MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	131809/FO/2021
Date registered valid:	20 October 2021
Proposal:	Change of use of the ground floor from vacant commercial use (Use Class E) to nail and beauty salon (Sui generis use) and minor alterations to the rear of the premises.
Address:	Tudor House, 15 - 17 Chapel Walks, Manchester, M2 1HN
Ward(s):	Deansgate Ward
Applicant:	Chancerygate Limited and Janea Ltd C/o Chancerygate, 601 Birchwood One, Dewhurst Road, Warrington, WA3 7GB
Agent (if any):	Mrs Beverley Moss Hourigan Connolly WeWork, 1 St. Peters Square, Manchester, M2 3DE
Case officer:	Gerry Reilly Tel: 0161 234 4163 Email: gerry.reilly@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	8 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:
Printed: 22 October 2021 Expired: 12 November 2021

Neighbour notifications
Printed: 22 October 2021 Expired: 12 November 2021

Site notice
Posted: 1 November 2021 Expired: 22 November 2021

Press advert
Published: 26 October 2021 Expired: 16 November 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order:

The application relates to 15-17 (Tudor House) Chapel Walks, Manchester, M2 1HN. The property was last used as a welfare facility for contractors working on the residential flats at upper floors, and before that was a vacant commercial use. The applicant has submitted a full planning application for the change of use of the Premises to a nail and beauty salon, a Sui Generis use. External works are very limited and are restricted to the insertion of ventilation grilles through an existing boarded up window and the erection of a slimline air conditioning unit, both at ground floor and at the rear of the premises.

The wider building (within which the application site sits) is a unique feature in the streetscene. It is a good example of late-Victorian commercial building in a Tudor style. It's stonework, half timbering and roof form, with prominent chimney stacks, add to its character. The building makes a positive contribution to the Upper King Street Conservation Area and setting of nearby listed buildings and is considered to be a non-designated heritage asset. The rear elevation is far plainer, but shares the fine stone framed door; the west flank elevation is largely obscured by the flanking building at No.9-11, in long views its crow-stepped gable flank wall is visible; these elevations make a modest positive contribution to the conservation area.

The altered opening at ground floor, fire escape stairs and ad-hoc servicing detract. Its interior is of very modest architectural interest, similar to the adjoining buildings, have been altered in the past to meet the needs of a more modern commercial building.

To the rear of the premises is Black Pool Fold. 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.

The rear side elevation at Black Pool Fold is of the same scale and build as the rear elevation, but of a much simpler design and appearance, like the rest of the building in this block. A door to the rear of the premises can be found at ground floor level, along with windows at ground (which are boarded up), first and second floor. There are rainwater pipes attached to the façade and the elevation is set within the backdrop of the rest of the building which is characterised by CCTV, air conditioning units, metal fire escape steps and security bars to ground floor windows.

Having regard to the foregoing the significance of the Premises is considered to be of a nondesignated 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. The rear elevation clearly detracts from the character and appearance of the Conservation Area.

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 Tudor House (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. Work on the conversion of the apartments is currently ongoing and the application site is surrounded by security boarding.

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

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.

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as as affecting a Conservation Area . A site notice was also displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity.

Environmental Health - negotiations have taken place with the applicant with regard to the use of acrylic products Environmental Health (EH). The applicant has confirmed the location of proposed louvered intake and extract and EH has stated that for this to be acceptable a condition to prevent the use of acrylic products in the future would need to form part of the consent.

Negotiations have also taken place with regard to frequency of waste collection. EH have stated that

If they are storing waste internally, general waste weekly collection is insufficient, especially when considering acetone soaked pads will be being stored internally so general waste collection provision will need to be more frequent at least every other day. If bagged waste collection is being relied upon, then confirmation that collection will not be before 07:30 or after 20:00, Monday to Saturday and Sundays/Bank Holidays hours 10:00 to 18:00. The applicant will also need to confirm that bags will not be placed out more than 1 hour prior to collection to ensure bags of waste are not left out overnight or for any prolonged period of time. I am happy for recycling waste (cardboard, glass and plastic) to be collected weekly.

EH have also recommended conditions to control deliveries, hours of operation, and noise.

Highway Services - reviewed the above application in relation to highways and their comments are as follows:

CYCLE PARKING:
In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles.

Sheltered and secure cycle parking should be in place for the use of staff and visitors' bicycles.

REFUSE AND SERVICING:
At the end of each day the waste will be collected and stored in the staff room/storage. The staff room/storage will have separate bins in place for general waste and recycling. No waste is to be stored outside of the premises but will be collected from the collection points
by New Look Disposal on collection day. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.
Highways would recommend that the waste vehicle park at the existing loading bays on Chapel Walks and that servicing is undertaken outside of the key network peak hours to reduce congestion on the highway.
CONSTRUCTION MANAGEMENT:
The applicant is advised that any requirements for licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).***

Issues

National Planning Policy Framework ' The following Policies are of relevance to this application:

Section 1 - Building a strong and competitive economy- which is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future and places significant weight on the need to support economic growth through the planning system.

Section 2 Ensuring the Vitality of Town Centres, - which promotes competitive town centre environments

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) 'which identifies that City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment,cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

Policy SP1 (Spatial Principles),- which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development 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;
minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
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) ' Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

Development should have regard to the character of the surrounding area.
Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
Community safety and crime prevention.
Design for health.
Refuse storage and collection.
Vehicular access and car parking.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states 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 mixed-use development which will create such an environment.

Policy T2 (Accessible Areas of opportunity and need)- which states that the Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport.

The Unitary Development Plan for Manchester ' Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC26.1 Development and Noise - which details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

DC26.5 Development and Noise ' which states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate

Principle of the Use

The unit that is the subject of this application is located within a part of the City where there is a mix of uses and these types of uses would normally be acceptable in principle. These uses are encouraged on ground floor frontages.

The proposed uses would be complementary to the existing mixed uses in the area providing an additional service facility; subject to appropriate control of the development in terms of the hours of operation and the need to deal satisfactorily with noise, fumes, smells and storage, disposal of refuse and access.

Amenity
There will be residential occupiers within the building and the applicant has indicated that two ventilation grilles are proposed on the rear elevation. There are no other extraction items included on the submitted drawings. The applicant has confirmed that there will be no fumes or odours extracted through these grilles; this is especially true in this instance as the prospective tenant does not use any acrylic products. The grilles are intended to assist with air ventilation only and have not been designed / are not intended to deal with any fume extraction, as there will be none.

Environmental Health have recommended conditions to control deliveries, fumes, hours of operation, noise, and refuse. The applicant has stated that that there will be no fumes or odours extracted through the two ventilation grilles proposed for the reasons mentioned above and there has been an amended waste proforma submitted which has been forwarded to Env' Health for comment which they are OK with

The proposal is therefore not considered to conflict with the highlighted policies and guidance set out previously.

Car Parking/Highway Safety

The Highways Officer has requested secure cycle parking be provided within the unit. The applicant has stated that "As you know, the proposed new use is for a nail and beauty salon. In

simple terms, the proposed new use and bicycles do not generally go together! Mainly because a customer who has just purchased a manicure, pedicure, hollywood waxing or lash services are simply unlikely to then get on a bike. This is due to potential damage (hands and feet), discomfort from the saddle and face winds. The prospective tenant also has no staff which travel by bike. The unit is small, only circa 70 sqm (750 sqft) and so there is a real issue with useable space - providing internal bike storage for customers is just not feasible or realistic in this instance.

I understand that the Council's policy is to encourage people to travel by sustainable means of transport and that is wholly supported, however in that regard I would comment as follows. There are no car parking spaces associated with the unit and therefore all staff will be commuting to work by other public transport methods, methods which are highly accessible given the central location of the unit in the city centre. The same applies for customers. Given the location, customers are more likely to visit the salon during their working day over lunchbreaks etc, or as part of visits to the city centre for other reasons. There are a number of tram stops within close walking distance of the application site and in addition, if anyone were indeed to choose to cycle before/after a visit to the salon, the site is located circa 350 m from the secure and covered TfGM cyclehub located at City Tower, so there is a secure cycle parking option available. I would suggest that these provide a very feasible option for people, without requiring what is potentially an onerous requirement to provide secure cycle parking within the small application site.

Disabled Access

The applicant has made the following statement in regard to people who are mobility impaired

With regards accessibility, the identified tenant of the premises (Janea Limited) has a number of existing customers who have accessibility requirements, so it is essential that they can accommodate the needs of their customers, both existing and future. Given the structure and fabric of the existing building and the fact that the Premises are in a Conservation Area, there are structural limitations to what can be done to accommodate accessibility for all. However, the Applicant has committed to ensuring access for all and will be operating a foldable, lightweight and moveable ramp custom supplied from a ramp specialist. The weblink below indicates some example specifications, with a decision on the final specification to be confirmed after a site visit from the supplier. The ramp will be
foldable, lightweight and moveable and will be stored in the room marked 'laundry' as shown on the ground floor plan. The salon manager and supervisors will be fully trained to use the equipment. This solution respects both the needs of persons who have additional accessibility needs, while also maintaining the visual appeal of the property within the Conservation Area:

Waste and Refuse

Conditions will be attached to this permission to control times of collection of waste and to ensure that waste bags are only placed out less than 1 hour before collection.

