

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129840/FO/2021

Date registered valid: 23 April 2021

Proposal: Part retrospective change of use of the ground floor of no. 19 from a cafe/restaurant/fast-food takeaway (Use Class Sui Generis) to a Bar (Sui Generis) and expansion of premises through a change of use of the first and second floor of no.19 and the first floor of no 21-23 Shudehill from an office (Use Class E) to a Bar (Sui Generis) and external works comprising lowering of step to create level access.

Address: 19 Shudehill, Manchester, M4 2AF

Ward(s): Piccadilly Ward

Applicant: Mr Jon Charles The Washhouse Manchester Ltd 32A Beech Road, Chorlton, Manchester, M21 9EL

Agent (if any): Justine Entezari Icen Projects This Is The Space, 68 Quay Street, Manchester, M3 3EJ

Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 June 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 28 April 2021

Standard consultations:

Printed: 28 April 2021 Expired: 19 May 2021

Neighbour notifications

Printed: 28 April 2021 Expired: 19 May 2021

Site notice

Posted: 28 April 2021 Expired: 19 May 2021

Press advert

Published: 4 May 2021 Expired: 25 May 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Shudehill Conservation Area 1987

Tree Preservation Order: Not applicable

The application relates to the ground floor, 1st and 2nd floor of no. 19 Shudehill and the 1st floor of no.21.-23. 19 Shudehill is comprised of a narrow three-storey brick building located between two retail units. 21-23 Shudehill adjoins no. 19 and consists of a four-storey brick building with a newsagents and barbers on the ground floor and vacant office space above.

Description of area

The application lies within part of the City Centre known as the Northern Quarter. There are a variety of uses in the surrounding area including: digital, media and technology-based companies; creative and cultural industries; an established residential population that has grown over the past 15 years; more traditional offices, hotels and serviced apartments, retail units and a number of mainly independent bars and restaurants

Description of development

The ground floor of 19 Shudehill has operated as a bar known as The Washhouse since 2015 without the benefit of planning consent and permission is now sought to regularise that use and expand it into the upper floors and part of 21-23 to operate as a single entity. In terms of the bar offer patrons will have to pre-book to gain entry to the bar and are only permitted to enter upon permission by the staff. Once inside, patrons are presented with a seated table service and there is no option for vertical drinking. The bar would offer a unique experience focussed on cocktails and conversation, with low background music creating a calm but enjoyable atmosphere.

The proposed hours of opening would be 12:00 to 03:00 Monday to Sunday. No ventilation or extraction equipment (which may generate additional noise) is required, as the bar does not serve food.

There would be an internal bin store to the rear of the ground floor.

No external alterations are proposed.

Consultations & Notification Responses

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

Highway Services – Have no objections subject to a condition relating to construction management.

Environmental Health – Have no objections subject to conditions relating to the acoustic insulation of the premises, opening hours, hours during which deliveries can take place, the storage and disposal of refuse being attached to any consent granted.

GMP (Design for Security) – Have no objections subject to the recommendations of the Crime Impact Assessment being a condition of any consent granted

Issues

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

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

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

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

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

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

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and

Provide good access to sustainable transport provision

Policy DM1 (Development Management) – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- 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.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment.

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

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

DC10 'Food and Drink Uses' - which supports the provision of developments involving the sale of food or drink within the City Centre provided that they would not have a detrimental impact on the amenity of neighbouring residents.

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

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

Principle of the Use / Regeneration

Regeneration is an important planning consideration and there is a need to build on the regeneration that has already taken place within the Northern Quarter Area and the investment and environmental improvements which are continuing there.

The premises that is the subject of this application is located within a part of the City where this type of use would normally be acceptable in principle and the proposal would extend the existing operation into vacant floorspace within a conservation area. The proposed use would be complementary to the existing uses, providing an additional facility for local residents and businesses; subject to appropriate control of in terms of the hours of operation and the need to deal satisfactorily with noise, fumes, smells and storage and disposal of refuse.

In view of the above it is considered that the proposal has the potential to add to the area's vibrancy and contribute to the character of the Northern Quarter Area. The proposals are therefore considered to be in accordance with Core Strategy policies CC1, SP1, CC7, T2 and DM1 and saved UDP policies DC10.1, 10.2 10.3 and 10.4 and DC26.

Residential Amenity / Hours of Operation

Whilst the principle of the proposed use is considered to be acceptable the impact that it may have on nearby residents needs to be considered carefully. There is an aspiration to create a diverse mix of uses within this part of the City Centre. The application proposes a mix of uses which are in full compliance with the City Centre policies in the Core Strategy.

Whilst the information submitted in support of the application demonstrates that the proposed use should not generate issues relating to noise out break from the unit, there is a need to consider what other impacts the proposal might have. This then has to be assessed in the context of the City Centre as a mixed use area which generally absorbs a greater level of activity during both the daytime and evening than in other locations outside of the city centre.

The proposal could result in an increase in comings and goings during the evening and there is the potential for there to be some disturbance associated with this. Whilst it is not possible to control such disturbance through the imposition of conditions it is considered to be reasonable, given the proximity of residential accommodation, to limit the potential for people congregating near to that accommodation at an unreasonable hour by limiting the hours of operation.

