

Application Number/s: 133278/FO/2022

Applicant: Thomas Hampson

Agent: Mark Jones Property Consultancy

Location: 10 Castlefield Mews, Stone Street, Manchester

Proposal: Conversion of dwellinghouse (Class C3) to coffee shop and café (Class E(b) including external alterations to building to facilitate change of use.

Ward: Deansgate

Description of Site and Surrounding Area

The application relates to 10 Castlefield Mews, a two-storey mid-terrace dwellinghouse located on the west side of Stone Street. The dwelling is brick built.

The dwelling is part of a row of five similar dwellinghouses. The application property is adjoined to no.8 Castlefield Mews to the north and no.12 Castlefield Mews to the south. An area of car parking and Castlefield Urban Heritage Park are opposite to the east across Stone Street. The dwellinghouse has a small rear yard area, beyond which is the rear elevation of a midrise (five storey) residential apartment building.

The application property is within the Castlefield Conservation Area. Though there are listed buildings proximate to the application property, it is not considered that the dwelling is in the setting of any of these buildings.

Description of Proposal

The application seeks permission for the change of use from a single dwellinghouse (Use Class C3 – Dwelling-houses) to a café (Use Class E(b) - Food and drink which is mostly consumed on the premises).

To facilitate the change of use, external alterations are proposed consisting of:

- Alterations to front elevation including widening of front entrance to create a shopfront in a black framed glazing.
- Indicative location of signage (not advertisement consent).

The Planning Submission

The application is supported by the following information:

- Location Plan
- Existing and Proposed Plans
- Waste Management Proforma
- Design, Access & Heritage Statement

Publicity LBC

Site Notice/s Posted and Dates: Posted 12/04/22, Expires 12/05/22

Press Adverts Published and Dates: Published 19/04/22, Expires 10/05/22

Neighbour Notification: Notified 12/04/22

Representations Received: One

Objections

- The proposal does not accord with Policy DC10.3
- The proposed use would generate unacceptable levels of noise
- The proposed refuse strategy would not be able to be implemented
- The storage of refuse would cause odours and attract vermin
- The appearance of the shopfront is inappropriate in terms of design
- There is not appropriate access for disabled people
- There are already cafes nearby
- Would result in the loss of a dwellinghouse

The LPA has reviewed the objections received. A full assessment of the proposal against relevant policies has been carried out in the assessment of the issues section of this report. This includes review of policy, assessment of potential amenity impact to surrounding occupiers and disabled access.

The matters of the number of cafes nearby and the loss of a dwellinghouse are not considered matters that would be taken into consideration during the development control process. There is policy provision for assessing an over abundance of bars and takeaways. However, not for the specific number of cafes or housing units in an area.

Consultations

Highway Services

- It is accepted that the proposed development would be unlikely to generate any significant difference in trip generation. The vehicular trips would likely be minimal due to the city centre location. The site is also in a sustainable location with good access to public transport.
- The lack of on-site parking is acceptable given the application property's location. It is also noted that there is pay and display parking along Stone Street.
- It is recommended that secure, sheltered cycle storage is provided for on site.
- The proposed refuse collection/storage plans are accepted.

Environmental Health

- It is noted that no hot food provision is proposed. A **condition** is requested ensuring that no hot food will be made on site unless and until details of fumes/odours/vapours extraction is provided.
- Recommended addition of a CMP **condition**. This is not considered necessary in this instance.

- Demolition and construction hours should be limited to suitable times.
- The opening hours of the premises should be limited to 0800-1800 Monday-Friday, 0830-1800 Sunday and Bank Holidays, 1000-1600 Sundays and Bank Holidays
- Deliveries, servicing and collections (including waste) should be limited to 0730-2000 Monday-Saturday, with no servicing on Sundays or Bank Holidays.
- Requires the implementation of an acoustic/noise breakout **condition**, including verification.
- Requires more information regarding waste collection.

Greater Manchester Police

- No objection. Provided recommendations for the attention of the applicant.

Save Unitary Development Plan Policies:

- Food and Drink Uses (10)

In determining applications for development involving the sale of food and drink for consumption on the premises, the LPA shall have regard to

- The general location of the proposed development
- The effect on the amenity of neighbouring residents
- The availability of safe and convenient arrangements for car parking and servicing
- Ease of access for all, including disabled people
- The storage and collection of refuse and litter

The LPA will normally accept the principle of this development in the city centre, at ground floor level.

The LPA will not normally be permitted where it is proposed outside of the locations above or there is a hours or flat to the ground floor to the proposed business.

When, having regard to the preceding policies, the LPA considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect the amenity of nearby residents. These conditions may, amongst other things, include limitations on the opening hours, the need to deal satisfactorily with noise, fumes, smells and the storage of refuse and the collection of litter.

