

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132331/FO/2021
Date registered valid: 9 December 2021
Proposal: Siting of extraction equipment to rear and shopfront alterations
Address: 82-84 Market Street, Manchester, M1 1PD
Ward(s): Deansgate Ward

Applicant: Bee World UK Ltd t/a Jollibee C/o Agent
Agent (if any): Haris Kasuji RR Planning Limited 82A Otley Road, Leeds, LS6 4BA
Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 25 April 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 31 December 2021

Standard consultations:

Printed: 30 December 2021 Expired: 20 January 2022

Neighbour notifications

Printed: 30 December 2021 Expired: 20 January 2022

Site notice

Posted: 31 December 2021 Expired: 21 January 2022

Press advert

Published: 11 January 2022 Expired: 1 February 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

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

Tree Preservation Order:

Description of area

82 - 84 Market Street is a 4 storey building located in a prominent frontage on Market Street, opposite the Arndale Centre.

Market Street is one of the busiest pedestrianised areas in the City Centre and is predominantly retail in character. Prior approval for change of use of 2nd floor of building from office (Use Class B1) to residential (Use Class C3) was granted at the neighbouring property to the east (86- 88 Market Street, Manchester, M1 1PD) on 12.05.2016 (111631/P3OPA/2016/C1). The wider area contains offices and food and drink uses.

The application premises is occupied at ground floor level by a sweet shop. The applicants intend to operate a restaurant from 82-84 Market Street and this application is for minor shopfront alterations, extraction equipment and signage. The subject proposal is to facilitate the proposed Class E restaurant use. Plant is to be located on the roof of the building. External plant will comprise a supply fan intake (SF1), kitchen extract fan discharge (EF1), general extract fan and fan discharge (EF2), three air conditioning units (ACU-1/2/3) and two catering condensers (CC-1/2). Plant equipment will not be visible at all in the Market Street scene due to the land locked position of the building.

The proposed shopfront comprises a modern aluminium framed shopfront with central entrance doors and level access.

A concurrent application for advertisement consent has also been submitted on the property for "Internally illuminated fascia sign and projecting sign (App no. 132332/AO/2021)

The site lies within Upper King Street Conservation Area.

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as affecting a Conservation Area and a Listed Building. A site notice was displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity.

Highway Services - no objections to the siting of extraction equipment to rear and shopfront alterations

Environmental Health - have recommended conditions to control fumes/odours, noise, premises opening hours, delivery hours and refuse.

Issues

The nearest residential properties to the unit are those located at 2 Fountain Street which were granted planning permission under application 111842/FO/2016/C1 (Change of use of the 2nd, 3rd and 4th floor to residential (Use Class C3) to create 6 residential apartments). However, a site visit was undertaken on 28th January 2022 and it appears that work on converting the upper floors of the next door property to the east to residential is continuing and these properties could be occupied in the future.

Environmental Health have assessed the information submitted from an amenity point of view with regard to fumes/odours, noise, delivery hours and refuse and they have recommended that conditions be attached to any approval granted to control these items to ensure an acceptable level of amenity within the area. They have also asked for a condition restricting the hours of operation for the unit (the hours as applied for are acceptable) and hours for deliveries and servicing. It is considered that provided the hours of operation and delivery hours are adhered to, and the development is implemented in accordance with the noise limits as specified in the submitted reports and attached conditions, residential amenity within the area would not be adversely affected as a result of the proposal.

Visual amenity - The proposed external alterations to the shopfront and the flue to the rear are considered to be acceptable in terms of their impact on visual amenity within the area. The shopfront would complement the existing building and the flue would not be visible at ground level. It is not considered that the works would not have a detrimental impact on views from the

Upper King Street Conservation Area or the setting of the nearby listed 109 - 127 Market Street, Manchester, M1 1NN, (former Debenhams Building)

Access - The unit is fully accessible.

Highways considerations - Highway Services have been consulted on this issue and have stated that they have no objections to the siting of extraction equipment to rear and shopfront alterations

Manchester Core Strategy - The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 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.

For the above reasons, the proposal is considered to be acceptable and consistent with policies SP1 and DM1 of the Core Strategy and saved policies DC18.1 and DC19.1 of the Unitary Development Plan.

Negotiations - 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.***

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In the case of the application under consideration this has included communications relating to access for people who are mobility impaired.

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 unless otherwise agreed in writing by the City Council as Local Planning Authority:

The location plan entitled 82-84 Market Street Manchester
Ventilation Layout Ground Floor and First Floor 001-877-01 Revision B
Ventilation Layout Second Floor and Third Floor 001-877-02 Revision D
Planning Proposed HVAC Elevations 20028-P201
Planning Proposed Plans: B - L01 all received by the City Council as local planning authority on 26th November 2021
Rear Elevation 001-877-11 Revision D and Ventilation Layout Plant Section 011-877-10
Revision D both received via the email from Haris Kasuji of 22 March 2022
Equipment Schedule 001-877-ES Revision A received via the email from Haris Kasuji of 4 March 2022
Planning Proposed Shopfront Elevations 20028-P211 received via the email from Haris Kasuji of 1st February 2022