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 a right to a fair hearing and to this end the local planning authority 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 Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner seeking solutions to problems arising in relation to dealing with the application. In this case this has included communications regarding fumes and refuse collection

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

Drawings

Drawing - Proposed 100 REV 02 GA AND POP UP PROVISIONS received 01 Oct 2021
Drawing - Proposed 161 BACK POOL FOLD REAR ELEVATION received 01 Oct 2021
Drawing - Proposed A09-001 GROUND FLOOR LEASE PLAN received 01 Oct 2021
Drawing - D09-001 Location Plan received 01 Oct 2021
Drawing - D09-002 LOCATION & BLOCK PLAN indicating LOCATION OF REFUSE COLECTION POINT TO REAR OF PROPERTY ON BACK POOL FOLD received 01 Oct 2021

Documents

Air Conditioning Unit Specification received 01 Oct 2021
PLANNING & HERITAGE STATEMENT received 01 Oct 2021
The email from Marc Hourigan received 20 Oct 2021
WASTE MANAGEMENT PROFORMA received 01 Dec 2021

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

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

The waste vehicles will park at the existing loading bays on Chapel Walks

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation and in the interests of highway safety. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4) a) Externally mounted ancillary plant, equipment and servicing, including any equipment located behind any louvres or grilles shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

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

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

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

Monday to Friday 08:00 to 20:00, Sat 10:00 to 19:00 and Sun 11:00 to 17:00.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) General waste collection provision will take place at least every other day. Waste bags will not be placed out more than 1 hour prior to collection to ensure bags of waste are not left out overnight or for any prolonged period of time.

Reason - In the interests of amenity and public health. Pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) No activities that may produce fumes, including the provision of acrylic nails, shall be carried out at the premises for the duration of the use hereby approved.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Highway Services

Cross Street Chapel, 29 Cross Street, Manchester, M2 1NL
Third Floor, Pool Fold Chambers, Back Pool Fold, Manchester, M2 1HB
Second Floor, Pool Fold Chambers, Back Pool Fold, Manchester, M2 1HB
Sixth Floor, 55 King Street, Manchester, M2 4LQ
Pool Fold Chambers, Back Pool Fold, Manchester, M2 1HB
Sams Chop House, Chapel Walks, Manchester, M2 1HN
Unit 6A, 55 King Street, Manchester, M2 4LQ
Unit 6, 55 King Street, Manchester, M2 4LQ
Third Floor, 55 King Street, Manchester, M2 4LQ
Fourth Floor, 55 King Street, Manchester, M2 4LQ
Second Floor, 55 King Street, Manchester, M2 4LQ
First Floor, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 19, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 18, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 17, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 16, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 15, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 14, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 13, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 12, 55 King Street, Manchester, M2 4LQ
THE EMERSON GROUP, Basement 3 Storage 11, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 10, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 9, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 8, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 7, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 6, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 5, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 4, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 3, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 2, 55 King Street, Manchester, M2 4LQ
Basement 3 Storage 1, 55 King Street, Manchester, M2 4LQ
Unit 5, 55 King Street, Manchester, M2 4LQ
Sixth Floor Suites 6 To 9, 55 King Street, Manchester, M2 4LQ
SUCCESS APPOINTMENTS LIMITED, Sixth Floor Suite 5, 55 King Street, Manchester, M2 4LQ
Fifth Floor, 55 King Street, Manchester, M2 4LQ
Sixth Floor Suite 4, 55 King Street, Manchester, M2 4LQ
Sixth Floor Suite 3, 55 King Street, Manchester, M2 4LQ
Sixth Floor Suite 1, 55 King Street, Manchester, M2 4LQ
Unit 4, 55 King Street, Manchester, M2 4LQ
Unit 3, 55 King Street, Manchester, M2 4LQ
Unit 1, 55 King Street, Manchester, M2 4LQ
Unit 2, 55 King Street, Manchester, M2 4LQ
Cavendish House, 30 Pall Mall, Manchester, M2 1JY
19 Chapel Walks, Manchester, M2 1HN
15 - 17 Chapel Walks, Manchester, M2 1HN
Former 11, Chapel Walks, Manchester, M2 1HN

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CITY1