- Conservation Areas (18)

The building is within the Castlefield Conservation Area. Saved UDP Policy DC18.1 requires the LPA to give particularly careful consideration to development proposals within Conservation Areas. The LPA shall seek to preserve and enhance the character of its designated conservation areas by carefully considering a variety of issues.

Relevant to this application, part (ii) of the policy requires the effect of major changes to the appearance of existing buildings to be considered.

The application property is a relatively new building within the Conservation Area. Paragraph 207 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance, which is a consideration in this instance. The proposed alterations to the existing building are relatively modest in nature. Notwithstanding the amount of external material to be changed, it is noted throughout the submission documents and plans that materials are to be almost identical in appearance. In the setting of the conservation area, this is appropriate and would not unduly impact the character or appearance of the conservation area. It is considered that the proposal thus accords with saved policy DC18.1 of the UDP.

- Development and Noise (26)

The LPA intends to use the development control process to reduce the impact of noise on people living in, working in and visiting the city. The LPA will consider the effect of new development proposals which are likely to be generators of noise and the implications of new development being exposed to existing noise sources which are effectively outside of planning control.

Development likely to result in unacceptably high levels of noise will not be permitted in residential areas.

Where a new proposal might generate potentially unacceptable levels of noise, it may require the applicant to provide an assessment of likely impact and of the measure proposed to deal satisfactorily with it.

Core Strategy Policies:

SP1 ‘Spatial Principles’ – The regional centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.

The city is covered by regeneration areas including the city centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the relevant SRF document.

Development in all parts of the city should:

- Create well designed places that enhance or create character
- Make a positive contribution to the health, safety and wellbeing of residents.
- Consider the needs of all members of the community
- Protect and enhance the built and natural environment
- Minimise emissions and ensure efficient use of natural resources
- Redevelop previously developed land wherever possible
- Improve access to jobs, services, education and open space
- Reduce the need to travel and provide good access to sustainable transport

CC9 ‘Design and Heritage’ – Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

CC10 'A Place for Everyone' – The city centre will develop as a location which appeals to a wide range of residents and visitors. Development which promotes this objective will be supported, particularly through uses which increase the diversity of activity in the city centre, with an emphasis on family-orientated activity, and high standards of accessibility to buildings and across spaces in the city centre.

EN1 'Design Principles and Strategic Character Areas' – The City Centre Character Area contains a rich legacy which reflects its urban evolution to the current day and includes listed buildings, conservation areas, archaeological remains and an historic street pattern. Its core area presents a particularly dense environment that accommodates a wide and closely integrated range of uses including commercial, civic and residential activities. It is expected that development proposals consider the city's heritage and continue the rich pattern of activity in the core area.

EN3 'Heritage' – Throughout the city, the LPA will encourage development that complements and takes advantage of the distinct heritage and heritage features of its districts and neighbourhoods, including those in the city centre.

DM1 'Development Management' – All development is expected to have due consideration to a variety of issues that may impact the amenity of the surrounding area. These include:

- Design and appearance (siting, layout, scale, form, massing, materials, detail)
- Impact on Surroundings (design, scale, appearance, character, history)
- Amenity (Privacy, noise & vibration, light, air quality, odours, litter, vermin, birds, road safety and traffic generation)
- Accessibility (disabled access and access to sustainable transport)
- Community safety and crime prevention
- Design for Health
- Internal accommodation and external amenity space provision
- Refuse storage and collection
- Vehicular access and parking
- Effects on biodiversity, landscape, archaeological or built heritage
- Green infrastructure (public and private)
- Flood risk and drainage
- Hazardous installations

Other Material Considerations

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability. Sections of relevance are:

Chapter 2 ‘Design’ – Outlines the City Council’s expectations that all new developments should have a high standard of design making a positive contribution to the City’s environment.

Chapter 3 ‘Accessibility – Design for Access 2’ – Outlines the City Council’s design aims to encourage fully inclusive and accessible standards.

Chapter 4 ‘Environmental Standards’ – Outlines the City Council’s commitment to making Manchester ‘the Greenest City in Britain’, including by encouraging energy efficient design and reduction in energy demand.

City Centre Strategic Plan 2015-2018 (March 2016)

On the 2 March 2016 the City Council’s Executive approved the City Centre Strategic Plan which seeks to provide an up-to-date vision for the City Centre within the current economic and strategic context along with outlining the key priorities for the next few years for each City Centre neighbourhood. This document seeks to align itself with the Manchester Strategy (January 2016) along with the Greater Manchester Strategy. Overall the City Centre plan seeks to “shape the activity that will ensure that the City Centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the north of England”.

Manchester Strategy (January 2016)

The strategy sets the long-term vision for Manchester’s future and how this will be achieved. An important aspect of this strategy is the City Centre and how it will be a key driver of economic growth and a major employment centre. Furthermore, increasing the centre for residential is fundamental along with creating a major visitor destination.

