

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131854/FO/2021

Date registered valid: 8 November 2021

Proposal: Creation of a micro brewery (Use Class B2)

Address: Unit 5 City Court Trading Estate, Poland Street, Manchester, M4 6AL

Ward(s): Ancoats & Beswick Ward

Applicant: Mr J Amooore Love Cartel Ltd Moorfield, Whalley Old Road, Langho, BB6 8DU

Agent (if any): Mr P Garner Garner Town Planning Ltd High Lane House, 148 Buxton Road, High Lane, Stockport, SK6 8ED

Case officer: Adam Mitchell
Tel: 0161 234 4165
Email: adam.mitchell@manchester.gov.uk

Recommendation: Approval

Date of recommendation: 21.01.2022

Application details

Type of application: Full Application Consent

Development type: Minor Industry

Date of site visit:

Standard consultations:

Printed: 12 November 2021 Expired: 3 December 2021

Neighbour notifications

Printed: 12 November 2021 Expired: 3 December 2021

Site notice

Posted: 01 December 2021 Expired: 22 December 2021

Press advert

Published: 16 November 2021 Expired: 7 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order:

The application relates to a two storey industrial unit situated along Poland Street. The application site is the second is from the left which lies within a site occupied by a group of similar buildings known as City Court Trading Estate. The wider site is bounded by Poland Street, Jersey Street and Ancoats Green.

Description of area

The application site is situated in Ancoats Conservation Area to the east of the city centre a short distance from the city's inner relief road within City Court Trading Estate.

Ancoats Conservation Area is characterised by a tight urban grid characterised by large 19th century, red brick warehouses and a high concentration of listed buildings, many of which have been converted to provide a mixture of commercial office space and residential apartments. The area is interspersed with modern infill development, as well as number of buildings of a more contemporary construction, including The Express Building on Great Ancoats Street.

Description of development

Planning permission is sought for the creation of a micro-brewery. Internal reconfiguration is proposed for the development, with a total ground floor floorspace of 145.36sqm accommodating a production area, two bathrooms and a storage area. The first floor element will consist of an office space with a floorspace of 28.35spm with 2 windows along the front elevation and one internal window facing the workshop.

Consultations & Notification Responses

Publicity- The application was advertised as a public interest development, and the occupiers of adjacent properties were notified about the application. A site notice was displayed adjacent to the site. No representations have been received.

Highways- Have no objections.

Flood Risk Management- Have no objections but have recommend a condition in relation to the drainage system.

Environmental Health- Have no objections but have recommended conditions in relation to hours, deliveries, acoustic insulation of plant, fumes and vapours and storage and disposal of refuse.

Greater Manchester Police- Have no objections

Policy

National Planning Policy Framework

The following policies are of relevance to this application:

Chapter 6- Building a strong and competitive economy

Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Chapter 16- Conserving and enhancing the historic environment.

Paragraph 193 - 208- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

Paragraph 199. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Core Strategy

The following policies are of relevance to this application:

Policy SP1- refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1- states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy T2- states that all new development should provide appropriate car parking facilities.

Policy EN3- relates to heritage and states that throughout the city, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre.

Policy CC1-focuses on economic development of the City Centre and Fringe. It is stated that a variety of high quality accommodation types, sizes and foot-plates will be encouraged to boost investment by local, national and international businesses. The City Centre and fringe will be considered a suitable location for the consideration of high density buildings and commercially led mixed use schemes. Developments which lead to the more intensive use of employment land (in terms of floorspace provided) will be supported.

In addition, the following saved policy of the Unitary Development Plan is also considered relevant:

Policy DC18.1- relates to development proposals within conservation areas and seeks to preserve and enhance to the character of its Conservation Areas by considering the relationship of new structures to neighbouring buildings and spaces, the effect of changes to existing buildings and the desirability of retaining existing features. Consent to demolish a building within a Conservation Area will be granted only where it can be shown that is beyond repair, incapable of beneficial use or where its replacement would benefit the appearance or character of the area.

