ☒ No

17. All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace? ☒ Yes ☐ No
Note that 'non-residential' covers ALL uses execept Use Class C3 Dwellinghouses

Please add details of the use classes and floorspace (if the relevant use class is not shown, please select 'Other' and provide details)

Use Class	Existing gross internal floorspace (square metres)	Gross internal floorspace to be lost by change of use or demolition (square metres)	Total gross new internal floorspace proposed (including changes of use) (square metres)	Net additional gross internal floorspace following development (square metres)
Other Change of Use of Retail (Class E) To Restaurant (Class E) & Hot Food Takeaway (Sui Generic)	172	172	172	0
Total	172	172	172	0

Loss or gain of rooms
For hotels, residential institutions and hostels please additionally indicate the loss or gain of rooms:

18. Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees? ☒ Yes ☐ No

Existing Employees

Please complete the following information regarding existing employees:

Full-time	0
Part-time	0
Total full-time equivalent	0.00

Proposed Employees

If known, please complete the following information regarding proposed employees:

Full-time	5
Part-time	
Total full-time equivalent	

19. Hours of Opening

Are Hours of Opening relevant to this proposal? ☒ Yes ☐ No

19. Hours of Opening

Please add details of the of the use classes and hours of opening for each non-residential use proposed (if the relevant use class is not shown, please select 'Other' and provide details; if you do not know the hours of opening, select the use class and then select 'Unknown' in the popup box)

Use	Monday to Friday	Saturday	Sunday and Bank Holidays	Unknown
Other See above	Start Time: 12:00 End Time: 22:00	Start Time: 12:00 End Time: 23:00	Start Time: 12:00 End Time: 22:00	

20. Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes? ☐ Yes ☒ No

Is the proposal for a waste management development? ☐ Yes ☒ No

If this is a landfill application you will need to provide further information before your application can be determined. Your waste planning authority should make it clear what information it requires on its website

21. Hazardous Substances

Does the proposal involve the use or storage of any hazardous substances? ☐ Yes ☒ No

22. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☒ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
- ☐ The applicant
- ☐ Other person

23. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

24. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. ☐ Yes ☒ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

25. Ownership Certificates and Agricultural Land Declaration

CERTIFICATE OF OWNERSHIP - CERTIFICATE B - Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that:

- ☒ I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- ☐ The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* 'owner' is a person with a freehold interest or leasehold interest with at least 7 years to run. ** 'agricultural tenant' has the meaning given in section 65(8) of the Town and Country Planning Act 1990.

25. Ownership Certificates and Agricultural Land Declaration

Owner/Agricultural Tenant

Name of Owner/Agricultural Tenant	
Number	
Suffix	
House Name	
Address line 1	C/O Chancerygate
Address line 2	601 Birchwood One
Town/city	Warrington
Postcode	WA3 7GB
Date notice served (DD/MM/YYYY)	27/11/2020

Name of Owner/Agricultural Tenant	
Number	
Suffix	
House Name	
Address line 1	91-95 Hale Road
Address line 2	
Town/city	Altrincham
Postcode	WA15 9HW
Date notice served (DD/MM/YYYY)	27/11/2020

Person role

- ☐ The applicant
☒ The agent

Title	Mr
First name	Marc
Surname	Hourigan
Declaration date (DD/MM/YYYY)	27/11/2020

☒ Declaration made

26. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☒

Date (cannot be pre-application)	27/11/2020
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PLANNING & HERITAGE STATEMENT

APPLICANT:

Chancerygate & Ciaooo Pizzeria Ltd

SITE:

Former Andrew Collinge Salon,
11 Chapel Walks Manchester, M2 1HN

DATE:

5 November 2020

Report Drafted By	Report Checked By	Report Finalised and Approved By
MH	MH	MH
05.11.20	05.11.20	05.11.20