However in doing so, there is a balance to be made which weighs up carefully the reasonable expectations of residents, the City Centre context and the aspirations for the area to develop as a mixed use destination with more activity in the evening.

The applicants have, provided details of how they would seek to control noise and anti social behaviour from people leaving the premises. The submitted operating strategy for inside the premises aims to prevent crime and disorder, ensuring public safety, preventing public nuisance and protecting children from harm as well as does the dispersal procedure which aims to reduce disturbance to nearby residents will be conditions of any consent granted.

The proposed hours of operation are supported by the Head of Environmental Health and on this and the above basis the proposed hours of operation are consider

The Head of Environmental Health has also recommended a condition limiting the hours during which the building can be serviced. This will ensure that any disturbance 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 SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5.

Crime and Disorder

Greater Manchester Police Design for Security have advised that they are happy to support the proposals provided the recommendations within the Crime Impact Statement (111025) are implemented on site. It is also felt that an increase in the use of vacant properties particularly during the evening has the potential to increase the level of natural surveillance.

In view of the above it is considered that the proposals are consistent with Policy DM1 of the Core Strategy.

Car Parking/Highway Safety - The site is in an area that is well served by various methods of public transport including buses, trains and the Metrolink and the proposals for servicing and waste collections are considered to be acceptable..2 cycle parking spaces would be provided internally for staff.

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

Disabled Access

The applicants have indicated their intention to create level access at the main entrance (this will require works to the pavement to create a level threshold) on Shudehill and a condition would be attached to any consent granted to require this. There would be a disabled toilet on the ground floor. In terms of access between levels due to the narrow width of the ground floor and level changes at the interfaces of the upper floors which causes issues in terms of how a lift could provide access to all levels without adversely impacting on the level of useable space within the premises. It is noted that with the inclusion of the disabled toilet at ground floor level that all the facilities available within the premises would be provided for a disabled customer at ground level. Given this it is considered on balance given the physically and operational challenges of providing lift for access to all floors that the proposed arrangements are acceptable.

Given this the proposals would be on balance be consistent with Core Strategy Policy DM1.

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 use of the part of the development which are not sought retrospectively (1st and 2nd floor of 19 Shudehill and 1st floor of 21-23 Shudehill) 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:

(a) Site plan LXA-WHM-002 stamped as received on 25-03-21;

(b) Dwg LXA-WHM-101 stamped as received on 25-03-21;

(c) Recommendations within sections 4 and 5 of the Crime Impact Assessment Version B dated 21-04-21;

(d) The Washhouse Manchester Operational Management Plan Operational Management Strategy stamped as received on 25-03-21;

(e) Accessibility feasibility options in Dwgs LXA-WHM-103 Rev A stamped as received on 20-04-21; and

(f) Points 5 and 6 (servicing (deliveries, collection) and plant and equipment as details on Iceni Projects e-mail 20-04-21.

Reason - To ensure that the development is carried out in accordance with the approved plans and pursuant to Core Strategy SP 1 and DM 1 and saved Unitary Development Plan policy DC26.1.

3) The approved use shall be implemented (fit out) and operated in accordance with the noise levels and management measures which form the basis for the assessment as specified within the ADC Acoustics Noise Impact Assessment dated 25th March 2021

The noise levels used for the assessment shall be set and subsequently controlled to ensure noise levels do not exceed those used under the assessment.

The above noise management scheme shall be completed prior to occupation. A post completion report to verify that all of the specified noise levels within the above ADC Report are being met shall be submitted and agreed in writing by the City Council as local planning authority within the following timescales:

(a) Ground floor of 19 Shudehill: within 3 months of the lockdown measures associated with the Covid19 pandemic having been eased
(b) 1st and 2nd floors of 19 Shudehill and 2nd floor of 21-21 Shudehill: prior to the extended use commencing or within 3 months of the lockdown measures associated with the Covid19 pandemic having been eased (which ever is the later).
and any non compliance suitably mitigated in accordance with an agreed scheme prior to occupation.

Thereafter the premises shall operate in accordance with the approved noise levels and management measures

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.

For the avoidance of doubt should if higher music levels are required in the future than as specified in the above report then an updated assessment and recommendations will be required.

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

3) Within 6 months of the granting of this consent level access shall be provided to the entrance to the ground floor of 19 Shudehill.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1

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

07:30 to 20:00 Monday to Saturday
10:00 to 18:00 Sundays and Bank Holidays

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) The premises shall not be open to the public outside the following hours,:-

12:00 to 03:00 Monday to Sunday

Reason - For the avoidance of doubt as applied for and 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.

6) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the Waste Management Strategy Pro-forma stamped as received on 20-04-21 shall be implemented as part of the development and shall remain in situ whilst the use or

development is in operation. This shall include 5 collections per week as per Iceni Projects e-mail 24-05-21

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

7) Construction Management shall take place in accordance with Iceni Projects e-mail 24-05-21

Reason - To safeguard the amenities of nearby residents and highway safety, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

Informatives

1) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm

Saturday: 8.30am - 2pm

Sunday / Bank holidays: No work

Workforce may arrive on site 30 minutes prior but no working outside these times, unless changed by prior agreement. Noise to be kept to a minimum in the first hour.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction phase.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
GM Fire Rescue Service

Second Floor To Fourth Floor, 21 - 23 Shudehill, Manchester, M4 2AF
Ground Floor And First Floor, 5 Well Street, Manchester, M4 2AB
Ground Floor, 7 - 9 Thorniley Brow, Manchester, M4 2AB
Basement To First Floor, 7 - 9 Thorniley Brow, Manchester, M4 2AB
Ground Floor, 23 Shudehill, Manchester, M4 2AF
Flat 2, 15 Well Street, Manchester, M4 2AG
Flat 1, 15 Well Street, Manchester, M4 2AG
Level 3, 23 Shudehill, Manchester, M4 2AF
21 - 23 Shudehill, Manchester, M4 2AF
2 Dantzic Street, Manchester, M4 2AD
Level 2, 23 Shudehill, Manchester, M4 2AF
Level 1, 23 Shudehill, Manchester, M4 2AF
Second Floor, 19 Shudehill, Manchester, M4 2AF
First Floor, 19 Shudehill, Manchester, M4 2AF
Ground Floor, 19 Shudehill, Manchester, M4 2AF
7 Shudehill, Manchester, M4 2AF
23 Shudehill, Manchester, M4 2AF
25 - 27 Shudehill, Manchester, M4 2AF
17 Shudehill, Manchester, M4 2AF
Flat 40, 8 Dantzic Street, Manchester, M4 2AD
Flat 39, 8 Dantzic Street, Manchester, M4 2AD
Flat 38, 8 Dantzic Street, Manchester, M4 2AD
Flat 37, 8 Dantzic Street, Manchester, M4 2AD
Flat 36, 8 Dantzic Street, Manchester, M4 2AD
Flat 35, 8 Dantzic Street, Manchester, M4 2AD
Flat 34, 8 Dantzic Street, Manchester, M4 2AD
Flat 33, 8 Dantzic Street, Manchester, M4 2AD
Flat 32, 8 Dantzic Street, Manchester, M4 2AD
Flat 31, 8 Dantzic Street, Manchester, M4 2AD
Flat 30, 8 Dantzic Street, Manchester, M4 2AD
Flat 29, 8 Dantzic Street, Manchester, M4 2AD
Flat 28, 8 Dantzic Street, Manchester, M4 2AD
Flat 27, 8 Dantzic Street, Manchester, M4 2AD
Flat 26, 8 Dantzic Street, Manchester, M4 2AD
Flat 25, 8 Dantzic Street, Manchester, M4 2AD
Flat 24, 8 Dantzic Street, Manchester, M4 2AD
Flat 23, 8 Dantzic Street, Manchester, M4 2AD
Flat 22, 8 Dantzic Street, Manchester, M4 2AD
Flat 21, 8 Dantzic Street, Manchester, M4 2AD
Flat 20, 8 Dantzic Street, Manchester, M4 2AD
Flat 19, 8 Dantzic Street, Manchester, M4 2AD
Flat 18, 8 Dantzic Street, Manchester, M4 2AD
Flat 17, 8 Dantzic Street, Manchester, M4 2AD
Flat 16, 8 Dantzic Street, Manchester, M4 2AD
Flat 15, 8 Dantzic Street, Manchester, M4 2AD
Flat 14, 8 Dantzic Street, Manchester, M4 2AD
Flat 12, 8 Dantzic Street, Manchester, M4 2AD

Flat 11, 8 Dantzic Street, Manchester, M4 2AD
Flat 10, 8 Dantzic Street, Manchester, M4 2AD
Flat 9, 8 Dantzic Street, Manchester, M4 2AD
Flat 8, 8 Dantzic Street, Manchester, M4 2AD
Flat 7, 8 Dantzic Street, Manchester, M4 2AD
Flat 6, 8 Dantzic Street, Manchester, M4 2AD
Flat 5, 8 Dantzic Street, Manchester, M4 2AD
Flat 4, 8 Dantzic Street, Manchester, M4 2AD
Flat 3, 8 Dantzic Street, Manchester, M4 2AD
Flat 2, 8 Dantzic Street, Manchester, M4 2AD
Flat 1, 8 Dantzic Street, Manchester, M4 2AD
10 Dantzic Street, Manchester, M4 2AD
Ground Floor, 15 Shudehill, Manchester, M4 2AF
Flat 4, 15 Shudehill, Manchester, M4 2AF
Flat 1, 15 Shudehill, Manchester, M4 2AF
13 Shudehill, Manchester, M4 2AF
4 Dantzic Street, Manchester, M4 2AD
15 Shudehill, Manchester, M4 2AF
Flat 3, 15 Shudehill, Manchester, M4 2AF
Flat 2, 15 Shudehill, Manchester, M4 2AF
9 Shudehill, Manchester, M4 2AF
21 Shudehill, Manchester, M4 2AF
11 Shudehill, Manchester, M4 2AF

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 - Shudehill Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CITY1