MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	126309/FO/2020
Date registered valid:	28 April 2020
Proposal:	Application for full planning permission for the flexible use of the ground floor property at the corner of Little Quay Street and Atkinson Street as restaurant/cafe (Use Class A3) or bar (Use Class A4) or restaurant/bar (Sui Generis) including the installation of louvred extract vents
Address:	Sunlight House, Quay Street, Manchester, M3 3LU
Ward(s):	Deansgate Ward
Applicant:	Aberdeen UK Property Fund C/o Agent
Agent (if any):	Katie Parfett Savills (UK) Ltd Belvedere, 12 Booth Street, Manchester, M2 4AW
Case officer:	Emily Booth Tel: 0161 234 4193 Email: e.booth@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	3 July 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 7 May 2020

Standard consultations:
Printed: 4 May 2020 Expired: 25 May 2020

Neighbour notifications
Printed: 4 May 2020 Expired: 25 May 2020

Site notice
Posted: 7 May 2020 Expired: 28 May 2020

Press advert
Published: 12 May 2020 Expired: 2 June 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The application relates to a property located on Quay Street and named Sunlight House. The building is a 13 storey art deco style Grade II listed building that is constructed of Portland Stone. It was designed by Joseph Sunlight as the City's first speculative office development and completed in 1932.

The building is within Deansgate Conservation Area and is seen in context with other listed buildings including the Manchester Opera House on Quay Street, Royal London House at the junction of Deansgate and Quay Street and the former County Court building on Deansgate, which are all Grade II Listed and the former County Court building on Quay Street, which is Grade II* Listed.

The building is also adjacent Spinningfields, which has become established as a premium financial and professional services destination set within world class architecture and public realm. It is a mixed use destination with civic, residential, leisure and retail uses complementing the commercial offer, all in a high quality, planned, managed and safe environment.

Other surrounding uses include shops, offices, a theatre, a hotel, residential accommodation, bars, restaurants and cafés.

The ground floor unit subject of this application is located at the corner of Little Quay Street and Atkinson Street.

Applications were approved in 2017 referenced 115805/FO/2017 and 115806/LO/2017 allowed the installation of a new frontage to create an entrance from Little Quay Street, the restoration of the stained glass dome, the insertion of two glazed lifts within the existing lightwell, internal modification at ground floor level to create a new reception and cafe area, the refurbishment of the 13th and 14th floors and landscaping works to Little Quay Street. Various other recent application have allowed extensive internal and external refurbishment works over the last few years.

Applications were approved on 11th January 2019 referenced 119651/LO/2018 and 119650/FO/2018 and allowed the use of the unit located at the corner of Little Quay Street and Atkinson Street as a shop (Use Class A1) or a restaurant or cafe (Use Class A3) including the installation of a louvered extract vent within two existing shop front windows of the property and the fit out of the interior of the unit.

Description of development

Planning permission is sought for the flexible use of the property as restaurant/cafe (Use Class A3) or bar (Use Class A4) or restaurant/bar (Sui Generis) including the installation of the previously approved louvred extract vents. The proposed opening hours are 08:30 to 02:30 daily.

The fit out of the premises would comply with listed building consent referenced 119651/LO/2018 which was approved on 11th January 2019.

Consultations & Notification Responses

Publicity - The application was advertised in the local press as affecting a conservation area and affecting a listed building. A site notice was displayed on site and letters were sent to surrounding residents. No replies have been received.

Highway Services - Have advised that cycle parking spaces should be provided and provided advice to the applicant on the procedure to gain permission for any licensing, hoarding / scaffolding, building maintenance and any associated temporary traffic management arrangements.

Environmental Health - Recommended conditions to:
Restrict servicing times,
Prevent the cooking of food on site,
Require the implementation of the scheme for the acoustic insulation of the premises and the submission of an acoustic report,
The implementation of a waste management strategy.

Environment & Operations (Refuse & Sustainability) - No comments received

City Centre Regeneration - No comments received

Greater Manchester Police - Have recommended the following measures:

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

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

3. A CCTV system should be included within these licensed premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

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

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

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

Issues

The main issues for consideration relate to the impact of the proposals on the amenity of surrounding occupiers, the availability of public transport and the availability of disabled access. The main polices that relate to the proposal are Polices SP1 (Spatial Principles), CC5 (Transport), CC7 (Mixed Uses), CC9 (Design and Heritage), CC10 (A Place for Everyone), T1 (Sustainable Transport), T2 (Accessible Areas of Opportunity and Need), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage), EN19 (Waste) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policies DC14.1 and DC14.2 (Shopfronts and Related Signs), DC18.1 (Conservation Areas) and DC19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester and Section 9 (Promoting Sustainable Transport), 12 (Achieving Well Designed Places) and 16 (Conserving and enhancing the Historic Environment) of the National Planning Policy Framework (NPPF).

Residential Amenity

This is a critical issue, as amongst other things, it examines the impact that the scheme would have on nearby and adjoining occupiers. It includes the consideration of issues such as impact on noise and disturbance. The closest residential accommodation is significantly distanced from the site, however there are noise sensitive uses in the immediate vicinity of the site including offices.

The City Council's Environmental Health service have confirmed that the proposals to prevent noise breakout as contained within the acoustic report are acceptable and the condition would ensure that noise generated by the use is contained within the premises via the requirement for a verification report. All conditions recommended by the City Council's Environmental Health Service would be applied to the application.

All proposed uses would result in an increase in comings and goings during the evening and night 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 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. It is within this context that the operating hours will be assessed in discharge of the relevant conditions.

The site is close to St Peter's Square and Deansgate Metrolink Stations and is also walkable distance from Salford Central and Deansgate train stations and regular bus services are routed along John Dalton Street and Deansgate.

An internal bin store would be provided and a strategy would be in place for collections.

Given the above the proposals are considered to be in accordance with Policies SP1, CC4, CC7, EN19 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1-10.4 and DC26 of the Unitary Development Plan for the City of Manchester in relation to the impact on residential amenity.

Impact on the Character and Appearance of the Listed Building

There are no physical works to the listed building that have not been previously approved. The various uses that would be approved would help to attract and retain occupiers for the unit contributing to the maintenance of the building and assisting is securing a future for the building.

In view of the above, the proposals would not be harmful to the significance of the listed building or the setting of the surrounding conservation area and the setting of the nearby listed buildings and be consistent with Sections 12 and 16 of the National Planning Policy Framework, Core Strategy Policies DM1, SP1, CC9, EN3 and EN1 and saved UDP policies DC18.1 and DC19.1.

Crime and Disorder

The premises is part of a managed building and would benefit from building wide management. The measures recommended by Greater Manchester Police would be required to be implemented by condition.

Given the above the proposals are considered to be in accordance with policies DM1 and SP1 of the Core Strategy for the City of Manchester in relation to the impact on crime and disorder.

Highway Safety and Impacts

The City Centre location provides good links to public transport with Bus, Metrolink and rail services all within an acceptable short walking distance from the development.

The site is close to St Peter's Square and Deansgate Metrolink Stations and is also walkable distance from Salford Central and Deansgate train stations and regular bus services are routed along John Dalton Street and Deansgate.

The City Council as Highways Authority are satisfied that the development proposals will have little impact on network operations.

The informative recommended by the City Council as Highways Authority will be applied to the application.

Given the above the proposals are considered to be in accordance with Section 9 of the National Planning Policy Framework and Policies SP1, CC4, CC5, CC10, T1, T2 and DM1 of the Core Strategy for the City of Manchester in relation to highway safety and impacts.

Disabled Access

Level access would be provided through all entrances and exits, however there is an existing step in the centre of the unit that demarcates the location of a previous division of the unit. This has some evidential merit in understanding the significance of the building and its removal and replacement with a ramp would significantly reduce the area of the premises and prevent its reuse. However, level access would continue to be provided to the lower level, which would contain seating and a disabled WC. The access arrangement to the lower level complies with Design for Access 2.

The internal door previously allowed level access to the other level of the premises, however the use of this is no longer permitted by the building owners.

This proposal allows all users to use the main entrance into the premises and a portable internal ramp would be utilised by staff to enable wheelchair users to utilise the bar area as required. Direct table service would also be available.

Given the above the proposals are considered to be in accordance with the Core Strategy for the City of Manchester, in particular Polices T1, T2, CC10, SP1 and 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 polices 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 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:

The site location plan referenced YD/1001 AL(0)010.P1 Rev P1 received by the City Council as local planning authority on 5 April 2018

The drawings referenced:

YD/1001 AL(0)200.P1 Rev P1
YD/1001 AL(0)210.P1 Rev P1
YD/1001 AL(0)220.P1 Rev P1 (proposed only)
YD/1001 AL(0)230.P1 Rev P1

received by the City Council as local planning authority on 21 February 2020

1772 P400 Rev A

received by the City Council as local planning authority on 8 April 2020

001

received by the City Council as local planning authority on 23 April 2020

The Management Strategy prepared by Savills received by the City Council as local planning authority on 23 April 2020

The Planning, Heritage and Access Statement prepared by Savills received by the City Council as local planning authority on 21 February 2020
Noise Impact Assessment prepared by Cundall referenced 1020394-RPT-AS-002 Revision E and dated 07 August 2020 received by the City Council as local planning authority on 10 August 2020

The completed Waste Management Strategy Proforma received by the City Council as local planning authority on 21 February 2020

The letter from Samia Syeda of Savills dated 27 March 2020

The email from Matthew Sorbic of Savills dated 17 April 2020 and 23rd April 2020
The emails from Katie Parfett of Savills dated 17 June 2020, 4 August 2020 and 6 August 2020

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC14.1 and 14.2, DC18.1, DC19.1 and DC26.

3) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the Noise Impact Assessment prepared by Cundall referenced 1020394-RPT-AS-002 Revision E and dated 07 August 2020. The scheme shall be implemented in full before the use commences.

The scheme proposed shall normally include measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

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.

The approved noise insulation scheme shall be completed before each/any of the approved uses commence. Prior to occupation a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non-compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To prevent the breakout of noise in order to protect current and future residents and occupiers from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

4) The premises shall not be open outside the following hours:-

08:30 - 02.30 Monday to Sunday

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

5) Prior to the cooking of any hot food at the premises, full details of the method of extraction of any fumes, vapours and odours from the premises, including the appearance of the equipment and any noise generated by the equipment, shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented prior to any hot food being cooked at the premises and shall remain in situ whilst the use is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems', which describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building in accordance with policies DM1, SP1, CC9 and EN3 of the Core

6) The scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the completed waste management strategy proforma and within the email from Katie Parfett of Savills dated 17 June 2020 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

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.

8) The following measures shall be implemented as part of the development:

- A CCTV system should be included within these licensed premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

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

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

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

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

9) The access measures for disabled people to gain access into the premises and to all services as described in the letter from Samia Syeda of Savills dated 27 March 2020 and the emails from Matthew Sorbic of Savills dated 17 April 2020 and 23rd April 2020 and as shown on the drawings referenced AL(0)230.P1 and AL(0)210.P1 shall be fully implemented before the use hereby approved commences and shall be maintained for the duration of the use hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T1, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and DC14.2 of the Unitary Development Plan for the City of Manchester.

10) No loading or unloading shall be carried out on the site outside the hours of:

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

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

1) The applicant is required to confirm any proposed construction or fit-out arrangements, where there is an impact on the highway. Any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) For the avoidance of doubt this permission does not grant or imply grant of planning permission for the installation of air-conditioning equipment or any other externally mounted equipment.

3) Please note that this application does not grant Listed Building Consent for any physical works to the building. Listed Building Consent will be required for any associated works not covered by the Listed Building Consent referenced 119651/LO/2018.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
City Centre Renegeration
Greater Manchester Police

MEDIACOM NORTH LIMITED, 1 Hardman Street, Manchester, M3 3HF
Suite 101 Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Flat, Sunlight House, Quay Street, Manchester, M3 3JZ
Third Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Fourth Floor Office 4A, Vantage Point, Hardman Street, Manchester, M3 3HF
NANDOS CHICKENLAND LTD, Unit 1, 2 Hardman Street, Manchester, M3 3HF
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
London House, 193 Deansgate, Manchester, M3 3NE
Car Space, 1 Byrom Place, Manchester, M3 3HG
TOWRY SERVICES LIMITED, Third Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
Unit 2B, 2 Hardman Street, Manchester, M3 3HF
Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Sixth Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Thirteenth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Room 614, Sunlight House, Quay Street, Manchester, M3 3JZ
Second Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH
First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Suite 608 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 201 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Fifth Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
OZON SOLICITORS LIMITED, Second Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
Banyan Bar, Ground Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Sixth Floor Room 631, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 106, Sunlight House, Quay Street, Manchester, M3 3JZ
Room 1301, Sunlight House, Quay Street, Manchester, M3 3LE
2 Hardman Street, Manchester, M3 3HF
Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Seventh Floor, Sunlight House, Quay Street, Manchester, M3 3LF
Part Thirteenth And Mezzanine Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 603 Part Sixth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 102B Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Car Spaces, Vantage Point, Hardman Street, Manchester, M3 3HF
Fourth Floor And Fifth Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
DWF, 1 Scott Place, Manchester, M3 3AA
1 Little Quay Street, Manchester, M3 3JU
1 Byrom Place, Manchester, M3 3HG
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Suite 102A Part First Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Suite 202 Second Floor, Sunlight House, Quay Street, Manchester, M3 3LE
Seventh Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
GL HEARN LTD, Fourth Floor, Vantage Point, Hardman Street, Manchester, M3 3HF

First Floor, Vantage Point, Hardman Street, Manchester, M3 3HF
Old Grapes Inn, Quay Street, Manchester, M3 3JU
Ground Floor, 2 Hardman Street, Manchester, M3 3HF
Fourth Floor To Sixth Floor, 2 Hardman Street, Manchester, M3 3HF
Thirteenth Floor Room 1B, Sunlight House, Quay Street, Manchester, M3 3LE
Basement And Ground Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
First Floor And Second Floor, Oddfellows House, 184 - 186 Deansgate, Manchester, M3 3WB
Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Unit 2A, 2 Hardman Street, Manchester, M3 3HF
188 - 192 Deansgate, Manchester, M3 3ND
Eleventh Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
First Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Suite 114, Sunlight House, Quay Street, Manchester, M3 3JZ
Thirteenth Floor Maintenance Room, Sunlight House, Quay Street, Manchester, M3 3LE
Bannatyne Health Club And Spa, Sub Basement And Basement And Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Pt Ground Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Suites 110 And 112 And 114, Sunlight House, Quay Street, Manchester, M3 3JZ
624 - 628 Sunlight House, Quay Street, Manchester, M3 3LE
1302 Sunlight House, Quay Street, Manchester, M3 3LE
111 Sunlight House, Quay Street, Manchester, M3 3LE
109 Sunlight House, Quay Street, Manchester, M3 3LE
First Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH
Ground Floor, Invicta House, 2 - 4 Atkinson Street, Manchester, M3 3HH
Sunlight House, Quay Street, Manchester, M3 3JZ
Opera House, Quay Street, Manchester, M3 3HP
Second Floor, Sunlight House, Quay Street, Manchester, M3 3JZ
Rooms 625 627 And 629, Sunlight House, Quay Street, Manchester, M3 3LE
5 - 7 Byrom Street, Manchester, M3 4PF
198 Deansgate, Manchester, M3 3NE
194 Deansgate, Manchester, M3 3ND
Royal London House, 196 Deansgate, Manchester, M3 3WF
200 - 204 Deansgate, Manchester, M3 3NN

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 - Deansgate Conservation Area 1985
Area Team Boundary - Name: CITY1