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Chancerygate in respect of the former Andrew Collinge Salon which is located at 11 Chapel Walks, Manchester, M2 1HN (hereafter referred to as 'the Premises') and which was last used as a hair salon (Use Class E) but is currently vacant. We are instructed to submit a full planning application to Manchester City Council (hereafter referred to as 'the Council') for the change of use of the Premises to a restaurant/hot food takeaway. The proposed use is a combined Class E and Sui Generic Use. External works are very limited and are restricted to the removal of a small window pane at the rear of the premises to facilitate the extract vent for the proposed pizza oven.
- 1.2 The application has been submitted in the joint names of Chancerygate and Ciaooo Pizzeria Ltd.
- 1.3 Ciaooo Pizzeria Ltd operate a successful restaurant in the City Centre at 62-64 Swan Street, Manchester, M4 5JU and further details can be found here:
- <https://www.ciaoopizzeriamcr.co.uk/>
- 1.4 The application is accompanied by the requisite drawings and supporting information to support this simple full planning application and to demonstrate that the proposal would be appropriate in planning and heritage terms.

PURPOSE

- 1.5 The purpose of this Planning & Heritage Statement is as follows:
- To describe the premises and surrounding area.
 - To examine any relevant previous planning decisions that have been made in relation to the premises and surrounding area.
 - To identify any statutory or local planning-related designations affecting the premises.
 - To provide details of the scheme that is now being brought forward.
 - To outline the other documents submitted in support of the proposals.
 - To consider the proposed development having regard to the provisions of the Development Plan.
 - To consider any other material considerations.

- To consider the heritage implications of the proposals.
- To demonstrate that the planning balance lies clearly in favour of the proposals.

2. THE PREMISES & SURROUNDING AREA

PREMISES LOCATION AND SURROUNDINGS

- 2.1 The premises are located on Chapel Walks in the heart of the City Centre.



Figure 2.1: Former Andrew Collinge Salon.

- 2.2 The premises form part of a wider group of buildings as shown in Figure 2.2.



Figure 2.2: 5 - 17 Chapel Walks, 9 – 11 Chapel Walks and Former Tango's Bar & Grill At 15 – 17 Chapel Walks.

- 2.3 5 – 7 Chapel Walks are known as Old Half Moon Chambers, 9-11 Chapel Walks are known as Chapel Walks Chambers, and 15 – 17 Chapel Walks are known as Union Buildings.

ASSESSMENT OF HERITAGE SIGNIFICANCE

- 2.4 Chapel Walks Chambers is a narrow Victorian building comprising three storeys with a basement and is thought to date from the early Nineteenth Century. It is dwarfed by Old Half Moon Chambers and Union Buildings. The building is arranged in an L shape stretching back to Black Pool Fold and it wraps around 15 – 17 Chapel Walks.
- 2.5 The front elevation comprises red brick and sandstone. The ground floor fascade is faced in stone, divided into three arched bays, with a large window with keystone detail, flanked by two entrances with cartouches. The joinery is all modern. The ground floor has a deep stone fascia with a bracketed cornice above and this has ball and post railings. The first and second floors are divided into three, with their sash windows framed in stone. Between the two floors is an engraved panel which reads: “Chapel Walks Chambers”, which is topped by a carved cartouche with scroll and foliage decoration. Above the second floor windows, a central decorative panel contains a carved festoon and above the projecting stone blocking is a stone pediment.
- 2.6 Modern light fittings at ground floor, alarm boxes, junction boxes and associated cabling can be seen on the façade.
- 2.7 To the rear of the premises is Black Pool Fold and two elevations of the premises.
- 2.8 The rear elevation to Back Pool Fold is three storeys and divided into three bays (the central one projects slightly). The rear is plain compared to the principal façade, it is faced in red brick with a large bay window in the first bay which is slightly recessed. To the rear there is a simple staggered brick cornice. There are air conditioning units, CCTV cameras, a meter cabinet and rainwater pipes attached to the façade, and security bars to the ground floor windows.
- 2.9 The rear side elevation at Black Pool Fold is of the same scale and build as the rear elevation. A door to the rear of the premises can be found at ground floor level with doors at first and second floor leading on to the metal fire escape. Windows can also be found at first and second floor.



Figure 2.3: Black Pool Fold.

- 2.10 Having regard to the foregoing the significance of Premises 1 is considered to be of a non-designated heritage asset. The principal facade makes a positive contribution to the character

and appearance of the Upper King Street Conservation Area and the setting of nearby listed buildings identified in Figure 4.1. The rear elevation clearly detracts from the character and appearance of the Conservation Area.