Documents

Scope of Maintenance Services - Jollibee Manchester received via the email from Haris Kasuji of 23 March 2022

Leicester, Haymarket Towers, Humberstone Gate, Kitchen Extract System, Post Clean Report, 25th January 2022 and the letter from aspect entitled Proposed Jollibee site - 82-84 Market Street Manchester M1 1PD Kitchen Extract Cleaning Maintenance both received via the email from Haris Kasuji of 16 March 2022

The Specification & EMAQ Report by Purified Air and Order For Maintenance Services for: Jollibee - Manchester by Chapman Ventilation received both received via the email from Haris Kasuji of 4 March 2022

Plant Noise Impact Assessment On behalf of BEE WORLD UK LIMITED by Noise Solutions Ltd received via the email from Haris Kasuji of 3rd February 2022

The Heritage, Design and Access statement received by the City Council as local planning authority on 9th December 2021

The Planning Statement and the UV-O range technical information by Purified Air Limited received by the City Council as local planning authority on 26th 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) a) 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. Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

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

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) a) The premises 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. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB 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 (Leq,5min), respectively.

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 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 the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) a) 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. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme 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 - Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC10 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

6) a) Before the development commences 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. New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 amenity and public health

Informatives

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Unit 3 Halle Place, Arndale Centre, Market Street, Manchester, M4 2HU
16 Spring Gardens, Manchester, M2 1EE
Aldi, 55A Market Street, Manchester, M1 1WR
Unit 826 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
Third Floor And Fourth Floor, 86 - 88 Market Street, Manchester, M1 1PD
BETFRED, 18 Fountain Street, Manchester, M2 2AA
Brewdog Doghouse, 18 - 20 Fountain Street, Manchester, M2 2AA
First Floor And Second Floor, 3 Spring Gardens, Manchester, M2 1FB
Ground Floor, 78 Market Street, Manchester, M1 1PD
Stall Adjacent 82 To 84, Market Street, Manchester, M1 1PD
Third Floor, 17 Marble Street, Manchester, M2 3AW
Marsden Way South, Arndale Centre, Market Street, Manchester, M1 1WR
48 Arndale Centre, Market Street, Manchester, M4 2HU
Second Floor, 9 Marble Street, Manchester, M2 3AW
78 Market Street, Manchester, M1 1PD
Sugar Hut, Kiosk Adjacent 74 To 76, Market Street, Manchester, M1 1PD
Units 31 And 32 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
Ground Floor, 17 Marble Street, Manchester, M2 3AW
Fifth Floor, 17 Marble Street, Manchester, M2 3AW
Eleventh Floor, 17 Marble Street, Manchester, M2 3AW
33 Market Street, Manchester, M1 1WR
Tenth Floor, 17 Marble Street, Manchester, M2 3AW
Second Floor, 17 Marble Street, Manchester, M2 3AW
BRUNTWOOD ESTATES BETA, Fourth Floor, 17 Marble Street, Manchester, M2 3AW
Eighth Floor, 17 Marble Street, Manchester, M2 3AW
48A Arndale Centre, Market Street, Manchester, M4 2HU
54 Arndale Centre, Market Street, Manchester, M4 2HU
3 Spring Gardens, Manchester, M2 1FB
84 Arndale Centre, Market Street, Manchester, M4 2HU
Unit 825 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
Unit 824 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
9 Marble Street, Manchester, M2 3AW
51 - 55 Market Street, Manchester, M1 1WR
47 Market Street, Manchester, M1 1WR
What A Potato, Kiosk, Market Street, Manchester, M1 1PD
Unit 32A, Lower Mall Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
Fourteenth Floor, 17 Marble Street, Manchester, M2 3AW
Lower Mall, Arndale Centre, Market Street, Manchester, M1 1WR
Seventh Floor, 17 Marble Street, Manchester, M2 3AW
Upper Mall, Arndale Centre, Market Street, Manchester, M4 2EA
Second And Third Floor, 3 Spring Gardens, Manchester, M2 1FB
1A High Street, Manchester, M4 1QB
First Floor, 9 Marble Street, Manchester, M2 3AW
93 Arndale Centre, Market Street, Manchester, M4 2HU
Thirteenth Floor, 17 Marble Street, Manchester, M2 3AW
35 Market Street, Manchester, M1 1WR
First Floor, 17 Marble Street, Manchester, M2 3AW
Fifteenth Floor, 17 Marble Street, Manchester, M2 3AW
Sixth Floor, 17 Marble Street, Manchester, M2 3AW

Twelfth Floor, 17 Marble Street, Manchester, M2 3AW
27 Arndale Centre, Market Street, Manchester, M4 2HU
Basement To First Floor, 86 - 88 Market Street, Manchester, M1 1PD
Ninth Floor, 17 Marble Street, Manchester, M2 3AW
54A Arndale Centre, Market Street, Manchester, M4 2HU
Units 20 And 21 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
57 Market Street, Manchester, M1 1WR
11 Spring Gardens, Manchester, M2 1FB
107 Market Street, Manchester, M1 1NN
49 Market Street, Manchester, M1 1WR
HOLLAND & BARRETT, 105 Market Street, Manchester, M1 1NN

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