

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130824/FO/2021

Date registered valid: 4 August 2021

Proposal: Reconfiguration of the ground floor commercial (including use for Use Classes E(a), E(b), E(d) and sui generis (drinking establishments and drinking establishments with expanded food provision) as well as the extension of upper basement commercial use into existing ground floor and installation of external extract louvre, together with associated development

Address: Hyphen , 75 Mosley Street, Manchester, M2 3HR

Ward(s): Deansgate Ward

Applicant: Boulton Brooks Real Estate C/o Agent

Agent (if any): Mrs Diane Ellis Zerum 4 Jordan Street, Manchester, M15 4PY

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

Recommendation: Approve

Date of recommendation: 27 September 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 5 August 2021 Expired: 26 August 2021

Neighbour notifications

Printed: 5 August 2021 Expired: 26 August 2021

Site notice

Posted: Expired:

Press advert

Published: 10 August 2021 Expired: 31 August 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: George Street Conservation Area 1985

Tree Preservation Order:

Description of Site/Area

The application site is located in the George Street Conservation Area, within in Manchester city centre.

Mosley Street has been substantially redeveloped since the 1960s with a number of large scale office developments. As well as office uses, there are a variety of ground floor uses such as shops, cafes, financial and professional services. Buildings vary in height between three and 12 storeys.

The site faces on to Mosley Street, which is the main pedestrian route between two of the city centre's main public spaces (St Peter's Square and Piccadilly Gardens), and Nicholas Street. The street also includes one way traffic and two Metrolink tram tracks. To the east and south is Manchester's Chinatown district. Across the road on Nicholas Street is the Grade I listed City Art Gallery. West and north is Mosley Street and Manchester's central business district.

Description of Development

The submitted application seeks planning permission for the reconfiguration of the ground floor commercial (including use for Use Classes E(a), E(b), E(d) and sui generis (drinking establishments and drinking establishments with expanded food provision) as well as the extension of upper basement commercial use into existing ground floor and installation of external extract louvre, together with associated development.

Planning consent to refurbish and extend the property was granted in July 2016 (111682/FO/2016/C2). This allowed for the formation of two retail / leisure units at ground floor for A1 (retail), A3 (cafes and restaurants) and A4 (drinking establishments).

Consent was subsequently granted in November 2017 to change the use of the upper basement floor (basement level one) to either Use Class A1 (Shops), A3 (Restaurants and Cafes), A4 (Drinking Establishments) or D2 (Assembly and Leisure)(gym/ fitness use only) with an entrance from ground floor.

The proposal seeks to increase the space allocated to the commercial unit at upper basement level by extending into the existing ground floor and including E(d) gym as a permitted use in this ground floor space (E(d) (gym use is currently permitted at upper basement level). The remainder of the commercial unit space at ground floor will be used as a single unit and its permitted uses will not change.

The application also seeks to regularise changes at lower basement level to install showers, a changing area and increase cycle storage, resulting in the loss of four car parking spaces. The application also seeks permission to install an air intake and extract louvre in the external elevation. This will replace a low-level window on the Nicholas Street elevation.

Consultations & Notification Responses

Local residents and businesses were consulted, and a site notice posted for 21 days. No responses were received.

Environmental Health -No objections. Recommendation of conditions on deliveries, fumes, opening hours, noise, acoustic insulation, external equipment insulation and refuse.

Greater Manchester Police - Recommendation of a number of physical security measures.

Highways - no objections.

Policies

The main issues for consideration relate to the impact of the proposals on the amenity of surrounding occupiers and the impact on the character and appearance of the building. The main policies that relate to the proposal are Policies SP1 (Spatial Principles), CC1 (Primary Economic Development Focus (City Centre and Fringe), CC4 (Visitors - Tourism, Culture and Leisure), CC5 (Transport), CC7 (Mixed Uses), CC9 (Design and Heritage), CC10 (A Place for Everyone), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN19 (Waste) and DM1 (Development Management) and DC18.1 (Conservation Areas) of the Unitary Development Plan for the City of Manchester and Section 6 (Building a strong, competitive economy), 7 (Ensuring the Vitality of Town Centres), 9 (Promoting Sustainable Transport), 12 (Achieving Well Designed Places) and 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

Issues

Principle of the Use

The application seeks full planning permission for the Reconfiguration of the ground floor commercial (including use for Use Classes E(a), E(b), E(d) and sui generis (drinking

establishments and drinking establishments with expanded food provision) as well as the extension of upper basement commercial use into existing ground floor and installation of external extract louvre, together with associated development.

Planning consent to refurbish and extend the property was granted in July 2016 (111682/FO/2016/C2). This allowed for the formation of two retail / leisure units at ground floor for A1 (retail), A3 (cafes and restaurants) and A4 (drinking establishments).

Consent was subsequently granted in November 2017 to change the use of the upper basement floor (basement level one) to either Use Class A1 (Shops), A3 (Restaurants and Cafes), A4 (Drinking Establishments) or D2 (Assembly and Leisure)(gym/ fitness use only) with an entrance from ground floor.

The principle of the use was established upon the granted of these two previous consents.

The consent seeks to increase the floorspace of the upper basement level by extending into the existing ground floor and including E(d) gym as a permitted use in this ground floor space (E(d) (gym use is currently permitted at upper basement level). The remainder of the commercial unit space at ground floor will be used as a single unit and its permitted uses will not change. In addition to these changes, the application seeks retrospective planning permission to to install showers at basement level, a changing area and increase cycle storage, resulting in the loss of four car parking spaces. The proposal also seeks to install an air intake and extract louvre in the external elevation. This will replace a low-level window on the Nicholas Street elevation.

Impact of surrounding noise sensitive receptors

In summary, the principle of retail, café, bar and gym are already established at the upper basement level in the original planning consent. The proposed Use Class E(d) gymnasium/ fitness is considered to be an appropriate use in a central city location. The original application included a condition requiring the premises to be acoustically insulated and treated to limit the breakout of noise in accordance with a noise study of the premises.

Conditions will also be reattached requiring proposed opening hours, a waste strategy as well as a fumes and external plant noise conditions.

Highways impacts

The proposal seeks retrospective planning permission to to install showers at basement level, a changing area and increase cycle storage, resulting in the loss of four car parking spaces.

Highways have confirmed that, given the central location and modest amount of on-site parking provision, we consider that the proposals are unlikely to generate a significant change to the associated number of vehicular trips therefore they do not raise any network capacity concerns. The site is located within a sustainable location close to bus, tram and train networks.

Visual impact

The proposal includes the replacement of 2no. window panels at ground floor level on the Nicholas Street elevation with louvres. This is not the preferred solution from a visual amenity perspective however the applicant has advised that fumes cannot be extracted using existing building services terminating at rooftop extraction, because the risers in the building do not go down to the lower basement. It is therefore not possible to extract up to the roof and even if this was possible, the fan would have had to have been a larger spec to deal with the duct

resistance and having a larger fan could have caused space and noise issues within the basement.

There are 900 long attenuators on the intake and discharge sides of the fan, which is mounted in the lower basement approximately 20 meters from the discharge louvre at ground floor/street level, which is removing steam/stale air from the shower area to comply with the current air change regulations.

Given the size, amount and position of the existing windows, the proposed louvres are not considered to have an adverse impact on visual amenity. It is therefore considered the louvres would be the most practical solution to the requirements of the business in this instance.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached to the approval.

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:

Received by the City Council as Local Planning Authority on 22 June 2021:

Drawings referenced:

- AA5750 200 A - Location Plan
- AA5750 C 4062 DD PRO GA - Existing Ground Floor
- AA5750 C 4061 Z PRO GA - Existing Upper Basement
- AA5750 C 4060 U PRO GA - Existing Lower Basement
- AA5750 C 4091 O PRO GA - Existing Nicholas Street Elevation
- 1116 - BBRE_Manchester_GF GA - Proposed Ground Floor
- E5887-RISBY-F MB2-A - Proposed Lower Basement
- P14267-RISBY-L MB1-C - Proposed Upper Basement
- 1116-OKT-V1-XX-DR-I-0010 - Proposed Nicholas St Elevation

Received by the City Council as Local Planning Authority on 16 July 2021:

- lindab | acoustic solutions Circular straight silencer specifications
- MULTIFLOW SEL Mixed Flow Fan specifications
- Noise Survey prepared by Sandy Brow ref. 16080-R01-B dated 22 March 2016

Received by the City Council as Local Planning Authority on 05 August 2021:

- 1116 - BBRE_MANCHESTER - Proposed Ground Floor
- P14267-RISBY-L MB1-C - Proposed Upper Basement

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC20, DC18.1 and DC19.1.

3) Prior to the first use of any ground floor or upper basement level commercial units, details of proposed hours of operation for those units shall be submitted to and approved in writing by the City Council as Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

4) a) Should the ground floor/ upper basement commercial units be used for E(b) (restaurants and cafes) or sui generis (drinking establishments and drinking establishments with expanded food provision), fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

b) Prior to commencement of the use hereby permitted confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties in accordance with policies SP1 and DM1 of the Core Strategy.

5) Before each of the ground floor and upper basement level commercial units are brought into use, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. 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.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health, pursuant to policies SP1 and DM1 of the Core Strategy.

6) a) Prior to first use of the ground floor/ upper basement commercial units, they shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation 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 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, including the office space above and nearby residential accommodation above the Seven Oaks Pub and nearby noise sensitive receptors to the rear of the development on Back George Street., in accordance with policies SP1 and DM1 of the Core Strategy.

7) a) Prior to the installation of any externally mounted ancillary plant, equipment and servicing 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 in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

1) The following security measures are recommended

Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces including the any bar and function room area.

Signage should be displayed to indicate the areas of the premises that are restricted to staff only.

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

Dusk till dawn lighting should be installed above all external doors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

First Floor, 61 Mosley Street, Manchester, M2 3HZ
Manchester Art Gallery, Mosley Street, Manchester, M2 3JL
Ground Floor, Permanent House, 71 Mosley Street, Manchester, M2 3HR
First Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
63 - 65 Mosley Street, Manchester, M2 3HZ
Second Floor, 46 - 46A George Street, Manchester, M1 4HF
Third Floor, 46 - 46A George Street, Manchester, M1 4HF
Flat At, 5 Nicholas Street, Manchester, M1 4HL
Third Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Basement, Connaught Buildings, 58 - 60 George Street, Manchester, M1 4HF
First Floor, 46 - 46A George Street, Manchester, M1 4HF
Connaught Buildings, 58 - 60 George Street, Manchester, M1 4HF
65 Mosley Street, Manchester, M2 3JE
Unit 1, George House, 48 George Street, Manchester, M1 4HF
Unit 2, George House, 48 George Street, Manchester, M1 4HF
Fifth Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Fourth Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Third Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Abbey House, Mosley Street, Manchester, M2 3LW
Third Floor Inscape, Abbey House, 74 Mosley Street, Manchester, M2 3LW
First Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Basement And Ground Floor, 67 - 69 Mosley Street, Manchester, M2 3JE
Basement Room B, Abbey House, 74 Mosley Street, Manchester, M2 3WL
Ground Floor Unit 5, Abbey House, 74 Mosley Street, Manchester, M2 3FX
Basement, 46 - 46A George Street, Manchester, M1 4HF
Permanent House, 71 Mosley Street, Manchester, M2 3JN
46 - 46A George Street, Manchester, M1 4HF
44 George Street, Manchester, M1 4HF
Second Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
71A Mosley Street, Manchester, M2 3JN
71 Mosley Street, Manchester, M2 3JN
Second Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
5 Nicholas Street, Manchester, M1 4HL
Basement Room D, Abbey House, 74 Mosley Street, Manchester, M2 3WL
Fifth Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Fourth Floor, Permanent House, 71 Mosley Street, Manchester, M2 3JN
First Floor Front, Permanent House, 71 Mosley Street, Manchester, M2 3JN
First Floor Rear, Permanent House, 71 Mosley Street, Manchester, M2 3JN
Fifth Floor, 61 Mosley Street, Manchester, M2 3HZ
Sixth Floor, 61 Mosley Street, Manchester, M2 3HZ
Third Floor, 61 Mosley Street, Manchester, M2 3HZ
Fourth Floor, 61 Mosley Street, Manchester, M2 3HZ
Second Floor, 61 Mosley Street, Manchester, M2 3HZ
GREGGS, Ground Floor Unit 7, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Basement Room A, Abbey House, 74 Mosley Street, Manchester, M2 3LW
Amadeus House, 52 George Street, Manchester, M1 4ZZ
Fifth Floor, Abbey House, 32 Booth Street, Manchester, M2 4AB
Ground Floor, Connaught Buildings, 58 - 60 George Street, Manchester, M1 4HF

Flat 4, 58 - 60 George Street, Manchester, M1 4HF
 48A George Street, Manchester, M1 4HF
 Basement Room C, Abbey House, 74 Mosley Street, Manchester, M2 3WL
 Seventh Floor, 58 Mosley Street, Manchester, M2 3HZ
 Sixth Floor, 58 Mosley Street, Manchester, M2 3HZ
 Ground Floor Front, 46 - 46A George Street, Manchester, M1 4HF
 K2 KARAOKE NIGHTCLUB, Ground Floor And First Floor, Amadeus House, 52 George Street, Manchester, M1 4HF
 Ground Floor, 75 Mosley Street, Manchester, M2 3HR
 Ground Floor Rear, 46 - 46A George Street, Manchester, M1 4HF
 Second Floor, Amadeus House, 52 George Street, Manchester, M1 4HF
 Third Floor, Amadeus House, 52 George Street, Manchester, M1 4HF
 Flat 8, 58 - 60 George Street, Manchester, M1 4HF
 Flat 7, 58 - 60 George Street, Manchester, M1 4HF
 Flat 5, 58 - 60 George Street, Manchester, M1 4HF
 Flat 6, 58 - 60 George Street, Manchester, M1 4HF
 59 Mosley Street, Manchester, M2 3HZ
 Ground Floor, 59 Mosley Street, Manchester, M2 3HZ
 61 Mosley Street, Manchester, M2 3HZ
 Unit 9, Abbey House, Mosley Street, Manchester, M2 3LW
 Mezzanine Floor, Abbey House, 74 Mosley Street, Manchester, M2 3LW
 Ground Floor Unit 6, Abbey House, 74 Mosley Street, Manchester, M2 3LW
 Insolito, 72 Mosley Street, Manchester, M2 3LW
 Third Floor, 58 Mosley Street, Manchester, M2 3HZ
 Fourth Floor, 58 Mosley Street, Manchester, M2 3HZ
 Second Floor, 58 Mosley Street, Manchester, M2 3HZ
 Sainsbury's, Ground Floor, 58 Mosley Street, Manchester, M2 3HZ
 Fifth Floor, 58 Mosley Street, Manchester, M2 3HZ
 First Floor, 58 Mosley Street, Manchester, M2 3HZ
 Fourth Floor, Amadeus House, 52 George Street, Manchester, M1 4HF
 67 - 69 Mosley Street, Manchester, M2 3JB
 Flat 1, 58 - 60 George Street, Manchester, M1 4HF
 Flat 3, 58 - 60 George Street, Manchester, M1 4HF
 Flat 2, 58 - 60 George Street, Manchester, M1 4HF
 First Floor And Second Floor, 58 - 60 George Street, Manchester, M1 4HF
 Third Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Ground Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Second Floor Left, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Ground Floor Right And First Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Ground Floor Left, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Second Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Fourth Floor, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL
 Basement, Charlotte House, 10 Charlotte Street, Manchester, M1 4FL

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 - George Street Conservation Area 1985
 Area Team Boundary - Name: CITY2

