

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133064/FO/2022

Date registered valid: 3 March 2022

Proposal: Continued use of buildings and land as Cafes/Restaurants, Takeaways, and Drinking Establishments (Sui Generis), including elevational alterations and amendments to opening hours.

Address: 40 Swan Street, Manchester, M4 5JG

Ward(s): Piccadilly Ward

Applicant: Swan Street Firehouse Ltd C/o Agent

Agent (if any): Miss Sophie Moore Savills UK Ltd 12 Booth Street, Manchester, M2 4AW

Case officer: Jennifer Atkinson
Tel: 0161 234 4517
Email: jennifer.atkinson@manchester.gov.uk

Recommendation:

Date of recommendation:

Application details

Type of application: Full Application Consent

Development type: Smallscale Major Retail

Date of site visit:

Standard consultations:

Printed: 7 March 2022 Expired: 28 March 2022

Neighbour notifications

Printed: 7 March 2022 Expired: 28 March 2022

Site notice

Posted: Expired:

Press advert

Published: 15 March 2022 Expired: 5 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site is approximately 0.17 ha and is bounded by Swan Street, Cross Keys Street, Mason Street and Cable Street and forms part of an area known as New Cross situated on the edge of the City Centre. A development framework has been adopted which sets out a masterplan for the redevelopment of the area.

The site is currently occupied by a series of single storey buildings forming a vacant retail/warehouse fronting Swan Street and MOT Garage to Cable Street. There is also a small area of surface level car parking. The topography of the site is relatively flat as is the wider New Cross area. There is limited vegetation on the site and much of what is present is poor quality and self-seeded.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The wider area consists of a mixture of surface level car parks to the north of the site together with converted buildings used for warehousing. The building along the frontage with Swan Street consist of ground floor commercial units with upper floor uses/storage.

Immediately to the rear of the site to the north, a recent developed for a part 8, part 9 storey hotel which was recently granted planning permission. This development marks one of the first new developments within the area as part of realising the vision outlined in the New Cross Development Framework.

On the opposite side of Swan Street is the Smithfield Conservation Area which consists of a variety of commercial and residential uses which are located in the Norther Quarter of the City Centre.

The application site is also located close to and has access to amenities and services along Great Ancoats Street and is in walking distance to the activities of the City Centre with its associated public transport facilities. The nearest major transport node is Manchester Victoria where there is access to rail, bus and tram services across the City Centre and beyond.

Description of development

Planning permission was granted in December 2020 for the creation of a mixed use comprising cafes and restaurants, takeaways and drinking establishments (Sui Generis) with associated elevational alterations to existing building including installation of awning, planters and windows, erection of single storey storage building, installation of a tipi together with the installation of single and double stacked storage containers and other associated works for a temporary period of 14 months (128156/FO/2020).

Planning permission has also recently been granted for the erection of a ground plus 9-storey building to form 118 no. residential apartments (Use Class C3), including amenity areas, ground floor food and beverage/ commercial units (Sui Generis/ Use Class E), public realm and landscaping, with supporting infrastructure and associated works following demolition of existing building (128997/FO/2020).

The applicant has recently purchased the site with the view to continuing the use of the site and buildings as Cafes/Restaurants, Takeaways, and Drinking Establishments (Sui Generis). This application seeks to secure permission for the use including elevational alterations and amendments to opening hours.

Consultations & Notification Responses

Local residents/public opinion – No comments received

Highway Services advise that the details remain unchanged from the previous application and are acceptable.

Environmental Health advise that the fume extraction and deliveries are as per planning permission 128156. The opening hours are acceptable. Further details are required in respect of noise outbreak and plant.

Flood Risk Management Team advise that a surface water drainage system be agreed for the site.

Design for Security at Greater Manchester Police – The recommendations of the Crime Impact Statement should be implemented.

Policy

Manchester Core Strategy (2012) – Relevant policies include SP1, EC1, EC3, T1, EN1, EN3, EN17, EN18, EN19 and DM1

Unitary Development Plan for the City of Manchester (1995) – Saved policies DC18, DC19 and DC26.

New Cross Neighbourhood Development Framework (2016)

National Planning Policy Framework

Issues

Principle of development

Planning permission 128156/FO/2020 established the principle of the use at the application albeit on a temporary basis pending the redevelopment of the site in line with the New Cross SRF.

Whilst planning permission has subsequently been granted for the residential redevelopment of the site in line with the framework, the applicant has subsequently bought the site with a view to keeping the use there on a long term basis.

The New Cross SRF states that the Swan Street Frontage can accommodate a 'range of carefully managed active social and night-time ground floor uses' which 'restaurants and cafés and bars, have the potential to maximise the locational advantages of being in the City Centre and adjacent to the Northern Quarter'

Although not part of a mixed use residential led development, the continued use of the site for the purposes outlined in this application are considered to be consistent with the aspirations of the SRF. The site in the long term could still be redeveloped and in the meantime the continued use of the site would support the growth of the New Cross neighbourhood by retaining a popular venue at the site.

The applicant intends to continue the principles that were conditioned as part of the previous application with the exception of the opening hours. An extension to the hours has been requested as part of this proposal and is considered within this report.

The application site form part of the city centre and will continue to support the growth of the New Cross neighbourhood with minimal impact on residential amenity.

The application accords with policies DM1, SP1, CC5, CC6, CC7 and T2 of the Manchester Core Strategy, saved policies DC10 and DC26 of the UDP, the New Cross Development Framework and national planning guidance.

Residential Amenity

Whilst there are residential occupiers situated nearby those identified are on the upper floor of the swan buildings on the other side of Cross Keys Street approx. 30 metres from the site. The site is situated within a busy, mixed use area of the city centre. The surrounding area is currently dominated by a regular and constant flow of road traffic along Swan Street.

The mixture use nature of the area together with other nearby complementary uses, it remains the view that the development would not have an unduly harmful impact on residential amenity given existing background noise and levels of activity.

Condition 3 of temporary permission 128156/FO/2020 presently restricts the opening hours of the premises between the following hours:

- 08:00-23.00 Sunday to Thursday
- 08.00-00.30 Friday to Saturday

The applicant wishes to amend the opening hours as follows:

- 08:00-1.00am daily (with an additional 30 minutes for patrons to leave the premises).

Environmental Health have raised no objections to the proposal. Whilst the opening hours when originally drafted were intended to reflect those of the Ancoats neighbourhood, and the requirements of both SRFs for the area, the site functions as part of the Northern Quarter area of the city centre and the opening hours should reflect this.

Further details remain required in respect of plant and noise outbreak and as the use is in operation, these are required within one month of any approval.

Visual Amenity

The applicant has outlined that the design of the building and site remain relatively unchanged from those approved under planning permission reference 128156/FO/2020. However some minor alterations and changes to design are proposed as follows:

The proposals will continue to utilise the existing buildings on the site which have been supplemented with high quality temporary structures including pergolas and canvas coverings. The design changes proposed continue to comply with the requirements set out in policy EN1 and DM1.

Noise and disturbance

The site is located within the city centre close to the Northern Quarter along Swan Street. The worst affected sensitive premises are considered to be the Marriott AC Hotel located on the corner of Mason Street and Cable Street approximately 15 m to the north of the site and the Swan Street facing elevations of the residential flats on the upper levels of the Swan Buildings along Swan Street approximately 30 m to the south of the site. An aparthotel development, Staycity Northern Quarter, is located on the opposite side of Cable Street.

- A noise assessment has been submitted by the applicant which makes a number of recommendations for acoustic mitigation measures which include:

-Use of noise limiters and sound level meters on house PA and any external equipment brought in by guests to control amplified music levels within the venue and at the nearest noise sensitive receptor

-Use of smaller, directional loudspeakers to provide coverage across outdoor area and limiting noise spill outside of the site boundary

-Limiting reproduced and live music to the daytime and evening hours (up to 22:00).

Environmental Health officers have reviewed the submitted noise information. The previous condition relating to noise outbreak was not discharged as part of the previous planning permission and there are anomalies associated with this application. Whilst it remains the view that the use would not be unacceptable, further details are required and shall be secured by planning condition.

Further details are also required in respect of plant.

Fumes and Odours

The fumes and odours is acceptable as per the previous planning permission.

Waste

The waste management arrangements are acceptable subject to the previous planning permission.

Crime and Security

A crime impact statement has been submitted along with the application and this has been reviewed Design for Security at Greater Manchester Police. Design for Security has recommended a condition to reflect the physical security specifications set out in section four of the Crime Impact Statement in order to improve the security of the development in accordance with Core Strategy Policy DM1.

Highway Considerations

Highway Services agree that the proposal are consistent with the previous approval and therefore acceptable as a continuation of the use.

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. Discussions have taken place with the applicant prior to the application being submitted and during the course of the application. The application is determined in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1)The development hereby approved shall be carried out in accordance with the following drawings and documents:

Site Location Plan (320 - 400)

Drawings referenced 320-403, 320-404, 320-405

Premises Licence Application

Design & Access Statement with Design Statement Addendum detailing additional changes

Operations and Security Management Plan

Ventilation Statement for 40 Swan Street, Manchester prepared by APL Mechanical Services

Servicing and Waste Management drawing ref. 320-405 and Waste Management Proforma

Crime Impact Statement ref. 2020/0576/CIS/01 Version A dated 14 October 2020

Proposed Planter details drawing ref. 320 517 A

Drawing ref. JW SS MAN 00 REV D

Kitchen extract odour control system at 40 Swan Street prepared by APL Mechanical Services

EMAQ Risk Assessment for Odour

The above documents were stamped as received by the City Council, as Local Planning Authority, on the 25 February 2022.

Noise Assessment stamped as received by the City Council, as Local Planning Authority, on the 8 April 2022.

320- 402B (first floor), 320-401C and 320-406 (Planter Details) stamped as received by the City Council, as Local Planning Authority, on the 26 April 2022

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 for the City of Manchester.

2) The premises shall not be open outside the following hours –

08:00-01:00 Daily (with an additional 30 minutes for patrons to leave the premises).

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.

3) Fume, vapours and odours from the premises shall be carried out in accordance with the Kitchen extract odour control system at 40 Swan Street prepared by APL Mechanical Services and the EMAQ Risk Assessment for Odour stamped as received by the City Council, as Local Planning Authority, on the 25 February 2022 . The approved details shall be in place prior to first use.

Reason - In the interests of the amenities of the occupiers nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy and saved policy DC26.1 of the Unitary Development Plan for the City of Manchester

4) The development is to be undertaken in accordance with the waste management strategy comprising documents referenced: Servicing and Waste Management drawing ref. 320-405 and Waste Management Proforma stamped as received by the City Council, as Local Planning

Authority, on the 25 February 2022 and retained and maintained for as long as the development remains in use.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

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

07:30 to 20:00, Monday to Saturday and 10.00 to 18.00 on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 of the Manchester Core Strategy.

6) The development hereby permitted shall be carried out in accordance with the security measures as outline in section 4 of the Crime Impact Statement ref. 2020/0576/CIS/01 Version A dated 14 October 2020 stamped as received by the City Council, as Local Planning Authority, on the 25 February 2022.

Reason - To reduce the risk of crime pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

7) The playing of amplified music on the premises shall operate in accordance with the following:

Reproduced music externally between the hours of 08:00 to 23:00 and amplified reproduced music internally between the hours of 08:00 to 01:00.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

8) Notwithstanding the Noise Assessment stamped as received by the City Council, as Local Planning Authority, on the 8 April 2022, within two month of the date of this planning permission (a) details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt, externally mounted 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 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) The details approved for part (a) of this planning condition shall be implemented within one month of approval.

(c) Within one month of implementation, a verification report shall be submitted for approval in writing by the City Council, as Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

9) (a) Notwithstanding the Noise Assessment stamped as received by the City Council, as Local Planning Authority, on the 8 April 2022, within two month of the date of this planning permission, a scheme to acoustically insulated, treat and limit the break out of noise from the premises shall be submitted for approval in writing by the City Council, as Local Planning Authority.

(b) The details approved for part (a) of this planning condition shall be implemented within one month of approval.

(c) Within one month of implementation of the details approved, a verification report shall be submitted for approval in writing by the City Council, as Local Planning Authority to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason - In order to limit the outbreak of noise from the commercial premises pursuant to policies SP1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

10) (a) Within one month of the date of this planning permission, a scheme to clean the external yard of contamination from the previous MOT use shall be submitted for approval in writing by the City Council, as Local Planning Authority. This scheme shall include details of the base and binder layout course of tarmac, that any planters will be raised from the ground and internally lined with a suitable membrane and imported top soil would be used within these planters. In addition, details shall be provided on ground gases including that all service entry points above ground will be sealed together with sufficient ventilation.

(b) The scheme approved in part (a) of this planning condition shall be implemented within one month of approval.

(c) Within one month of implementation, a Verification Report shall be submitted for approval in writing by the City Council as Local Planning Authority

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

28A Swan Street, Manchester, M4 5JQ
Adam Geoffrey, Swan Street, Manchester, M4 5JW
Second Floor, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
Fourth Floor, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
Ground Floor, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
First Floor, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
Third Floor, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
Basement, Swan Buildings, 20 Swan Street, Manchester, M4 5JW
First Floor To Third Floor, 29 Swan Street, Manchester, M4 5JZ
AC By Marriott Manchester City Centre, 15 Mason Street, Manchester, M4 5FT
Mackie Mayor, 1 Eagle Street, Manchester, M4 5BU
Flat 2, 22A Swan Street, Manchester, M4 5JQ
Flat 1, 22A Swan Street, Manchester, M4 5JQ
Flat 4, 2 Cross Keys Street, Manchester, M4 5BB
Flat 3, 2 Cross Keys Street, Manchester, M4 5BB
Flat 2, 2 Cross Keys Street, Manchester, M4 5BB
Flat 1, 2 Cross Keys Street, Manchester, M4 5BB
Flat Above, 26 Swan Street, Manchester, M4 5JQ
Country Panels, 55 Cable Street, Manchester, M4 5DF
Good Look Knitwear, 55 Cable Street, Manchester, M4 5DF
First Floor, 1 Mason Street, Manchester, M4 5FT
40 - 44 Swan Street, Manchester, M4 5JG
15 Cable Street, Manchester, M4 5EG
20A Swan Street, Manchester, M4 5JW
E And A Autos, 15 Cable Street, Manchester, M4 5EG
24A Swan Street, Manchester, M4 5JQ
29 Swan Street, Manchester, M4 5JZ
Ground Floor, 55 Cable Street, Manchester, M4 5DF
Ground Floor Unit 3, 55 Cable Street, Manchester, M4 5DF
Unit 1 Part First Floor, 2 Rochdale Road, Manchester, M4 4JR
Ground Floor Unit 2, 55 Cable Street, Manchester, M4 5DF
First Floor Unit 3, 55 Cable Street, Manchester, M4 5DF
First Floor Unit 4, 55 Cable Street, Manchester, M4 5DF
Basement, 55 Cable Street, Manchester, M4 4JR
28 Swan Street, Manchester, M4 5JQ
The Smithfield Market Tavern, 37 Swan Street, Manchester, M4 5JZ
Security House, 25 Addington Street, Manchester, M4 5EU
The Rose And Monkey Hotel, 31 Swan Street, Manchester, M4 5JZ
Band On The Wall, 25 - 27 Swan Street, Manchester, M4 5JZ
24 Swan Street, Manchester, M4 5JQ
55 Cable Street, Manchester, M4 5DF
22 Swan Street, Manchester, M4 5JQ
1 Mason Street, Manchester, M4 5FT
Second Floor, 1 Mason Street, Manchester, M4 5FT
Ground Floor, 24 Swan Street, Manchester, M4 5JQ
6 Cross Keys Street, Manchester, M4 5ET
50 Swan Street, Manchester, M4 5JU

26 Swan Street, Manchester, M4 5JQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Area Team Boundary - Name: NORTH1