3. PLANNING HISTORY

- 3.1 A search of the Council's online planning register has identified a number of recent planning applications relating to the upper floors of Old Half Moon Chambers, Chapel Walks Chambers and Union Buildings. Of relevance is the conversion of upper floors of the group of buildings to residential accommodation, although in the interests of brevity there is no need to set out the full details here other than to say that dwellings above the application premises were to be subject to an acoustic attenuation scheme as set out in the Wardell Armstrong Noise and Vibration Assessment Report (September 2018) and as required by Condition 3a of Planning Permission: 123676/FO/2019.
- 3.2 No other planning history of relevance to the proposals has been identified.

4. STATUTORY & OTHER DESIGNATIONS

- 4.1 With the exception of its Upper King Street Conservation Area designation the premises is not subject to any statutory designations.

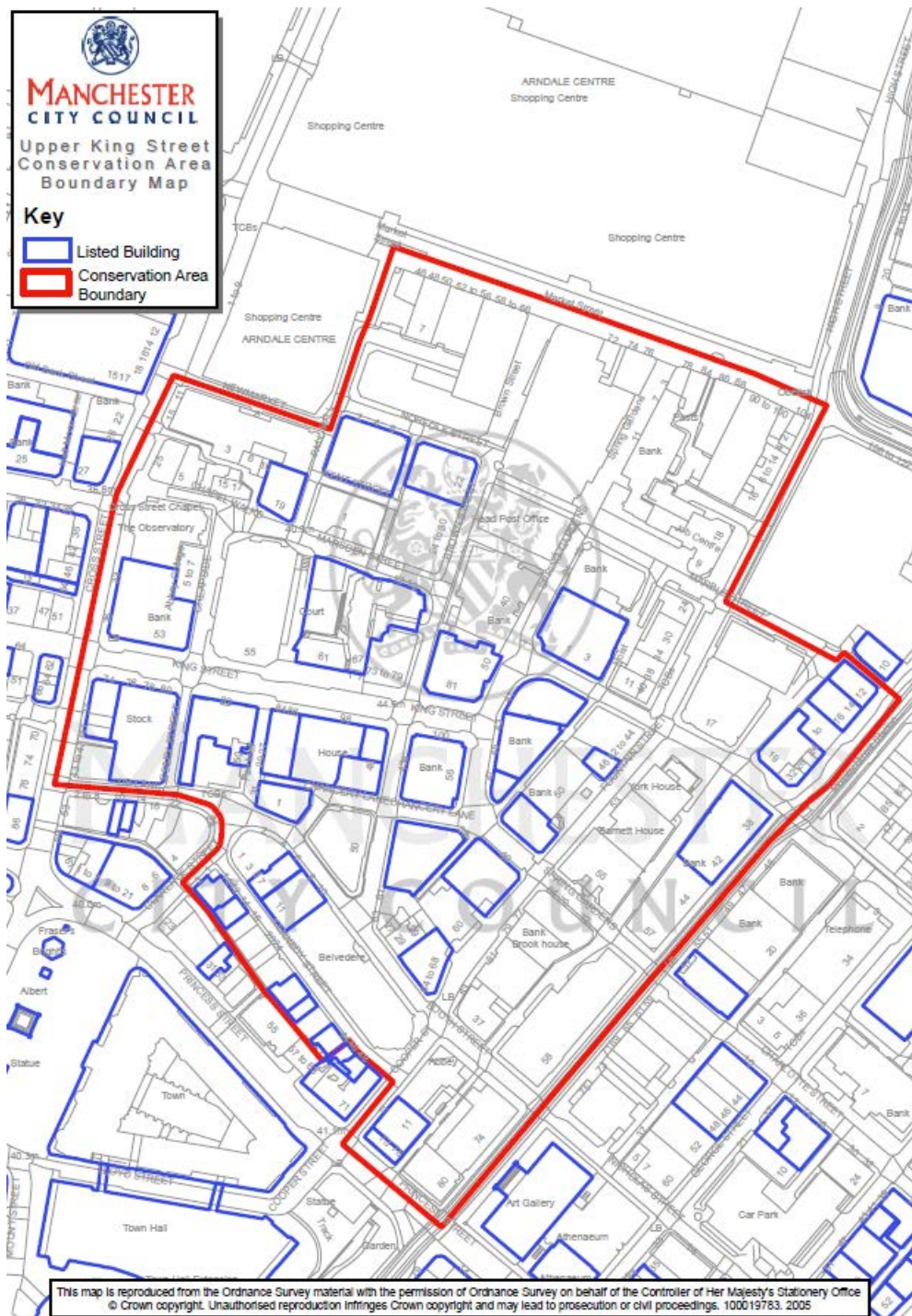


Figure 4.1: Upper King Street Conservation Area (Designated 1970) – Source – Manchester City Council.

- 4.2 The Upper King Street Conservation Area is the centre of the commercial district of the City. It has a large number of Victorian, Edwardian and mid twentieth century commercial buildings which illustrate how the area has evolved.
- 4.3 As noted in Chapter 2 the premises are considered to be a non designated heritage asset.

5. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

5.1 The description of development given in the planning application form is:

“Change of use of the ground floor of 11 Chapel Walks from retail (Use Class E) to restaurant and hot food takeaway (Use Class E/sui generic use) and minor alterations to the rear of the premises”.

6. DOCUMENTS SUBMITTED IN SUPPORT OF THE FULL PLANNING APPLICATION

- 6.1 Annex 1 submitted with the application sets out the plans, drawings and documents submitted in support of the proposals. The Council has been presented with a comprehensive suite of documents to enable consideration and determination of the scheme.

7. THE DEVELOPMENT PLAN

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

7.2 In this instance, the Development Plan comprises the Manchester Core Strategy adopted in July 2012, and a number of policies contained in the Unitary Development Plan (UDP adopted 1995) which remain extant following the adoption of the Core Strategy.

MANCHESTER CORE STRATEGY (2016)

7.3 The Core Strategy is the key strategic Local Plan document, setting out where and how new development should take place. The following policies are relevant to the application proposals and are considered below.

7.4 **Policy EC 1 (Employment and Economic Growth in Manchester)** confirms that a minimum of 200 ha of employment land will be developed between 2010 and 2027 for (amongst other employment uses), Offices (B1a). One of the key locations for major employment growth mentioned in the Policy is in Manchester City, as part of the Regional Centre. The policy requires development proposals to have regard to three criteria pertaining to climate change, making best use of a building, and flood risk. In response to this, it can be said that the change of use proposals would accord with the criteria contained in Policy EC 1 in the following way:

- The proposals would help bring an existing, vacant premises back into beneficial use. The premises is located within close proximity of a number of sustainable transport links.
- The subject premises are not located in an area of flood risk.

7.5 **Policy EC 3 (The Regional Centre)** confirms that within the Regional Centre, development for employment generating uses including offices and other commercial development will be appropriate, providing that they are in locations which are well connected by sustainable transport to both the City Centre and residential areas, and the scale and type of office development does not undermine delivery of employment spaces within the City Centre.

7.6 As described previously, the subject premises are wholly located in a sustainable part of the City Centre. Furthermore, the small-scale nature of the change of use would certainly not undermine the strategic delivery of employment spaces in the City Centre. The proposals wholly accord with Policy EC 3.

- 7.7 **Policy CC 1 (Primary Economic Development Focus: City Centre and Fringe)** reiterates that the City Centre is a strategic economic location and focus of employment, tourism and leisure growth in the City and City Region. There is no conflict between the proposals and Policy CC 1.
- 7.8 **Policy CC5 (Transport)** confirms that the Council will seek to ensure that development includes adequate parking provision for cars and bicycles. The existing premises have no existing parking or cycle parking which is understandable given their modest size. However, on street parking is available in nearby roads and there are a number of car parks available in the City Centre. Given the small scale of the premises it would not be possible to incorporate cycle parking within the unit. However, a Cycle Hub is available at Piccadilly Gardens public transport interchange which is only a short walk away from the premises.
- 7.9 **Policy CC 7 (Mixed Use Development)** states that the City Centre presents the most viable opportunities for mixed-use development, *'and in general these will be promoted as a means of using land as efficiently as possible. A range of uses should be considered for all sites, subject to the following considerations.'* Criterion 2 notes that: *'Active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a development which will create such an environment'.*
- 7.10 The supporting text to the policy further states that mixed use developments will be an essential part of City Centre development, as they reflect the variety of uses which co-exist in this environment; they are an important means of promoting the efficient use of land. As with the policies above, the change of use of a vacant retail unit would wholly accord with this policy.
- 7.11 **Policy CC 9 (Design and Heritage)** states that design of new buildings will need to be of the highest standard in terms of appearance and function. This proposed change of use does not involve the construction of a new building and the minor alteration to the rear of the building has no effect whatsoever on design quality.
- 7.12 The policy goes on to require development to preserve or enhance heritage assets including *inter alia* listed buildings and Conservation Areas. The proposals do not involve any works to a listed building. The premises are however located within the Upper King Street Conservation Area and comprise an undesignated heritage asset. However the replacement of a small window light with the flu for the pizza oven does not affect the character and appearance of the Conservation Area. Moreover, the reuse of the vacant unit would have a positive effect and thereby enhance the Conservation Area's character and appearance. As identified in Chapter 2 and 4 the proposals lie within the setting of a number of listed buildings but they do not affect their setting.
- 7.13 The proposals accord with Policy CC 9.
- 7.14 **Policy EN 1 (Design Principles and Strategic Character Areas)** confirms that the City Centre contains a rich legacy which reflects its urban evolution to the current day and includes listed buildings, conservation areas, archaeological remains and an historic street pattern:

"Its core area presents a particularly dense environment that accommodates a wide and closely integrated range of uses including commercial, civic and residential activities'...'Developers will be expected to consider the City's heritage and continue the rich pattern of activity in the core area.'

7.15 As with the policies above, the proposals would wholly accord with this policy.

7.16 **Policy DM 1 (Development Management)** sets out that all development should have regard to a number of specific issues which may be dealt with in greater detail in a supplementary planning document. Of the issues listed under Policy DM 1 which are relevant to the proposals, the change of use would accord with the following:

- The change of use would make efficient use of the vacant unit in an existing, buildings.
- The proposals would have no adverse impact on surrounding uses.
- The premises are entirely appropriate in terms of size for a small; scale restaurant and hot food takeaway.
- The new uses would generate low volumes of waste which would be dealt with appropriately – refer to submitted Waste Management Proforma.
- There would be no adverse impacts on amenity from the hot food takeaway element of the proposal as it would operate as part of the restaurant under the same hours of use as specified in the planning application form; these being:
 - i) Monday to Friday: 12:00 – 22:00.
 - ii) Saturday: 12:00 – 23:00.
 - iii) Sunday & Bank Holidays: 12:00 – 22:00.

It is material to note that the restaurant element doesn't need planning permission anyway as it is in the same Use Class as the existing use i.e. Class E.

7.17 The proposals accord with the relevant elements of Policy DM 1.

7.18 **Policy C10** is concerned *inter alia* with hot food takeaways. As noted above it is not intended that the hot food takeaway would operate independently of the restaurant. Assessed against the provisions of Policy C10 we consider that:

- The proposals raise no cumulative impact issues given surrounding land uses.
- As per the assessment against Policy DM 1 the proposals will not have any adverse impacts on residential amenity.
- The proposals will support both the day time and night time economy.

- The unit is currently vacant and this proposal will ensure its reuse at a time when the hospitality industry is suffering due to the Covid-19 pandemic.
- The proposed use is wholly complimentary to the City Centre.
- There are not anticipated to be any traffic related issues associated with the use.

7.19 The proposals are considered to be compliant with Policy C 10.

EXTANT UDP POLICIES (1995)

7.20 Part 2 Area 5 – City Centre of the UDP is pertinent to the change of use proposal, in particular, Policy RC20 Area 7 which covers the Financial Core. **Policy RC20 (Small Area Proposals)** confirms that in considering proposals for development, regard will be had to the detailed proposals which will apply to the 31 small areas of the City Centre. RC20 Area 7 confirms the limited scope for development in this area which is generally confined to refurbishment. The prime location is to sustain the existing level and character of activity which the proposals aim to achieve.

7.21 The proposals accord with Policy RC20.

THE DEVELOPMENT PLAN - SUMMARY

7.22 This chapter has examined the provisions of the Development Plan and shown that the application proposals accords with all of the relevant provisions of the Development Plan. In the following chapter we will set out that there are also other material considerations that weigh in favour of the proposals.

8. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

“In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances” (Stringer v MHLG 1971).

- 8.2 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989* refers).

- 8.3 In this case the following material considerations are relevant.

THE FRAMEWORK

- 8.4 National planning policy in relation to housing is to be found in the National Planning Policy Framework (hereafter referred to as the Framework) that should be afforded significant weight. A revised Framework was published in February 2019.

- 8.5 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 10 further confirms that, so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (Paragraph 11) and for decision taking, criterion c) is relevant and in this instance, this means:

“c) approving development proposals that accord with an up-to-date development plan without delay.”

- 8.6 Paragraph 80 confirms that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

- 8.7 In terms of making efficient use of land, the Framework is clear at Paragraph 117 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 8.8 In relation to heritage assets and having regard to Paragraph 192 of the Framework the following is noteworthy:
- a) The proposals would enhance a building located within the Conservation Area by securing its re-use.
 - b) Reusing the premises invariably makes a positive contribution to sustainable communities by maximising the prospects for economic vitality.
- 8.9 Paragraphs 193 to Paragraphs 202 of the Framework concern considering the potential impacts of development on designated heritage assets. As noted above very limited physical works are proposed to the building so in that respect the proposals would no adverse impact and would cause no harm to the Conservation Area or the setting of nearby listed buildings. As noted above the reuse of the building has potentially positive benefits.

PLANNING PRACTICE GUIDANCE

- 8.10 Planning Practice Guidance (PPG) was launched on 6th March 2014 in its final form. The PPG replaces some 230 planning guidance documents.
- 8.11 The PPG also reiterates the guidance set out in the Framework, that both Local Plans and planning decisions should be based upon and reflect the presumption in favour of sustainable development (paragraph ID 21b-006-20190315).

SUPPLEMENTARY PLANNING DOCUMENTS – GUIDE TO DEVELOPMENT IN MANCHESTER SUPPLEMENTARY DOCUMENT AND PLANNING GUIDANCE (ADOPTED APRIL 2007)

- 8.12 The Guide to Development in Manchester contains a number of policies which wholly support the proposed change of use of the premises. Given the small scale nature of the proposals, these policies are not assessed in great detail in this Planning Statement, but it can be read from the preceding paragraphs in this statement and in the accompanying Waste Management Strategy Proforma and plans and drawings that the development comprises sustainable development and would contribute to bringing vacant space in the City Centre, back into beneficial use. It is considered therefore that the proposals would comply with the following relevant elements of the adopted Supplementary Planning Document for the following reasons:

Relevant Section of SPD	Reason for Compliance
Page 3 - Design should respect and be informed by location	Very limited external alterations proposed.
Page 9 – Public Transport should be easy to use	The subject premises are wholly located in a sustainable part of the City Centre
Page 9 Vehicular access including servicing	The premises can be serviced from Chapel Walks.
Page 15 - Conversion of existing buildings is encouraged	The existing premises will be refurbished internally to accommodate the proposed new use, recycling the floorspace of the existing building.
Page 15 - The impact of development on the global environment should be reduced	The new use would be served by public transport.
Page 15 - Provision for refuse and recycling	Refer to submitted waste management document.
Page 17 – Maximise accessibility	The new use will maintain the same standards of accessibility as existing. As there is stepped access to the property and the basement ceiling height cannot be altered we are not able to accommodate a ramp inside the unit to meet DDA requirements. A ramp outside the unit would also not deal with the stepped nature of the unit internally. The joist layouts internally also could not accommodate an internal lift mechanism and therefore we have opted to for a motorized stair lifting climbing wheelchair for staff to assist DDA customers.
Page 19 – Energy Efficiency	The new use will maintain the same standards of energy efficiency as existing.
Page 22 – Waste Management	Refer to submitted waste management document.
Page 27 – Parking Guidelines	Sufficient, well located car and cycle parking is already available in the locality.
Page 32 – Improve access to work	The subject site is wholly located in a sustainable part of the City Centre.
Page 46 – Development Quality in the City Centre	The change of use of existing floorspace within the City Centre will improve the identity of the existing building.

SUPPLEMENTARY PLANNING DOCUMENTS – HOT FOOD TAKEAWAYS (ADOPTED MARCH 2007)

- 8.13 Whilst it is not the intention to operate an independent hot food takeaway we have considered the contents of the SPD and comment as follows:
- 8.14 As the application premises is not located in a District of Local Centre Policy 1 is not relevant.
- 8.15 With regard to Policy 2 amenity issues have already been considered in the Development Plan Chapter.

- 8.16 Additionally, it is material to note that there is already an established night time economy in this part of the City Centre having regard to nearby public house and restaurants.
- 8.17 With regard to extraction equipment full details are provided with the application. The extract solution proposed will not cause any adverse effects on residential amenity.
- 8.18 The waste management strategy details how the business will deal with waste.
- 8.19 In terms of highway safety there is adequate facilities nearby for parking and loading.
- 8.20 The proposals are considered compliant with Policy 2 of the SPD.
- 8.21 Policy 3 is not relevant as the premises are not within 400m of a primary or secondary school.
- 8.22 In summary it is considered that the proposals comply with the provisions of the SPD.

STATUTORY HERITAGE CONSIDERATIONS

- 8.23 Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (As amended) requires the Council to pay special attention to the desirability of preserving or enhancing the character and appearance of the Upper King Street Conservation Area in discharging its planning functions.
- 8.24 In respect of Section 62 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (As amended) this requires the Council, in considering whether to grant planning permission, *inter alia* to have special regard to the desirability of preserving the setting of a listed building.
- 8.25 As noted above whilst no external alterations are proposed the reuse of this premises would have a positive effect on the character and appearance of the Conservation Area, by helping to bring back into beneficial use a vacant unit, the proposals would therefore enhance the character and appearance of the Conservation Area. The absence of any external alterations means that the proposals do not affect the setting of any nearby listed buildings but their reuse would clearly be positive.

SUMMARY

- 8.26 This application submission has demonstrated how the proposals have addressed all the key issues above. The proposals are compliant with the Development Plan, national guidance and the Council's adopted supplementary planning documents.

9. CONCLUSIONS

- 9.1 Hourigan Connolly is instructed by Chancerygate in respect of the former Andrew Collinge Salon which is located at 11 Chapel Walks, Manchester, M2 1HN and which was last used as a hair salon (Use Class E) but is currently vacant. We are instructed to submit a full planning application to Manchester City Council (hereafter referred to as 'the Council') for the change of use of the Premises to a restaurant/hot food takeaway. The proposed use is a combined Class E and Sui Generic Use. External works are very limited and are restricted to the removal of a small window pane at the rear of the premises to facilitate the extract vent for the proposed pizza oven.
- 9.2 The application has been submitted in the joint names of Chancerygate and Ciaooo Pizzeria Ltd.
- 9.3 Ciaooo Pizzeria Ltd operate a successful restaurant in the City Centre at 62-64 Swan Street, Manchester, M4 5JU and further details can be found here:

<https://www.ciaoopizzeriamcr.co.uk/>
- 9.4 The application is accompanied by the requisite drawings and supporting information to support this simple full planning application and to demonstrate that the proposal would be appropriate in planning and heritage terms.
- 9.5 The application is accompanied by the requisite drawings and supporting information to support this simple full planning application and to demonstrate that the proposal would be appropriate in planning and heritage terms.
- 9.6 Relevant Development Plan policies have been identified and the proposals have been shown to be compliant with those policies of relevance to the proposals. Other material considerations have also been identified which support the proposals. The heritage significance of the premises has also been identified and in that respect the proposals would cause no harm to this non designated heritage asset.
- 9.7 The proposed development comprises sustainable development and accordingly we respectfully ask that the full planning application be approved without delay to allow this new facility to be opened.