MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140585/FO/2024
Date registered valid:	27 September 2024
Proposal:	Creation of Tattoo Studio (Sui Genesis) together with painting of shop front
Address:	9 South King Street, Manchester, M2 6DG
Ward(s):	Deansgate Ward
Applicant:	Bull Riders of Montana Limited
Agent (if any):	Simon Birnbaum SMB Town Planning Ltd
Case officer:	Danielle Cooper Tel: 0161 234 1658 Email: danielle.cooper@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**19/11/2024**

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 4 October 2024

Standard consultations:
Printed: 4 October 2024 Expired: 25 October 2024

Neighbour notifications
Printed: 4 October 2024 Expired: 25 October 2024

Site notice
Posted: 4 October 2024 Expired: 25 October 2024

Press advert
Published: 8 October 2024 Expired: 29 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The application site is located in the St Anns Conservation Area, at the junction of South King Street and Ridgefield. The proposal relates to the ground floor existing retail use and the lower basement levels. The unit is accessed via a single entrance step. Residential flats are situated above the unit.

The existing ground floor unit is painted light green. Brick walls are situated above.

The site is close to several listed buildings.

Description of development

The application proposed to change the use of the ground floor, basement and sub basement floors from Class E (retail) to Sui Generis (Tattoo Studio).

The proposed internal fit out works are as follows:

Ground floor

- A new DDA W.C
- This floor will act as the client seating area and service desk.

Basement -1

- To remain as existing
- This floor will act as event space which will showcase the clients tattoo work for clients to view.

Basement -2

- Partition alterations to open the space up.
- 2no. toilets will be installed and a kitchen room for the employees.
- This floor will act as the treatment rooms for client to have their tattoos.

The proposed external works are as follows:

- The ground floor walls and fascia's will be painted white (RAL colour 9010)
- The brand signage 'The Manchester Social' will be hand painted in black as shown on plan (RAL colour 9005)

The opening times are Monday to Sunday - 10AM till 18PM

The applicant will facilitate a portable ramp in order to provide level access to the ground floor of the premise.

Consultations & Notification Responses

Highways – No objection subject to conditions

Environmental health – No objection subject to conditions

The application has been advertised by site notice, the press and neighbour notification letters. No representations have been received.

Policy

In relation to the relevance of policies for this development, the following policies remain applicable.

Core Strategy

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

Policy SP1 Spatial Principles outlines that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. The development would be highly sustainable and introduce new activity to this vacant building. It would provide good access to sustainable transport and maximise the potential of the City's transport infrastructure.

Policy CC1 Primary Economic Development Focus: City Centre and Fringe outlines that the City Centre is a strategic economic location and focus of employment growth in the City and City Region. The Council encourages the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities in the City Centre, to create a vibrant employment location attractive to businesses, employees and visitors.

Policy CC4 Visitors - Tourism, Culture and Leisure sets out that the City Centre is a focus for culture and leisure within the City Region. Proposals such as this that improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported and would further generate a significant number of visitors to the area.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment.

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy DM 1 Development Management outlines a range of general issues that all development should have regard to. Of these, the following are of relevance to this proposal:
appropriate siting, layout, scale, form, massing, materials and detail;
* Design for health;
* Adequacy of internal accommodation and amenity space.
* impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
* that development should have regard to the character of the surrounding area;
* effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
* accessibility to buildings, neighbourhoods and sustainable transport modes;
* impact on safety, crime prevention and health; adequacy of internal accommodation , external amenity space, refuse storage and collection, vehicular access and car parking; and
* impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

Saved Unitary Development Plan for Manchester
Policy DC18.1 (Conservation Areas) advises that the council will give careful consideration to development proposals within conservation areas, and will seek to preserve and enhance the character of its designated conservation areas.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:
- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Policy DC26.1 Development and Noise - This policy details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

Policy DC26.4 explains that where the Council believe that a new proposal will generate potentially unacceptable levels of noise, the applicant will need to provide a noise assessment to define any such impacts and any measures to deal with that noise.

Policy DC26.5 sets out that the Council will, where appropriate, require insulation in new development as well as noise barriers where high levels of noise are expected.

Policy DC26.5 Development and Noise - which states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development, as well as noise barriers where this is appropriate.

