

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139886/JO/2024

Date registered valid: 22 July 2024

Proposal: Variation of Planning Permission 118381/FO/2017 to amend Condition 3 (No External Seating) and Condition 6 (Hours).

Address: 188 - 192 Deansgate, Manchester, M3 3ND

Ward(s): Deansgate Ward

Applicant: ARC Inspirations Ltd

Agent (if any): George Creamer Firstplan

Case officer: Danielle Cooper
Tel: 0161 234 1658
Email: danielle.cooper@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 12/09/2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 7 August 2024

Standard consultations:

Printed: 7 August 2024 Expired: 29 August 2024

Neighbour notifications

Printed: 7 August 2024 Expired: 29 August 2024

Site notice

Posted: 7 August 2024 Expired: 29 August 2024

Press advert

Published: 13 August 2024 Expired: 3 September 2024

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: N/A

Description of area

The application relates to 188-192 Deansgate which forms part of Royal London House at basement and ground floor level. Royal London House is a Grade II listed building and is located within the Deansgate Conservation Area. 188-192 Deansgate is currently in use as a bar, Manahatta and features an outdoor external seating area which faces onto Deansgate.

The building is located in a prominent location on Deansgate and is on the outskirts of Spinningfields. Uses in the immediate area include offices, shops, bars, banks and restaurants and a library and the Great Northern shopping and entertainment complex.

Deansgate is an extremely busy pedestrian and vehicular route through the City Centre.

Description of development

Variation of Planning Permission 118381/FO/2017 to amend Condition 3 (No External Seating) and Condition 6 (Hours).

Following discussion with the agent, the extended hours are now proposed as:

10:00 to 02:30 Sunday to Thursday
10:00 to 04:30 Friday to Saturday

Planning history

118382/LO/2017 - LISTED BUILDING CONSENT for elevational alterations, internal alterations and replacement glazing/shopfronts and installation of fume, ventilation and air conditioning equipment – Approved

118381/FO/2017 - Change of use of basement and ground floor of Royal London House from shop (Use Class A1) to mixed use restaurant/bar (Dual Use Class A3/A4 - sui generis) together with elevational alterations and replacement glazing/shopfronts and installation of fume, ventilation and air conditioning equipment – Approved

122408/FU/2019 - Use of external paving for the siting of 7 tables, 23 chairs and 8 barriers associated with and ancillary to the restaurant/bar within the ground floor of 188-192 Deansgate – Approved

CDN/18/0366 - Discharge of conditions 4 (Details of external works), 5 (Secure by Design), 8 (Scheme for fumes, vapours and odours), 9 (Acoustic insulation), 10 (External plant) and 12 (Waste) of planning permission ref: 118381/FO/2017 – Approved

CDN/18/0768 - Discharge of Condition 11 (Post-completion Noise Report) of planning permission 118381/FO/2017 – Approved

Consultations & Notification Responses

Highways – No objection.

Environmental health – after review of the noise assessment and recently approved licenced hours. The proposed hours should align with the recently approved licenced hours.

Greater Manchester Police – No objection.

The application was 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, in respect of food and drink uses, 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.

SO2. Economy - The proposed development would further improve the City's economic performance and help to spread the benefits of growth across the City. It would provide new jobs during construction along with permanent employment and facilities in the associated leisure uses, in a highly accessible location.

SO5. Transport - This site is in a highly accessible location and its development would reduce the need to travel by private car. It would make the most effective use of existing public transport facilities.

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 CC10 A Place for Everyone states that uses such as this which increase the diversity of activity in the City Centre will be supported.

Policy C1 Centre Hierarchy outlines that the City Centre is the regional focus for commerce, culture, leisure and tourism.

Policy C10 Leisure and the Evening Economy states that development and redevelopment such as this, which supports the evening economy, contributes to the vitality of centres and supports a balanced and socially inclusive evening/night-time economy will be permitted.

Policy T2 Accessible Areas of Opportunity and Need seeks to ensure accessible developments. In doing so, the Council will support developments which are accessible by walking, cycling and public transport and connect residents and visitors to jobs, centres, health, leisure, open space and educational opportunities.

Policy EN19 Waste - The development would be consistent with the principles of waste hierarchy. In addition the application is accompanied by a Waste Management Strategy which details the measures that will be undertaken to minimise the production of waste both during construction and operation.

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 DC10.1 outlines that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises, the Council will have regard to its location, its effect on the amenity of neighbouring residents; the ease of access for all, and the storage and collection of refuse and litter.

Policy DC10.1 Food and Drink Use - In determining planning applications for food and drink uses, the Council will have regard to the general location of the proposed development, the effect on the amenity of neighbouring residents, the availability of safe and convenient arrangements for car parking and servicing, ease of access for all, including disabled people, and, the storage and collection of refuse and litter.

Policy DC10.2 states that food and drink uses will be acceptable, in principle, in the City Centre.

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

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

Issues

Principle of the development

The use of the site has been historically established. It is considered that the characteristics of the operation of the bar will not be affected by the variation of the opening hours, including noise and disturbance to neighbouring residents.

Removal of condition 3 (No external seating)

The applicant seeks to remove condition 3 to provide for a small external seating area located in front of the premise. Planning consent 122408/FU/2019, has allowed for the use of the external paving for the siting of 7 tables, 23 chairs and 8 barriers associated with and ancillary to the restaurant/bar within the ground floor of 188-192 Deansgate.

As such there are no in principle objections to the removal of condition 3. It is also noted that GM Police, Highways and Environmental Health also have no objection to the removal of this condition as it will not create any obstruction to the public highway or impact negatively upon nearby residents due to its city centre location, amongst other similar uses.

It is noted that GM Police requested the condition to be reworded instead to state that the external seating area cannot operate outside of 10am – 11pm Monday to Sunday and no amplified music can be played outside of these hours. As the external seating area is already controlled by condition 3 of application ref: 122408/FU/2019 – The condition will be reworded in line with this existing condition:

‘The external seating area hereby approved shall not be operated outside the following hours:-

08:00 - 23.00 Monday to Sunday

Amplified sounds or any music shall not be played within this area at any time.’

The amendments to condition 3 to be acceptable and will be reworded as such.

Variation of condition 6 (Hours)

The proposal relates to a variation of the opening hours controlled by condition under app. ref. 118381/FO/2017.

Premise Licencing for the unit has operation hours for the premise confirmed as until 2:30am Sunday to Thursday, and Friday and Saturday until 04:30am.

Environmental Health have requested that the opening hours are reduced to the following so that they are in line with the approved licencing hours –

10:00 to 02:30 Sunday to Thursday

10:00 to 04:30 Friday to Saturday

The extension to the opening hours is acceptable in line with the licencing hours. The extended hours are considered appropriate and given its location which is within close proximity to other similar uses with similar opening hours, the LPA are satisfied that the hours will not be unduly harmful to residential properties.

Later opening hours carry the risk of greater anti-social behaviour and hence appropriate consideration and mitigation must be given to this issue. The Design for Security team at Greater Manchester Police has no objection to the extended hours given its city centre

location which is also located close to other premises of similar uses with the same opening hours.

Conclusion

In light of the above the proposed removal of condition 3 and variation of condition 6 to planning permission 118381/FO/2017 have been taken into consideration and have been determined acceptable and in accordance with sections 12 of the National Planning Policy Framework (NPPF); Core Strategy Policies SP1, CC1, CC10, EN1 and DM1; and Saved Unitary Development Plan Policies DC10 and DC26.

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 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

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 23 April 2021.

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:

Document Title and Submission Date:

Planning application forms and certificates - 1 December 2017

Written Schedule of Works/ Materials Schedule V2 - 9 February 2018

Landlord Repair Works Photographic Schedule - 1 December 2017

Acoustic Report - 25 April 2024

Plans prepared by KPP Architects and GA Studio:

Location Plan (Dwg ref: L000) 1 December 2017

Ground Floor as Existing Plan (Dwg ref: L001) - 1 December 2017

Basement Floor as Existing Plan (Dwg ref: L002) - 1 December 2017

Ground Floor Landlord Repair Works Plan (Dwg ref: L003) - 1 December 2017

Basement Floor Landlord Repair Works Plan (Dwg ref: L004) - 1 December 2017

Ground Floor Landlord Repair Works Plan (Dwg ref: L003) - 1 December 2017

Ex Section AA Works Plan (Dwg ref: L(10)001) - 1 December 2017

Ex Section BB Works Plan (Dwg ref: L(10)002) - 1 December 2017

Bin Store Sections as Existing Plan (Dwg ref: L(10)003) - 1 December 2017

Section EE Ventilation Extract Plan (Dwg ref: L(10)004) - 1 December 2017

Bin Store Sections as Proposed (Dwg ref: L(10)013) - 1 December 2017

South Elevation as Existing Plan (Dwg ref: L(20)001) - 1 December 2017

West Elevation as Proposed Plan (Dwg ref: L(20)012) - 1 December 2017

Drainage Layout (Dwg ref:11002/1) - 9 February 2018

Drainage Details (Dwg ref:11/002/4) - 9 February 2018

Existing Roof Plan (Dwg ref: 2102) - 1 December 2017

Existing Basement Ceiling Plan (Dwg ref: 2103) - 1 December 2017

Existing Ground Floor Ceiling Plan (Dwg ref: 2104) - 1 December 2017

Existing Elevations Plan (Dwg ref: 2105) - 1 December 2017

Existing Ventilation Lightwell Plan (Dwg ref: 2106) - 1 December 2017

Proposed Structural Works Basement Plan (Dwg ref: 2200 P3) - 9 February 2018

Proposed Ground Floor Structural Plan (Dwg ref: 2201 P3) - 9 February 2018

Proposed External Elevations Plan (Dwg ref: 2210 P2) - 9 February 2018

Structural Work Internal Elevations Plan (Dwg ref: 2220 P3) - 9 February 2018

Proposed Basement Plan (Dwg ref: 2300 P3) - 9 February 2018

Proposed Ground Floor Plan (Dwg ref: 2301 P4) - 16 March 2018

Fit Out Roof Plan (Dwg ref: 2302 Rev C) - 16 March 2018

Basement Ventilation Plan (Dwg ref: 2303 P3) - 9 February 2018

Ground Floor Ventilation Plan (Dwg ref: 2304 P3) - 9 February 2018

Proposed Internal Elevations (Dwg ref: 2305-01 P3) - 9 February 2018

Proposed Internal Elevations (Dwg ref: 2305-02 P3) - 9 February 2018

Ventilation Lightwell Plan (Dwg ref: 2306 Rev A) - 16 March 2018

Sloped Soffit Details Plan (Dwg ref: 2400 P2) - 9 February 2018

External Shopfront Details Plan (Dwg ref: 2401 P2) - 9 February 2018

Basement Lighting Ceiling Plan (Dwg ref: 2500 P3) - 9 February 2018

Ground Floor Lighting Ceiling Plan (Dwg ref: 2501 P3) - 9 February 2018

Proposed Ground Floor Finishes Plan (Dwg ref: 2600 P3) - 9 February 2018

Proposed Basement Floor Finishes Plan (Dwg ref: 2601 P3) - 9 February 2018

Proposed Ground Floor Wall Finishes Plan (Dwg ref: 2602 P3) - 9 February 2018

Proposed Basement Wall Finishes Plan (Dwg ref: 2603 P3) - 9 February 2018

Kitchen Plan (Dwg ref: 2307) - 12 March 2018

Bin Store Layout (Dwg ref: 2350) - 12 March 2018

Planning Statement - 1 December 2017

Heritage Statement - 1 December 2017

Heritage Statement for acoustics - 12 March 2018

Design and Access Statement - 1 December 2017

Operating Statement inc. disposal policy and smoking strategy - 1 December 2017

Cooking Strategy - 12 March 2018

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy RC4 (Environment), and DC19.1 (Listed Buildings) contained within the Unitary Development Plan for the City of Manchester, Policy DM1 (Development Management) of the Manchester Core Strategy and section 12 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework.

3) The external seating area hereby approved shall not be operated outside the following hours:-

08:00 - 23.00 Monday to Sunday

Amplified sounds or any music shall not be played within this area at any time.

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.

4) The external materials as viewed on site and as submitted and approved under application ref: CDN/18/0366, including brick and stonework, doors and frontage details, shall be used in the construction of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5) a) The measures to be incorporated into the development to demonstrate how secure by design accreditation will be carried out in accordance the recommendations found within the Crime Prevention Measures, received 04/06/2018 as approved under application ref: CDN/18/0366.

b) Within 3 months of the date of this permission, the City Council, as local planning authority must receive written confirmation of a Secure by Design accreditation, as required by this condition.

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

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

Sunday-Thursday 10:00-02:30

Friday-Saturday 10:00-04:30

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policy DM1 (Development Management) of the Core Strategy.

7) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 (Development Management) of the Core Strategy.

8) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the following details approved within application ref: CDN/18/0366:

- Existing Ventilation Lightwell Plan, Ref: 2106
- Ventilation Lightwell Plan, Ref: 2306 REV A
- Existing Roof Plan, Ref: 2102

- Fit Out Roof Plan, Ref: 2302 REV C
- Kitchen Plan, Ref: 2307
- Cooking Strategy

As received on the 24/05/2018.

And with the inclusion of 10 linear filters located within the extraction canopy in the kitchen, as specified in e-mail to the City Council, dated 30th July 2018 for the lifetime of the development.

Reason - In the interests of the amenities of occupiers of nearby properties, pursuant to policy DM1 (Development Management) of the Core Strategy.

9) a) The premise shall be acoustically insulated and treated to limit the break out of noise in accordance with the following documents as approved under application ref: CDN/18/0366:

- Noise Impact Assessment;
- ESP System Specification;
- Jupiter DS V1 Specification.

As received on the 24/05/2018.

b) Within 3 months of the date of this permission, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In interests of the amenities of the occupiers of the building and occupiers of nearby properties, in order to reduce noise and general disturbance, in accordance with policy DM1 of Manchester's Core Strategy, and policies DC26 and DC10 of the saved Unitary Development Plan for the City of Manchester.

10) The externally mounted ancillary plant, equipment and servicing as shown on the approved drawings will operate in accordance with the following documents as approved under application ref: CDN/18/0366:

- Noise Impact Assessment;
- LDK 70 Silencer specification;
- UVO Range Specification

As received on the 24/05/2018

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 (Development Management) of the Core Strategy.

11) The post completion noise report as set out within the Noise Level Commissioning Report, received 15/10/2018 and approved under application ref: CDN/18/0768 shall be adhered to for the lifetime of the development.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policy DM1 (Development Management) of the Core Strategy.

12) The approved details for the storage and disposal of refuse will be carried out in accordance with the following documents as approved under application ref: CDN/18/0366:

- Waste Pro Forma;
- Bin Store Plan;
- Waste Management Strategy

As received on the 24/05/2018.

Reason - In the interests of amenity and public health, pursuant to policy DM1 (Development Management) of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Basement, Royal London House, 196 Deansgate, Manchester, M3 3WF
Third Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
First Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Fourth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
Second Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
London House, 193 Deansgate, Manchester, M3 3NE
Third Floor Right, London House, 193 Deansgate, Manchester, M3 3NE
Old Grapes Inn, Quay Street, Manchester, M3 3JU
Royal London House, 196 Deansgate, Manchester, M3 3WF
Fifth Floor, Royal London House, 196 Deansgate, Manchester, M3 3WF
194 Deansgate, Manchester, M3 3ND
200 - 204 Deansgate, Manchester, M3 3NN
198 Deansgate, Manchester, M3 3NE
207 Dental Care, First Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Store Rear Of 192, Deansgate, Manchester, M3 3ND
Third Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Second Floor, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Onward Buildings, 207 Deansgate, Manchester, M3 3NW
207 Dental Care, First Floor 207 Dental Care, Onward Buildings, 207 Deansgate, Manchester, M3 3NW
Moxy Hotel, 8 Atkinson Street, Manchester, M3 3HH
Dirty Martini, 1 Peter Street, Manchester, M2 5QR
209 Deansgate, Manchester, M3 3NW
205 Deansgate, Manchester, M3 3NW

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: CENTRAL