National Planning Policy Framework (July 2021)

The revised NPPF re-issued in July 2021. The document states that the ‘purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the ‘objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs’ (paragraph 7). In order to achieve sustainable development, the planning system has three overarching objectives – economic, social and environmental (paragraph 8).

Section 4 – Decision-making – States that local planning authorities should approach decisions on proposed developments in a positive and creative way, making use of pre-application discussions etc. In addition, applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the proposal will be assessed on up-to-date development plan and any other material considerations. The applicant made use of pre-application discussions and a site visit.

Section 12 – Achieving well-designed places – Planning decisions should ensure that developments will:

- Function well and add to the overall quality of the area for the lifetime of the development
- Are visually attractive because of good architecture, layout and appropriate/effective landscaping
- Are sympathetic to local character and history, including the surrounding built environment and landscape settings and not prevent or discourage appropriate innovation or change (such as increased density)
- Establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinct places to live, work and visit.
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks
- Create places that are safe, inclusive, accessible, healthy and promote wellbeing with high standards of amenity for existing and future users and where crime, disorder and fear of crime do not undermine the quality of life or community cohesion and resilience. (Paragraph 130)

Section 16 – Conserving and enhancing the historic environment – LPAs should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset should be treated favourably (Paragraph 206).

Not all elements of a Conservation Area will necessarily contribute to its significance (Paragraph 207).

National Planning Practice Guidance (NPPG)

Historic Environment – Any decisions where listed buildings and their settings and conservation areas are a factor must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (in particular Sections 16, 66 and 72) as well as applying the relevant policies in the development plan and NPPF.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 of the Act requires the LPA to, during the assessment for planning permission, exercise due respect to any buildings or other land that falls within a designated conservation area. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

Equality Act (2010)

S149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment.

Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Conservation Area Declaration

One of the largest conservation areas in Manchester, Castlefield is situated on the south-west side of the city centre. Its focus is the Roman fort from which it derived its name - i.e. 'castle in the field'.

Before designation, the Department of the Environment (now called the Department of Culture, Media and Sport) declared an intention to elevate Castlefield to the status of an outstanding conservation area, which they did in January 1980. Although this status has since been abolished nationally, it is indicative of the area's importance.

Designated on 13 October 1979, the conservation area's boundary follows that of the city along the River Irwell, New Quay Street, Quay Street, Lower Byrom Street, Culvercliff Walk, Camp Street, Deansgate, Bridgewater Viaduct, Chester Road, Arundel Street, Ellesmere Street, Egerton Street, Dawson Street and Regent Road. On 26 June 1985 the area was extended by the addition of land bounded by Ellesmere Street, Hulme Hall Road and the River Irwell

Principle of Development

Principle of Change of Use

The application proposes the change of use from a single residential dwelling (C3) to a café (Use Class E(b)). The type of development proposed is deemed acceptable in principle given the city centre location, proximate to sustainable modes of transportation etc. Further more detailed assessment is required and will take place over the following paragraphs.

Principle of Alterations to Building

The change of use with necessitate modest external alterations, particularly to the ground floor front elevation of the building. The need for the alterations are understood. However, further assessment will be required, including from a heritage point of view given that the building is within the Deansgate Conservation Area.

Design & Impact on Conservation Area

The proposed change of use would not have an undue impact on the character and appearance of the conservation area, with the use representing a suitable commercial use that would be expected in the city centre character area. The proposed alterations to the building are modest and have been carefully considered to retain the general appearance of the building. the application was also accompanied by detailed materials information. The building would retain an appearance generally in keeping and with a degree of symmetry to adjoining buildings. The application building itself is not considered to be a significant element to the Deansgate Conservation Area. Overall, the proposed alterations to the building would generally preserve and complement the character of the conservation area in which it is set. The proposal thus is consistent with Saved Unitary Development Plan policy DC18.1, as well as policies SP1, CC9, EN1, EN3 and DM1 of the Manchester Core Strategy.

Amenity – Noise

The proposed use is likely to generate noise in excess of the existing use, as it is changing from a residential dwelling to a café. The application was accompanied by an acoustic impact assessment. The findings of this report, which is considered generally robust enough to be accepted, find that there would not be undue impact to the living conditions of adjoining neighbours. In addition, it is possible to further limit this potential impact through appropriate use of conditions, limiting the hours of use.

It is of note in particular that saved Unitary Development Plan policy DC10.3 states that 'development [of the type proposed] would not *normally* be permitted. However, when taking in balance that the scheme would normally be permitted in a city centre location and at ground level, the balance is considered tipped towards the principle being acceptable, subject to conditions.

Given the supporting information and the ability to further reduce any potential noise impact through use of conditions, the development is considered acceptable in this regard and generally accordance with saved UDP Policies DC10 and DC26.1, as well as Core Strategy policy DM1.

Amenity – Waste

The application is accompanied by details regarding the storage and collection of waste. The proposed waste strategy has been reviewed and assessed by the LPA, with input from Highway Services and Environmental Health. So long as the waste storage units are kept separate from any residential waste and is kept in a lockable container, it is considered that the waste strategy is acceptable as proposed and is consistent with Core Strategy policies SP1 and DM1. Lockable waste containers and frequent collections as proposed would also limit potential impact from vermin or birds.

Accessibility – Disabled Access

The proposed café would not be directly accessible from street level due to a small step. However, the applicant has confirmed that a removable ramp shall be kept at all times on the premises and can be used to allow patrons that are in a wheelchair (or deliveries/pushchairs etc) access on demand. Given the scale of the proposed scheme, this is considered acceptable and would allow the development to be consistent with UDP policy DC10 and Core Strategy policies SP1, CC10 and DM1.

Highway Safety – Parking Provision etc.

The proposed café is within the core of Manchester City Centre. As such, there are numerous sustainable transport methods nearby. In addition, the proposed café would not be expected to have a large sphere of influence, with patrons being local/passing on foot rather than travelling by car. As such, the lack of any car parking is acceptable to the LPA and Highway Services, with the scheme consistent with saved UDP Policy DC10 and Core Strategy policies SP1 and DM1.

Crime and Safety

The proposed use would not be expected to be a particular target for crime. Nonetheless, upon consultation with Greater Manchester Police, a number of

recommendations made by GMP were agreed as sensible by the applicant. It is not considered necessary to condition these recommendations. However, an informative setting out various measures that can be taken to reduce the risk of crime will be added to any approval.

RECOMMENDATION:

That planning permission be granted subject to the following planning conditions:

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:

Plans

- Location Plan (Drawing 1000 dated 09 February 2022) – Received 22 March 2022
- Existing Site Block Plan (Drawing 1001 dated 10 February 2022) – Received 22 March 2022
- Existing Site Plan (Drawing 1002 dated 10 February 2022) – Received 22 March 2022
- Existing Floor Plans, Elevations and Section (Drawing 1003 dated 10 February 2022) – Received 22 March 2022
- Proposed Site Plan including Refuse Store and Servicing Details (Drawing 1005 Revision A dated 10 February 2022) – Received 12 May 2022
- Proposed Floor Plans, Elevations, Bin Store Details and Cross Section (Drawing 1006 Revision A dated 10 February 2022) – Received 12 May 2022
- Proposed Front Elevation Details (Drawing 1007 dated 03 May 2022) – Received 12 May 2022

Supporting Information

- Email from Mark Jones dated 24 May 2022 timed 16:27 confirming bin store details
- Email from Joseph Tony dated 25 May 2022 timed 14:20 confirming Acoustic Assessment details
- Revised Waste Management Strategy dated 11 May 2022 – Received 12 May 2022.
- Acoustic Report prepared by DBX Acoustics (Reference 22044 R0110 Castlefield Mews dated 06 May 2022) – Received 12 May 2022

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

4. 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 policies SP1 and DM1 of the Core Strategy.

5. The premises shall not be open to the public outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:

- Monday to Friday: 0730 – 1800
- Saturday: 0800 – 1800
- Sunday and Bank Holidays: 1000 – 1600

Reason: To safeguard the amenity of the occupiers of nearby and adjoining residential accommodation and in accordance with saved Manchester Unitary Development Plan policy DC10 and DC26 and Manchester Core Strategy policies SP1 and DM1.

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

- Monday to Saturday: 0730 – 2000
- Sunday and Bank Holidays: At No Time

Reason: To safeguard the amenity of the occupiers of nearby and adjoining residential accommodation and in accordance with saved Manchester Unitary Development Plan policy DC10 and DC26 and Manchester Core Strategy policies SP1 and DM1.

7. The details of the approved Waste Strategy Scheme shall be implemented as part of the development and shall remain in operation whilst the use of the development is in operation.

Reason: To safeguard the amenity of the occupiers of nearby and adjoining residential accommodation, in the interests of public health and in accordance with saved Manchester Unitary Development Plan policy DC10 and DC26 and Manchester Core Strategy policies SP1 and DM1.

8. Notwithstanding the approved plans and documents as specified in condition 2, the planning permission hereby granted is for a development that has full access into the ground floor area for all persons, including those with additional mobility needs. Any necessary equipment (such as removable access ramps etc.) to facilitate this must be kept on the premises and available for use at all times that the approved scheme is operational.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of saved policy DC10 of the Manchester Unitary Development Plan and policies SP1, CC10 and DM1 of the Manchester Core Strategy.

9. All proposed external doors, with the exception of fire doors, shall be inward opening as so not to impinge on the highway.

Reason - In the interest of pedestrian and highways safety, pursuant to policies SP1, T1, T2 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.