

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131447/FO/2021

Date registered valid: 24 September 2021

Proposal: Change of use from a shop (Use Class E) and training centre (Use Class F1) to a bar (Sui Generis).

Address: Unit 1 Northspring, 70 Spring Gardens, Manchester, M2 2BQ

Ward(s): Deansgate Ward

Applicant: Origin Manchester GP on behalf of Origin Manchester LP C/o Agent

Agent (if any): Mr Dan Whitney Sixteen Real Estate Byron House, 10-12 Kennedy Street, Manchester, M2 4DE

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13 December 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 29 September 2021 Expired: 20 October 2021

Neighbour notifications

Printed: 29 September 2021 Expired: 20 October 2021

Site notice

Posted: Expired:

Press advert

Published: 5 October 2021 Expired: 26 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

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

Tree Preservation Order:

Description of Site/Area

The proposal site relates to a ground floor unit is contained with a building now known as Northspring, located at 70 Spring Gardens. It was formerly known as Brook House.

The building consists of a six-storey mixed-use property, with offices to the upper floors and units mostly within Use Class E to the ground floor, along with the office reception spaces which have been undergone extensive refurbishment.

Unit 1 is self-contained and located at the eastern corner of the building. It was formerly used by a hairdressers and training academy (Terence Paul & Flanagans) under Use Classes E and F1, following planning permission in 2013 (ref. 102269/FU/2013/C1). This business vacated the premises in 2018 and it has since remained vacant following extensive refurbishment of the wider building.

The building is not listed but is considered to be a non designated heritage asset and is located within the Upper King Street Conservation Area, with a number of listed buildings in the vicinity.

Description of Development

Change of use from a shop (Use Class E) and training centre (Use Class F1) to a bar (Sui Generis).

Consultations & Notification Responses

Local residents were notified and a site notice was posted for 21 days however no responses were received.

Environmental Health - Recommendation of conditions in relation to opening hours, noise, waste, fumes

Highways

The site is well accessed by sustainable modes. A regular free bus services is routed along Charlotte Street and provides connections to Spinningfields. Further bus stops are available on Portland Street and provides connections to Piccadilly Gardens and Shudehill. Further bus stops are available at Piccadilly Gardens and provides regular connections across Manchester.

The closest Metrolink facility is located at Piccadilly Gardens and provides connections to Altrincham, Eccles, Manchester Piccadilly, Ashton-under-Lyne and Bury. St. Peters Square Metrolink facility is also located within close proximity of the property and provides connections to East Didsbury.

Parking And Access:

No car parking is being offered as part of the development and this aligns with current city centre transport aspirations. Given the sites location and proximity to sustainable travel options no parking concerns are raised from a Highways perspective by the proposals. Pay and Display Parking Bays are located on Spring Gardens opposite the site and along West Mosley Street and Fountain Street.

The existing pedestrian access on the corner of Spring Gardens/West Mosley Street will be utilised. The access provides inward opening doors that do not impact the adopted highway and as such is acceptable to Highways.

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. It is requested that secure and sheltered cycle storage should be provided at a minimum provision of two cycle parking spaces, in line with MCC Core Strategy.

Refuse and Servicing:

The refuse and serving strategy is acceptable

Policy

The NPPF (2021)- The National Planning Policy Framework sets out government's planning policies for England and how these are expected to be applied. Relevant sections include the following:

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this' (paragraph 124).

Section 14. Meeting the challenge of climate change, flooding and coastal change states that The planning system should support the transition to a low carbon future in a changing climate,

taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including: -

- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

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 EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:

- Character: a place with its own identity
- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed

guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. 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.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.

- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan -

Policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. The effect of new development proposals which are likely to be generators of noise and
- b. The implications of new development being exposed to existing noise sources which are effectively outside planning control.

Issues

Principle of Development

The proposal is an existing commercial unit located within the City Centre and therefore the principle of the use is considered acceptable. Planning permission was granted in 2013 for a Change of use of ground floor from D1 (Non Residential) and B1 (Business) Use to Class A1 (Shop) and D1 (Training Centre) (Sui Generis) associated with A1 Use.

Residential Amenity and Noise

There are no residential properties immediately adjoining or adjacent to the site and a noise impact assessment has been submitted which assesses the potential impact of noise break out to the offices on the floors above.

The assessment concludes that there will be no adverse noise impact from trading noise break-out providing that the recommendations in the report are implemented. Environmental Health have recommended a condition to require the use to be carried out in accordance with the report and a verification report to be submitted to ensure the works comply with the recommendations.

Disabled Access

The application as submitted was not fully wheelchair accessible due to the stepped entrance and there was no proposed fully accessible WC. The agent was asked to reconsider this and look at ways to make the unit fully accessible to wheelchair users and those with other disabilities. The agent carried out the following options appraisal:

Horizontal access

The existing entrance to the unit is via a series of six steps from street level which have a combined height of 990mm. There are no further entrances to the unit as the unit is self-contained.

During the design process, several options were assessed:

- Permanent wheel ramp
- Lift
- Portable ramp

Permanent wheelchair accessible ramp

The option to install a ramp to the suite entrance, taken off Spring Gardens, has been explored is impractical due to the following reasons:

1. The building owner doesn't own the land in front of Spring Gardens as this is a main

footpath.

2. If constructed within the boundary of the building it would require significant structural alterations to the existing original entrance including the full removal of the original stone steps. The difference in levels means that the ramp would need to be more than 11m in length, this removing a very large part of the lettable space from what is a small unit.

Lift

The option to install a lift within the unit has been explored but is impractical due to the following reasons:

1. It would require significant and costly structural alterations to remove the existing steps and create a street level landing within the unit.
2. The addition of the internal landing, new steps and lift would remove a very large part of the lettable space from what is a small unit.
3. The lift could not be used in the event of a fire and as such a separate evacuation strategy would be required for wheelchair users that are inside the unit in the event of a fire.

Portable ramp

Given the above difficulties, a suitable portable ramp will be provided for wheelchair access

The applicant has also amended the plans to include a fully accessible WC within the unit.

Highways Issues

There is no onsite car parking in association with the bar however given the city centre location of the unit the site is accessible by sustainable modes of transport and the majority of visitors are assumed to arrive on foot or by sustainable modes.

Highways have recommended that 2 no. secure cycle parking spaces are provided with the development however given the limited floor space of the unit and that the applicant has amended the plans to include 2 no. fully accessible WCs, on balance in this instance given the sustainable location of the use the lack of secure cycle parking on site is accepted.

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

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the 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:

-Location Plan drawing ref. 001 Rev A received by the City Council as Local Planning Authority on 19 August 2021.

-Proposed Floor Plan drawing ref. 010 Rev F received by the City Council as Local Planning Authority on 09 December 2021.

-Operating Statement received by the City Council as Local Planning Authority on 19 August 2021.

-Design, Access & Heritage Statement received by the City Council as Local Planning Authority on 10 December 2021.

-Waste Management Proforma received by the City Council as Local Planning Authority on 19 August 2021.

-Crime Impact Statement ref. 2021/0360/CIS/01 received by the City Council as Local Planning Authority on 19 August 2021.

-Clement Acoustics Noise Impact Assessment Report ref. 16935-NIA-01_RevA received by the City Council as Local Planning Authority on 02 November 2021.

-Email from Dan Whitney dated 02 November 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) The proposed use hereby approved shall not be operated outside the following hours:-

Closed Monday

Tuesday to Sunday 12:00pm to 02:00am

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

4) a) The development hereby approved shall be carried out in accordance with the approved Clement Acoustics Noise Impact Assessment Report ref. 16935-NIA-01_RevA received by the City Council as Local Planning Authority on 02 November 2021 and email from Dan Whitney dated 02 November 2021

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

5) Before any cooking or food preparation that would require an external flue or extract in compliance with the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust systems commences, a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to any of the cooking not permitted by the above commencing and shall remain operational thereafter.

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

6) The development shall be carried out in accordance with the submitted scheme for the storage and disposal of refuse as detailed in the approved documents 'Waste Management Proforma' received by the City Council as Local Planning Authority on 19 August 2021 and Email from Dan Whitney dated 02 November 2021. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of public health and residential amenity pursuant to policy DM1 of the Core Strategy.

7) The proposed development should be designed and constructed in accordance with the recommendations contained within section 3.3 of the document referenced: Crime Impact Statement ref. 2021/0360/CIS/01 received by the City Council as Local Planning Authority on 19 August 2021.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding 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).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Urban Design & Conservation
Greater Manchester Police

Fifth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fourth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Third Floor, 70 Spring Gardens, Manchester, M2 2BQ
Second Floor, 70 Spring Gardens, Manchester, M2 2BQ
First Floor, 70 Spring Gardens, Manchester, M2 2BQ
Sixth Floor, 70 Spring Gardens, Manchester, M2 2BQ
Fourth Floor, 60 Spring Gardens, Manchester, M2 2BQ
Third Floor, 60 Spring Gardens, Manchester, M2 2BQ
Second Floor, 60 Spring Gardens, Manchester, M2 2BQ
First Floor, 60 Spring Gardens, Manchester, M2 2BQ
First Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Third Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Seventh Floor, 55 Spring Gardens, Manchester, M2 2BY
Sixth Floor, 55 Spring Gardens, Manchester, M2 2BY
Ground Floor, 60 Spring Gardens, Manchester, M2 2BQ
Second Floor Suite 2B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Sixth Floor Suite 6B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Sixth Floor Suite 6D, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Second Floor Suite 2D, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Sixth Floor Suite 5B, Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
Fourth Floor, 81 Fountain Street, Manchester, M2 2EE
Third Floor, 81 Fountain Street, Manchester, M2 2EE
First Floor, 81 Fountain Street, Manchester, M2 2EE
Second Floor, 64 - 72 Spring Gardens, Manchester, M2 2BG
Second Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 55 Spring Gardens, Manchester, M2 2BY
Fourth Floor, 55 Spring Gardens, Manchester, M2 2BY
Third Floor, 57 Spring Gardens, Manchester, M2 2BY
Second Floor, 57 Spring Gardens, Manchester, M2 2BY
First Floor, 57 Spring Gardens, Manchester, M2 2BY
Ground Floor, 57 Spring Gardens, Manchester, M2 2BY
Fourth Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Third Floor Suite 3C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5D, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5C, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Fifth Floor Suite 5A, 64 - 72 Spring Gardens, Manchester, M2 2BQ
Ground Floor, 55 Spring Gardens, Manchester, M2 2BY
Brook House, 77 - 79 Fountain Street, Manchester, M2 2EE
60 Spring Gardens, Manchester, M2 2BQ
57 Spring Gardens, Manchester, M2 2BY
64 - 72 Spring Gardens, Manchester, M2 2BQ
Eighth Floor, 55 Spring Gardens, Manchester, M2 2BY
Fifth Floor, 55 Spring Gardens, Manchester, M2 2BY
First Floor, 55 Spring Gardens, Manchester, M2 2BY

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