The Guide to Development in Manchester (SPG/SPD) (2007) - The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Ancoats and New Islington NDF Character Area- Poland Street Zone-. The document provides a guide and design advice for this sector of Ancoats and New Islington, delivering a vision for the future containing at its core positive regeneration, that results in attractive and successful neighbourhood of choice where increasing numbers of people chose to work, live and invest. The Poland Street Zone NDF identifies a series of design principles which will strengthen the regeneration of this neighbourhood, with the goal of moving forward with one of the next key phases of transformation in Ancoats and New Islington.

Principle of Use

The unit that is subject of this application is located within a part of the City where this type of use would normally be acceptable in principle. Regeneration is an important planning consideration and there is a need to build on the regeneration that has already taken place with Ancoats and the investment and improvements which are continuing there.

The unit lies within Ancoats Conservation Area with this particular section of the Conservation Area characterised by a mix of industrial and commercial uses with some adjacent residential. Given the nature of the proposed uses and hours of operation the proposed use would be complementary to the existing uses present in the industrial estate, subject to appropriate control in terms of hours of operation, and the need to deal satisfactorily with noise, fumes, smells and storage and disposal of refuse.

The site is located immediately adjacent to Oldham Road which provides the site with good access to the road network.

The applicant is seeking planning permission for the use of this vacant unit, with a total ground floor floorspace of 145.36sqm for a microbrewery business. The first floor element will consist of an office space with a floorspace of 28.35sqm with three existing windows along the front elevation and one internal window facing the workshop. The conversion of the unit will provide a new production, storage and distribution element to their operations. Their core business is a Beer Production Facility for the production, storage and distribution of beer at Unit 5 City Court trading Estate.

In view of the above the proposal is therefore considered to be in accordance with Core Strategy policies CC1, SP1, DM1 EN3 and saved UDP policies DC1, DC6 and DC18.

Issues

The proposal would result in a creation of micro-brewery (Use Class B2) from a current vacant unit situated in City Court Trading Estate, within Ancoats Conservation Area. This proposal would result in the creation of a micro-brewery located in City Court Trading Estate along Poland Street. Given its location within an industrial estate the proposed use would compliment the surrounding units, each a unique facet of the commercial industry. Additionally, similar commercial units can be found along Poland Street within Crown Industrial Estate and Poland Street Industrial Estate. Therefore, the creation of a microbrewery would not be out of character for this commercially driven region of Ancoats. It is considered that this Class of Use (B2) is acceptable for this vacant unit as it not only compliments the existing use of the surrounding development characteristics but aligns with principles set out in the Core Strategy and Poland Street Zone NDF; supporting the commercial activity for the area. Although it should be noted this industrial estate has been earmarked for future development site to support greater objectives in the Ancoats and New Islington context to provide residential accommodation.

Given that no external alterations of the existing unit is proposed for this application, only internal layout alterations to the floor plan proposed, there will be no harm to Ancoats Conservation Area.

Residential Amenity/ Hours of Operation

Whilst the principle of the proposed use is considered acceptable the impact that it may have on nearby residents needs to be considered carefully. The nearest residential accommodation is situated along the edge of George Leigh Street and Poland Street. It is considered that given the nature of the use and the proposed hours of operation that it would not have an adverse impact on the amenity of the occupiers of adjacent premises.

The unit shall not operate outside of the following hours:

Monday to Friday	06:30 to 21:30
Saturday	09:30 to 20:00
Sunday/Bank Holidays	09:30 to 12:00

Environmental Health has also recommended a condition limiting the hours during which the building can be serviced. This will ensure that any disturbances from such activity is confined to acceptable hours of the day.

Given the above it is considered that on balance and subject to conditions, controlling the acoustic insulation of the premises, the hours of operation, the hours during which deliveries can take place and the storage and disposal of refuse the proposals would be acceptable and consistent with Core Strategy Policies CC1, SP1, and DM1 and saved UDP policies DC6 and DC18.

Visual Amenity

Given the existing appearance of the existing industrial units within City Court Trading Estate and the other smaller industrial estates along Poland Street, and it is proposed that the external appearance of the unit will be maintained with only alterations to the internal layout of the application site, therefore the proposal would not have an adverse impact on the appearance of the building or on visual amenity.

In view of the above the use is consistent with Core Strategy Policies DM1 and SP1.

Car Parking/Highway Safety

The site is well serviced by various methods of public transport including buses, and the Metrolink and the proposals for servicing and waste collections are considered to be acceptable.

Given the above, the proposal is considered to be in accordance with Core policies DM1 and T2.

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 policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the 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: Approval

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application.

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:

FLOOR PLAN stamped as received on 06 October 2021

LOCATION PLAN referenced 08NOV 2021 stamped as received on 08 November 2021

Reason - To ensure that the development is carried out in accordance with the approved plans pursuant to Core. Strategy policies CC1, T2 , SP1, DM1, EN3 and saved UDP policies DC18.

- 3) The unit shall not operate outside of the following hours:

Monday to Friday	06:30 to 21:30
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Saturday	09:30 to 20:00
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Sunday/Bank Holidays	09:30 to 12:00
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Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy Policies DM1 and SP1.

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

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

No deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy Policy DM1.

- 5) a) Prior to the first use of the development hereby approved, a scheme shall be submitted for approval in writing in respect of how fumes, vapours and odours shall be extracted from the premises.

b) Prior to the uses hereby approved becoming operational, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the requirements agreed in part (a) have been met. In instances of non-conformity, these shall be detailed along with mitigation measures. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter retained and maintained in situ.

Reason - To ensure appropriate fume extraction is provided for the development 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).

- 6) a) Prior to the first use of the development hereby approved, a scheme to acoustically insulate the premises to limit the breakout of noise in accordance with a noise study shall be submitted for approval in writing by the City Council as Local Planning Authority.

The scheme shall be implemented in full before the uses commence.

Where entertainment noise is proposed, the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

b) Prior to the uses hereby approved becoming operational, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report.

The report shall also undertake post completion testing to confirm that acceptable criteria 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

- 7) a) Prior to first use of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing 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 the uses hereby approved becoming operational, an approved 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 saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

- 8) Prior to the commencement of the development hereby approved, details of a surface water drainage layout for the site, based on sustainable drainage principles shall be submitted for approval by the City Council as Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and that there is a maintenance mechanism for the lifetime of the development pursuant to policies EN8 and EN14 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

- 9) The development hereby approved shall be carried out in accordance with Waste Management Strategy ref. 10277792 stamped as received on 08 November 2021.

The details of the approved scheme shall be implemented prior to the first use of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

- 10) The permission hereby granted is for the use of the building at the application site as an micro brewery only (Use Class B2) and for no other purpose (including any other purpose within Use Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - Other uses within the same use class may have a detrimental effect on the neighbourhood and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to policy H2.2 of the City of Manchester Unitary Development Plan.

Informative

Fume- The submitted scheme and verification report should include risk assessments for odour and noise, based on appropriate guidance published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should have be provided in relation to replacement air.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Roadrider Despatch, Harriett Street, Manchester, M4 6HB
Warehouse Next To 30, Poland Street, Manchester, M4 6BH
Unit 7, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 6, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Units 5 And 6, 106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 2, 106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 1, 106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 10, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Unit 8, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 4, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 11, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Units 8 And 9, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Unit 9, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Unit 8, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Unit 12, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 11, City Court Trading Estate, Poland Street, Manchester, M4 6AL
106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 7, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
Unit 12, Poland Street Industrial Estate, Poland Street, Manchester, M4 6AZ
City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 9, City Court Trading Estate, Poland Street, Manchester, M4 6AL
Unit 4A, 106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 4, 106 - 108 George Leigh Street, Manchester, M4 6BD
Unit 3, 106 - 108 George Leigh Street, Manchester, M4 6BD
WHOLESALE BUDGET FLOORING, Unit 2A, 106 - 108 George Leigh Street, Manchester, M4 6BD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1