

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131067/FO/2021

Date registered valid: 31 August 2021

Proposal: Part retrospective change of use from laundrette to Food Bank, including the preparation and packing of cooked and dry foods for delivery (sui generis use) and installation of associated flue

Address: Unit 2 , 63-65 Beswick Street, Manchester, M4 7HR

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Sukhbir Singh Feed My City Unit 2 , After 63 Beswick Street, Manchester, M4 7HR

Agent (if any): Mr Rakesh Mistry m83 Associates Ltd 187 Water Street, Manchester, M3 4JD

Case officer: Sue Wills
Tel: 0161 234 4524
Email: sue.wills@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10 February 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 2 September 2021

Expired: 23 September 2021

Neighbour notifications

Printed: 2 September 2021

Expired: 23 September 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a mid terraced two storey property in parade of three commercial premises, fronting onto Beswick Street, with a detached single storey commercial property which lies to the northwest in close proximity to the terrace. The property and others in the terrace benefit from long rearward single storey flat roof extensions, with space beyond to the rear for the storage of bins and access to all three units.

On street parking is available on Beswick Street in front of the premises and also on Branson Street to the south.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The property is located in an area with a mix of uses. To the south of the Beswick Street is a large cleared site which was formerly occupied by the Chesshyre Avenue maisonettes and flats. To the north and north east of the site are industrial, and warehouse and distribution uses, with a further small parade of Class E premises to the south east.

Description of development

Part retrospective consent is sought to change the use from laundrette to a Food Bank, including the preparation and packing of cooked and dry foods for delivery (sui generis use), and installation of a mechanical extract flue on the rear elevation of the existing single storey element of the premises. A roller shutter to the front elevation has been replaced on a like for like basis. A bin store is proposed to the rear of the premises.

Two full time and two part time employees would be based at the premises.

The proposed operating hours on the submitted forms are indicated as being 1200hrs to 1800hrs on Mondays to Fridays and 1100hrs to 1400hrs on Saturdays, Sundays and Bank Holidays. However, further information has been provided in the submitted noise report stating The charity cook for an average of 12 hours per week, Monday, Tuesday, Thursday and Friday between 09:00 and 11:00 in the morning and 17:00 and 18:00 in the evening. The application has therefore been considered on the basis of the combined time periods.

Consultations & Notification Responses

Local residents and local businesses – two emails from one individual have been received to draw attention to the opening of a kitchen without the benefit of planning permission. They advise there are problems with the extraction fan which has been installed and the residential property upstairs. They believe that having another shop below a residential flat would be a major fire risk to the residents upstairs. They state that the extraction fan was installed in June 2021, before the submission of a planning application.

Furthermore, that the proposed development could cause a fire hazard to the property to have another cafe open up within the same building.

Three letters have been received supporting the proposed development, and the work and activities the charity is doing for the benefit of the community.

Environmental Health – recommends that conditions relating to fume extraction, construction hours, hours of operation, delivery hours, acoustic insulation of the building, acoustic insulation of external plant, refuse storage be attached to any approval. They have also advised that:

1. Drawing P8 – Existing and proposed rear elevation – the proposed flue does not look to be 1m above eaves and is possibly extracting below an openable window (the rear of the premises does have a single storey extension but they have concerns about odours impacting the flat above. It is also capped with a cowl and not a velocity discharge terminal.

2. The applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Updated comments 22.11.2021

The agent has provided some information on the kitchen extraction system, due to the proximity to residents they need to know what the odour risk score is to determine if sufficient odour control is being provided

From looking at the information provided to date, dispersion is poor (15), receptors are close (10), the kitchen is small (1) but they are not sure what food they will predominantly cooking, the worst case will put them in the very high bracket but if they are not frying the score will be reduced and they look to be achieving a high level of control from the information provided. This needs to be confirmed though.

The new drawings show that the cowl will be removed which addresses their initial concern with the flue design.

Noise

An acoustic report is required especially for the noise from the kitchen extract due to the proximity to existing residents.

Refuse

The information provided is acceptable. Collections need to be between 07:30 to 20:00, Monday to Saturday, not at 7am as stated in the email

Updated comments 17.12.2021 sent to the applicant by Environmental Health officers

Due to the proximity of residents to the site control of noise is an important factor for them to consider and from experience poorly designed kitchen extraction system are a common cause of noise pollution.

Given the constraints with regards to doing an acoustic assessment they have looked at the application again and are not sure if a commercial kitchen extract is suitable in this location and the ongoing operating costs will also need to be taken into account (replacing filters, cleaning etc). They queried if it is necessary for a commercial kitchen flue to be used or the applicant would be able to operate with a domestic kitchen set up with small appliances and an extraction hood over a hob? They advised that the latter approach may work better as the extraction would not need a flue and would generate minimal noise compared to a commercial system. Furthermore, if the applicant were to take this approach then the acoustic and fume conditions can be removed (as the NSE1 condition may have been a bit onerous given the premises would only open in the daytime).

Updated comments 20.01.2022

Have advised on the basis of the recently submitted additional information and they consider that the use would have a low impact with regards to odour and noise. The applicant would only be cooking for 3 hours a day and this is all during the day and the food is just reheated. On this basis they have advised that the odour and noise conditions previously recommended would not be required.

Highways Services 14.09.2021- Whilst the site is considered to be suitably accessible, little information has been provided in relation to the trips likely to be generated by the new development and how these may affect the local highway network. In particular they sought details relating to the likely frequency of deliveries/collections as well as parking demands generated for the café use indicated and how this may impact on the adjacent roads. Whilst the plans and descriptions provided indicate off-street parking to the front of the development, it appears that there is no official means of vehicle access (dropped kerbs) to the space indicated.

It is understood that the bins are stored to the rear of the property with collections taking place from Branson Street. Whilst this is acceptable in principle, they sought confirmation that no bins will be placed on the public footway whilst awaiting collection.

Pedestrian access arrangements are acceptable from a highway perspective.

No conditions were requested.

Design for Security - Advised that:

- If any new external fittings are to be installed (i.e. shutters, windows or doors) then they should be certified to Secured by Design standards.
- If cash is to be kept within the property overnight then a time delay safe certified to LPS 1183 should be installed and kept within a secure room that is only accessible by the members of staff.
- Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only.
- An intruder alarm should be installed with contacts on all external doors and with movement detectors. The alarm should be monitored by an appropriate body.

- CCTV should be installed and be capable of covering all aspects of the development internally & externally.

Cadent - Have no objection, but advise that an informative note is required. The comments from Cadent were forwarded to the planning agent .

Issues

Policy Context

The following local and national policies and documents are considered relevant in the determination of the application proposals.

National Planning Policy Framework (NPPF)

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

Chapter 8: Promoting healthy and safe communities

Paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which:

- a) Promote social interaction;
- b) Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion;

Paragraph 93 discusses the importance of providing social, recreational and cultural facilities and services that communities need.

It is considered that the proposal would provide a food bank facility, providing dry food parcels to those in need, together with free hot meals , which would accord with the aspirations of the Chapter 8 of the NPPF. With the exception of any residential accommodation above the adjacent premises , the nearest dwellings are some distance away. The residential accommodation above the adjacent premises (hot food take away, and off licence) already

experience noise and fumes from the existing commercial properties in the parade, as such the nature of the proposed use and limited hours of operation are not considered to give rise to significant adverse impacts to residential amenity, as to warrant refusal of the proposed development. This issue is explored in detail elsewhere in this report. Chapter 8 would therefore be positively responded to.

Manchester Core Strategy (2012)

Relevant policies in the Manchester include

Policy SP1 (Spatial Principles)

Policy DM1 (Development Management)

Policy EC5 (East Manchester)

Policy EN1 (Design Principles and Strategic Character Area)

Policy EN3 (Heritage)

Policy EN 8 (Adaptation to climate change)

Unitary Development Plan for the City of Manchester

Saved UDP Policy DC26 Development and noise is also of relevance

Principle

Consent is sought for a part retrospective change of use from laundrette to Food Bank, including the preparation and packing of cooked and dry foods for delivery (sui generis use) and installation of associated flue. The applicants are a charity (Feed My City), a flagship project of the Manchester Sikh Foundation (MSF), providing free hot meals and emergency food parcels to people in need. The Foundation has acquired the premises in with the view to develop and extend their services to other areas in the city, and have been involved in responding to requests made to the Covid 19 help line. The principle of bring the vacant premises back into use for the proposed use is considered to be acceptable in principle, but matters relating to residential and visual amenity need to be considered.