Policy DC26.6 outlines that exceptions to the general policy will be considered on their merits. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

National Planning Policy Framework (NPPF)
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Other Legislative Requirements

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P1 - Sustainable Places
Policy JP-S1 - Sustainable Development

Planning (Listed Buildings and Conservation Areas) Act 1990

Issues

Principle of development

The application seeks a change of use to create a new (Sui Generis) tattoo studio in the for former retail unit. The unit is located on South King Street which is just off Deansgate in the heart of Manchester City Centre which compromises a range of commercial, dining and drinking uses.

This sui generis use is therefore considered acceptable given the mix of uses within the area. The tattoo studio will also allow a mix of uses to occur within this currently vacant unit which will contribute positively to the economy and vitality of the city centre.

Given the above, the proposed change of use is considered acceptable in principle and would be consistent with Core Strategy policies SP1, CC1, CC4, CC7 and DM1. However, there are amenity considerations, including visual, noise and fumes and odours that require consideration, together with the practicalities of accessibility, servicing and refuse management. These matters are explored further below.

Impact on visual amenity

The applicant seeks to alter the external elevation of the ground floor unit by painting the existing walls and fascia's white RAL colour: 9010 and to paint the brand signage above the above the main entrance and two windows facing South King Street and Ridgefield in black RAL colour: 9005.

The proposal will remove the exiting timber frame panel above the main entrance to reveal the original panel behind. This will then be painted to match the proposed white shop frontage.

The LPA consider the proposed alterations to be acceptable as it is felt they would not adversely affect the appearance of the building, visual amenity within the area or views within St. Ann's Square Conservation Area.

In view of the above, it is considered that the proposed elevation alterations would not harm to the character and appearance of the building or the surrounding conservation area and are therefore in accordance with Core Strategy Policies SP1, CC9, EN1 and EN3, Saved UDP policies DC18 and DC19 and guidance contained within the National Planning Policy Framework.

Impact on 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.

A noise assessment has been submitted alongside the application. Environmental Health have reviewed this report and consider the report to be acceptable subject to a verification report to valid that the recommendations within the report are conformed with. As such the LPA does not have concern to noise disturbance to nearby residents.

Environmental health have requested delivery hours to be conditioned to safeguard the amenities of the occupiers of nearby accommodation.

The opening hours of the premise will be restricted to Monday to Sunday 10am – 6pm. Given the location of the unit, located just off of King Street which is a busy high street with other uses which have similar hours of operation, the LPA consider the proposed hours to be acceptable and will not result in any disturbance over and above the existing situation. These hours will be conditioned as such.

Refuse

Clinical, general and recycling waste will be stored within the premise as shown on the proposed floor plans. This waste will then be taken to the 2no. external bins and collected by BIFFA located on South King Street on a Monday/Tuesday (if a bank holiday). The LPA consider the waste management strategy to be acceptable. The 2 external bins are considered acceptable given that this will mirror the existing bin collection situation and that there is no internal space for these bins to be stored.

Given the above the proposals are considered to be in accordance with Policies SP1, CC4, CC7, and DM1 of the Adopted Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies JP-J 1 and JP-P 1 of Places for Everyone.

Impact on highway safety

The use is highly accessible by public transport with regular bus services, tram services and bus services located within walking distance of the development site.

The City Council as Highways Authority are satisfied that the development proposals will have little impact on network operations, as the level of trips generated is not anticipated to be dissimilar to that as existing.

No parking is proposed for the use, however given its highly accessible location, there are no highway concerns.

2no. internal cycle parking spaces are shown within the ground floor area of the premise and as such is considered acceptable.

Given the above the proposals are considered to be in accordance with Policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Level access

The case officer had internal discussions with the agent to explore how level access can be provided into the unit at ground floor level. An accessible lift and ramp into the building was discounted after discussions. Due to the structural and spatial restrictions imposed by the building footprint and layout, it would not be feasible to provide accessibility throughout the building.

However, a portable ramp has been proposed to provide level access into the unit. Details on the strategy of the proposed portable ramp will be conditioned as such. The LPA also noted that a disabled toilet will also be provided at ground floor. As such, level access will be provided across the ground floor which the LPA consider acceptable on balance.

As such the LPA consider the proposal to be in accordance with policies DM1 of the Core Strategy for the City of Manchester.

Crime and Disorder

A Crime Impact Statement has been submitted and reviewed. The recommend the details contained within the statement are conditioned to ensure the proposal will achieve Secured by Deign accreditation pre-occupation.

Given the above the proposal is considered to be in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Conclusion

Given the above, the proposed use is considered to be in accordance with policies EN1, EN3, CC4, CC7, SP1 and DM1 of the Core Strategy, saved UDP policies DC18, DC19 and DC26, and policies JP-J 1 JP-P 1 and JP-P 2 of Places for Everyone and guidance contained within the National Planning Policy Framework.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 advice about the information required to be submitted to support the application and to address issues. This has led to an acceptable proposal.

Condition(s) to be attached to decision for approval

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 have been carried out in accordance with the following drawings and documents:

The drawings referenced:

Site location plan, Ref: RP0001 rev A, Received 22/08/2024
Shopfront entrance section, Ref: RP0005 rev A, Received 22/08/2024
Existing and proposed elevations, Ref: RP0004 rev D, Received 30/10/2024
Proposed floor plans and bin locations, Ref: RP0003 REV G, Received 30/10/2024

Supporting documents referenced:

Design and access statement, Received 22/08/2024
Noise impact assessment, Received 21/10/2024
Waste management plan, Received 22/08/2024
Waste management strategy, Received 22/08/2024
Crime impact statement, Received 19/09/2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, CC1, CC4, EN1, T1 and DM1 of the Core Strategy, saved policies DC10, DC18.1, DC19.1 and DC26.7 of the Unitary Development Plan.

3) The development hereby approved shall not operate outside of the following hours:

10:00 to 18.00 Monday to Sunday

Reason - In the interests of residential amenity in these exceptional circumstances 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 Manchester Core Strategy.

4) The scheme for the storage and disposal of refuse as detailed within the completed waste management proforma and waste management strategy, received 22/08/2024 by the City Council as Local Planning Authority, shall be implemented as part of the development and shall remain in situ whilst the use is in operation.

The waste bins should not obstruct the footway on waste collection days.

Reason - In the interests of residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sunday and bank Holiday confined to 10:00 to 18:00.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation and in accordance with policies SP1 and DM1 of the Core Strategy.

6) a) The premise shall be acoustically insulated and treated to limit the breakout of noise in accordance with the recommendations made within the Noise Impact Assessment received by the city council as the local planning authority on the 21/10/2024.

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. 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 safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

7) The development shall be carried out in accordance with the Crime Impact Statement, ref: 2024/0287/CIS/01 as received by the City Council as Local Planning Authority on the 19/09/2024. The measures outlined shall be implemented prior to the first use of the development and thereafter retained and maintained.

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.

8) Prior to commencement of the development, a strategy plan for the use of a portable ramp will be submitted to the Local Planning Authority. The approved details shall be implemented as part of the scheme and thereafter retained and maintained in accordance with the strategy.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions Core Strategy policy DM1 and CC10.

9) The alterations to the shop frontage shall be carried out in accordance with drawing RP0004 REV D received by the City Council, as Local Planning Authority on the 30 October 2024 including painting the shop front RAL 9010. The works shall be undertaken prior to the first use of the premises.

Reason – In the interest of visual amenity pursuant to policy DM1 of the Manchester Core Strategy (2012).

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email - highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

22 King Street, Manchester, M2 6AG
4A South King Street, Manchester, M2 6DQ
Third Floor Right, 6 South King Street, Manchester, M2 6DQ
Third Floor Left, 6 South King Street, Manchester, M2 6DQ
Fourth Floor, 6 South King Street, Manchester, M2 6DQ
Fifth Floor, 6 South King Street, Manchester, M2 6DQ
Basement, 6 South King Street, Manchester, M2 6DQ
Basement Store, 6 South King Street, Manchester, M2 6DQ
Basement And Ground Floor, 4A South King Street, Manchester, M2 6DQ
Second Floor, 6 South King Street, Manchester, M2 6DQ
First Floor, 1 Ridgefield, Manchester, M2 6EG
Second Floor, 1 Ridgefield, Manchester, M2 6EG
Sixth Floor, 6 South King Street, Manchester, M2 6DQ
6 South King Street, Manchester, M2 6DQ
1 Ridgefield, Manchester, M2 6EG
6 - 8 South King Street, Manchester, M2 6DW
Third Floor, 1 Ridgefield, Manchester, M2 6EG
12 - 14 King Street, Manchester, M2 6AG
16 - 18 King Street, Manchester, M2 6AG
2 Ridgefield, Manchester, M2 6EQ
Third Floor, 2 Ridgefield, Manchester, M2 6EQ

Appendix 2 – Planning constraints

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL