

Planning

Growth & Development

Delegated officer report for planning application

Application no. 125888/FU/2020

Date registered valid: 2 April 2020

Proposal: Change of use from A1 (Hair Salon) to A3 (Restaurant) with external alterations to the rear elevation.

Address: 38 King Street West, Manchester, M3 2WZ

Ward(s): Deansgate Ward

Applicant: Mr Stefano Mordecchi Ciaooo Pizzeria Ltd 2 Smalldale Avenue, Manchester, M16 7JH

Agent (if any): Mr Ryan McKeown Carbon Maze Limited 83 Ducie Street, Manchester, M1 2JQ

Case officer: Rebecca Hadfield
Tel: 0161 234 4071
Email: r.hadfield@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 3 June 2020

Application details

Type of application: Change of use Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 8 April 2020 Expired: 29 April 2020

Neighbour notifications

Printed: 8 April 2020 Expired: 29 April 2020

Site notice

Posted: 9 April 2020 Expired: 30 April 2020

Press advert

Published: 14 April 2020 Expired: 5 May 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Parsonage Gardens Conservation Area 1985

Tree Preservation Order:

Description of area

38 King Street West is a 5 Storey brick built building, consisting of a raised ground floor level, lower ground floor level and three upper floors. There are several ground floor commercial properties one which includes a basement. Flats above and a commercial property on the first floor as offices. The property is bounded on 3 sides by King Street West, Back Bridge Street and Butter Lane with the frontage opening out onto a pedestrianised hard surfaced area on St Mary's Parsonage. The site lies within the Parsonage Gardens Conservation Area.

The surrounding area is predominantly mixed commercial in character and there are a number of listed buildings in the vicinity

Description of development

This application seeks consent for change of use from A1 (Hair Salon) to A3 (Restaurant) at ground floor and basement level, with external alterations to the rear elevation.

Consultations & Notification Responses

Publicity - the application has been advertised in the local press, a site notice was displayed at the site and neighbours were notified

1no. objection has been received - raising the following, in summary;

- on the basis that they don't support another A3 use within the same building.

Highway Services - have raised no objections to the principle of the proposed development, and raised the following in relation to staff cycle parking, refuse and servicing;

- In line with LTP3 standards, secure and sheltered cycle parking should be offered, within the site's curtilage to cater for staff cycles.

Highways accept that any visitor cycles can be accommodated on-street by the existing external cycling infrastructure.

- The proposal notes an enclosed bin storage area within the site's curtilage, with no requirement for any waste to be stored on the adopted highway. Kerbside collection refuse collection and all other servicing requirement such as deliveries will be taken from Back Bridge Street. This is considered acceptable from a Highways perspective, subject to all servicing being undertaken outside of peak network hours to avoid congestion.

Greater Manchester Police - have raised no objections to the proposal, and made the following recommendations;

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

- 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.

- 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.

Environmental Health - have raised no objections to the proposal, and have recommended conditions relating to hours, noise, servicing, and fumes. The most recently submitted information in relation to refuse storage and collection has been confirmed as acceptable from an Environmental Health perspective.

Issues

Given the imposition of conditions recommended by Environmental Health relating to noise, fumes, refuse, deliveries and hours of operation, the principle of the proposed use within this area is considered to be acceptable.

Following the consultation response from Highway Services the applicant has confirmed that staff cycles will be kept in a secure storage area in the basement on the property.

A condition regarding the recommendations raised by GMP has been attached.

An informative has been attached in relation to the content of the required kitchen fume extract strategy report.

There are no proposed changes to the current entrance arrangement.

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 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.

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:

- Drawing numbered 001, stamped as received by the Local Planning Authority on 9 January 2020
- Drawing numbered 002, stamped as received by the Local Planning Authority on 9 January 2020
- Drawing numbered 003, stamped as received by the Local Planning Authority on 9 January 2020
- Drawing numbered 004, stamped as received by the Local Planning Authority on 9 January 2020
- Drawing numbered 005, stamped as received by the Local Planning Authority on 9 January 2020
- Drawing numbered 006, stamped as received by the Local Planning Authority on 9 January 2020
- Design & Access Statement, stamped as received by the Local Planning Authority on 2 March 2020
- Carbonmaze email dated 17 April 2020
- Drawing referenced - Refuse Area 1390181, stamped as received by the Local Planning Authority on 17 April 2020
- Drawing referenced - Site Waste Management Location Plan 1358024, stamped as received by the Local Planning Authority on 17 April 2020
- The Waste Management Proforma, stamped as received by the Local Planning Authority on 17 April 2020
- Carbonmaze email dated 27 May 2020

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

Opening hours to be agreed in writing by the City Council as Local Planning Authority, following satisfactory discharge of noise conditions

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.

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

07:30-20:00 Monday to Saturday

10:00-18:00 Sunday 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.

5) The following measures shall be implemented as part of the development and shall be maintained;

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

6) The submitted details of the scheme for storage and disposal of refuse (including segregated waste recycling) as included in condition 2 shall be fully implemented as part of the development and shall remain in situ whilst the use or development is in operation.

For the avoidance of doubt all waste associated with the approved use shall be stored within the premises and shall not be placed or stored on any part of the highway as this would cause an obstruction and would be unlawful.

Reason - In the interests of amenity and public health, in accordance with policies SP1 and DM1 of the Core Strategy.

7) 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.

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 façade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Upon completion 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 has 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 - To safeguard the amenities of the occupiers of nearby properties 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.

8) Before development 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 occupancy and shall remain operational thereafter.

The development must 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.

Upon completion of the development and before use, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the odour statement report and subject to additional requirements set out below. The report shall also include photographs of the filters and odour abatement in situ within the ductwork before being boxed along with a diagram and photographs of the inspection access hatches.

Any instances of non-conformity with the recommendations in the report or approved measures shall be detailed along with any measures required to ensure compliance with the agreed criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties 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.

9) 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.

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 approved scheme shall be completed before the premises is occupied.

Upon completion 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 the noise criteria has 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 - To safeguard the amenities of the occupiers of nearby properties 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.

Informatives

1) 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
Greater Manchester Police

Third Floor, 69 Bridge Street, Manchester, M3 3BQ
Second Floor, 69 Bridge Street, Manchester, M3 3BQ
Basement Floor, 65 Bridge Street, Manchester, M3 3BQ
First Floor And Second Floor, 1 Back Bridge Street, Manchester, M3 2PB
Ground Floor, 38 King Street West, Manchester, M3 2WZ
33 King Street West, Manchester, M3 2PW
ALEXANDRA ASSOCIATES LTD, Second Floor Offices 20-25, 83 Bridge Street, Manchester, M3 2RF
Kings House, King Street West, Manchester, M3 2NY
59 Bridge Street, Manchester, M3 3BQ
Ground Floor And First Floor, 61 Bridge Street, Manchester, M3 3BQ
Second Floor Office, 59 Bridge Street, Manchester, M3 3BQ
Second Floor, 83 Bridge Street, Manchester, M3 2RF
Basement And Ground Floor, 61 Bridge Street, Manchester, M3 3BQ
Second Floor, 65 Bridge Street, Manchester, M3 3BQ
Ground Floor, 71 - 75 Bridge Street, Manchester, M3 2RH
Basement And Ground Floor, 69 Bridge Street, Manchester, M3 3BQ
79 - 81 Bridge Street, Manchester, M3 2RH
First Floor, 65 Bridge Street, Manchester, M3 3BQ
71 - 75 Bridge Street, Manchester, M3 2RH
77 Bridge Street, Manchester, M3 2RH
61 Bridge Street, Manchester, M3 3BQ
55 Bridge Street, Manchester, M3 3BQ
First Floor, 71 - 75 Bridge Street, Manchester, M3 3RH
Second Floor, 38 King Street West, Manchester, M3 2WZ
Third Floor, 38 King Street West, Manchester, M3 2WZ
Third Floor Newton Estates, 38 King Street West, Manchester, M3 2WZ
Basement And Ground Floor, 38 King Street West, Manchester, M3 2WZ
69 Bridge Street, Manchester, M3 3BQ
83 Bridge Street, Manchester, M3 2RF
First Floor, 69 Bridge Street, Manchester, M3 3BQ
19 Back Bridge Street, Manchester, M3 2PB
Flat 4, 67 Bridge Street, Manchester, M3 3BQ
Flat 1, 67 Bridge Street, Manchester, M3 3BQ
63 Bridge Street, Manchester, M3 3BQ
65 Bridge Street, Manchester, M3 3BQ
First Floor, 38 King Street West, Manchester, M3 2WZ
6 - 7 Butter Lane, Manchester, M3 2PD
Third Floor, 83 Bridge Street, Manchester, M3 2RF
First Floor, 83 Bridge Street, Manchester, M3 2RF
Ground Floor, 65 Bridge Street, Manchester, M3 3BQ
Flat 3, 67 Bridge Street, Manchester, M3 3BQ
Flat 2, 67 Bridge Street, Manchester, M3 3BQ
67 Bridge Street, Manchester, M3 3BQ
27 - 29 King Street West, Manchester, M3 2PN
17 Back Bridge Street, Manchester, M3 2PB

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 - Parsonage Gardens Conservation Area 1985

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1