Noise

The premises are located in a terrace of commercial premises with a hot food takeaway to the north, and a general store/off licence directly to the south, with a further small parade of retail units to the south east on Beswick Street. All of the properties have accommodation at first floor level, some of which is used for residential purposes.

The other nearest noise sensitive properties to the scheme are dwellinghouses 132m to the south west at Crossley Court on Little Holme Street.

A noise report has been submitted to accompany this application submission, which confirms that although hot meals would be cooked at the premises, but the use of the premises would be primarily to reheat food, as readymade sauces are used in the making of the food dishes, and that any rice would only be boiled.

This report also identifies impacts relating to noise, from external plant forming the overall development, and make reference to the external plant at the two adjacent businesses.

Due to the nature of the proposed use, the number of staff present and the limited hours of operation being sought it is considered that any noise arising would be comparable with the commercial nature of the terrace of premises, and the previous use as a laundrette. It is however, proposed to attached conditions to restrict the delivery times to the property and to limit the hours of operation. The proposed operating hours on the submitted forms are indicated as being 1200hrs to 1800hrs on Mondays to Fridays and 1100hrs to 1400hrs on Saturdays,

Sundays and Bank Holidays. However, further information has been provided in the submitted noise report stating the charity cook for an average of 12 hours per week, Monday, Tuesday, Thursday and Friday between 09:00 and 11:00 in the morning and 17:00 and 18:00 in the evening. The application has therefore been considered on the basis of the combined time periods. It is therefore proposed to attach a condition to limit the hours of operation from 9am to 6pm Mondays to Fridays and between 11am to 2pm on Saturdays, Sundays and Bank Holidays.

Fume extraction

The applicant has stated that a very limited menu would be created at the property (3 items), as their aim is to feed people in need and not to provide a wide menu. Furthermore, that the primary function is to reheat food. On the basis of the details provided for consideration and the comments from Environmental Health, it is not proposed to attach a condition requiring further details of fume extraction. However, the installed fume extraction equipment at the premises does not match that now shown on the submitted proposed plans of the rear elevation, in terms of the height and circumference of the flue, and currently is covered by a cowl, which is not acceptable. It is therefore proposed to attach a condition to require the installation of a flue in accordance with the submitted drawing with a velocity discharge terminal and that it should be coloured black (RAL 9005) in accordance with the email dated 2nd February 2022 from the planning agent.

Heritage

The property is 136m from a Grade two listed bridge on Beswick Street and 132m from Brunswick Mill which has Grade II listed status. Given the distance, and elevational works would primarily be at the rear of the property (with the exception of the replacement shutter which has been installed), it is considered that any visual impacts to the Grade II bridge and mill building would be very limited and not be significant.

Security

Observations received from Design by Security officers were relayed to the planning agent.

The agent responded by advising the external fittings have been specified on the drawings and they have spoken to the contractor ensuring that all new fittings and fixtures are to be certified by Secure by Design, furthermore, there would be no cash kept at the property.

In addition, they have stated that no public would be allowed to enter the premises, and that the front entrance would be locked, and food would be handed to people. The kitchen door has also had a new locked fitted for added level of security.

They have also confirmed that an alarm system has been installed and approved by the appropriate bodies.

CCTV would also be installed externally and internally around the perimeter of the building.

In view of the measures detailed above, it is proposed that the measures form an informative to be attached to any planning approval.

Refuse storage

Revised plans have been received to show the location of the bin store directly to the rear of the building, and which show a retained 1m gap to enable the occupiers of Unit 1 Beswick Street to access the shared service route to Branson Street for bin collections.

The scheme would include the provision of bins storage within the premises and 2 x 240 litre bins to the rear of the property in a lockable wooden bin store. The information on the submitted completed waste proforma confirms collection will occur by a private company that will dispose of the waste collection taking place twice a week at 7:00 in line with the waste collection of the neighbouring businesses.

Parking

There is no off street parking provision associated with the parade of premises within which the property is located . However, there is on street parking provision in front of the premises on Beswick Street, and on the side road Branson Street to the south east . The on street parking provision on Beswick Street is also subject to a TRO to restrict vehicles from being able to park all day .

At the site visit it appeared that a van associated with the business was parked in an off street parking area associated with the business to the rear . Given the low levels of staff present at the property combined with the limited hours of use, it is not considered that the proposed development would give rise to significant parking issues in the local area. Furthermore , the site is located within very close proximity to the Holt Town tram stop and numerous bus services on Ashton New Road , meaning that it is in a sustainable location in terms of transport. Collection of refuse would be from Branson Street, as is the existing situation.

Visual Amenity

With the exception of the replacement of an existing roller shutter to the front elevation (which has been implemented), elevational alterations are restricted to the rear elevation and relate to the installation of an extract flue and bin store. Given the mixed nature of uses proximity of the site and the associated building designs, it is considered that the limited changes to the elevations would not detract from character of the area.

Cadent comments

These were forwarded to the planning agent for information, but are also proposed to be attached to any approval as an informative as per Cadent's request.

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: Approve

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through the stages of the planning process and resolve any issues that arose in dealing with the planning application. The original submission raised initial concerns about the levels of noise and potential odours from the proposed equipment, and following the receipt of

further information these matters has been satisfactorily resolved and the appropriate conditions have been attached.

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:

Plan ref: P1 - Site Photographs ; plan ref :P2 - Location Plan; plan ref: P5 - Existing and Proposed Ground Floor; plan ref: P6 - Existing and Proposed Front Elevation; plan ref: P7 - Proposed Front Elevation and Section; Unit 2 Beswick Street Statement ; ZAC 400-41 Cased axial fan specification;
Received 13th July 2021;

Plan ref:P4 - Parking and Servicing received 18th August 2021;

Email dated 8th October 2021 from planning agent confirming security measures ;

Waste management strategy received 03.11.2021

Existing and Proposed Rear Elevation plan ref: P8; Proposed Section plan ref: P9 received 03.11.2021

Extract and Ventilation Statement dated November 2021 received 11th November 2021;

Noise report received 12th January 2022;

Proposed Bin Store plan ref: P10 received 10.02.2022.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) .

3) Within 3 months of the date of the permission hereby approved, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with Existing and Proposed Rear Elevation plan ref: P8; Proposed Section plan ref: P9 received 03.11.2021; Extract and Ventilation Statement dated November 2021 received 11th November 2021; and ZAC 400-41 Cased axial fan specification received 13th July 2021, and a velocity discharge terminal.

The flue shall be painted black (RAL 9005) in accordance the email from the planning agent dated 2nd February 2022.

Reason - In the interests of the amenities of the occupiers nearby properties , pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

4) The premises shall not be open outside the following hours :-
Mondays to Fridays 09:00hrs to 18:00hrs
Saturday/Sunday/Bank Holidays 11:00hrs to 14:00hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and Saved UDP policy DC26.

5) 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 policies SP1 and DM1 of the Manchester Core Strategy (2012) and Saved UDP policy DC26.

6) The storage and disposal of refuse shall be im0llented in accordance with the completed waste proforma and Proposed Bin Store plan ref: P10 received 10.02.2022 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 SP1 and DM1 of the Manchester Core Strategy (2012).

Informative

1. If any new external fittings are to be installed (i.e. shutters, windows or doors) then they should be certified to Secured by Design standards.

If cash is to be kept within the property overnight then a time delay safe certified to LPS 1183 should be installed and kept within a secure room that is only accessible by the members of staff.

Any staff areas that are to be included within the property should be access controlled and restricted to members of staff only.

An intruder alarm should be installed with contacts on all external doors and with movement detectors. The alarm should be monitored by an appropriate body.

CCTV should be installed and be capable of covering all aspects of the development internally & externally

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Greater Manchester Police
Environmental Health

Unit 1 After 63, Beswick Street, Manchester, M4 7HR
Unit 3 After 63, Beswick Street, Manchester, M4 7HR
Building 2 Former Ceiling Grids Site, Branson Street, Manchester, M40 7FJ
83 Beswick Street, Manchester, M4 7HR
63 Beswick Street, Manchester, M4 7HR
79B Beswick Street, Manchester, M4 7HR
79A Beswick Street, Manchester, M4 7HR
Unit 1, Beswick Street, Manchester, M4 7HR
Ashton New Road Post Office, 79 Beswick Street, Manchester, M4 7HR

Appendix 2 – Planning constraints

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH2