

Planning

Growth & Development

Delegated officer report for planning application

Application no.	140687/FO/2024		
Date registered valid:	28 August 2024		
Proposal:	Creation of first floor restaurant, with associated minor external alterations.		
Address:	No. 1 St Michaels , Jacksons Row, Manchester		
Ward(s):	Deansgate		Ward
Applicant:	Jacksons Row Developments Limited		
Agent (if any):	Ms Nikki Sills Zerum Planning Ltd		
Case officer:	Jennifer		Atkinson
	Tel: 0161 234		4517
	Email: jennifer.atkinson@manchester.gov.uk		
Recommendation:	Approve		
Date of recommendation:	22.10.2024		

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 4 September 2024

Expired: 25 September 2024

Neighbour notifications

Printed: 4 September 2024

Expired: 25 September 2024

Site notice

Posted: Expired:

Press advert

Published: 10 September 2024

Expired: 1 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site is the St Michaels development.

Listed building: Not applicable

Conservation area: Deansgate Conservation Area 1985

Tree Preservation Order:

Description of area

Description of development

Creation of first floor restaurant, with associated minor external alterations

Consultations & Notification Responses

Publicity – The application has been advertised by way of site notice and press notice on the basis that it affects the setting of listed buildings and the conservation. Letters have also been sent to extensive number of properties. No comments have been received as part of that process.

Highway Services advise that the site is adequately accessible by sustainable modes and is in close proximity to public transport facilities. There are no network capacity concerns. Sustainable travel to and from the site should be fully endorsed for both staff and visitors to the site. There is no parking associated with the application. Pedestrian access arrangements are

acceptable from a highway perspective. It is acceptable for refuse to be serviced in-line with surrounding operations.

Environmental Health advise that conditions are required in respect of fumes, waste, plant and noise outbreak.

Policy

Manchester Core Strategy (2012) relevant policies include SP1, EN1, EN3, EN19 and DM1

Unitary Development Plan for the City of Manchester (1995) relevant saved policies include DC18, DC19 and DC26

Issues

Principle of the development

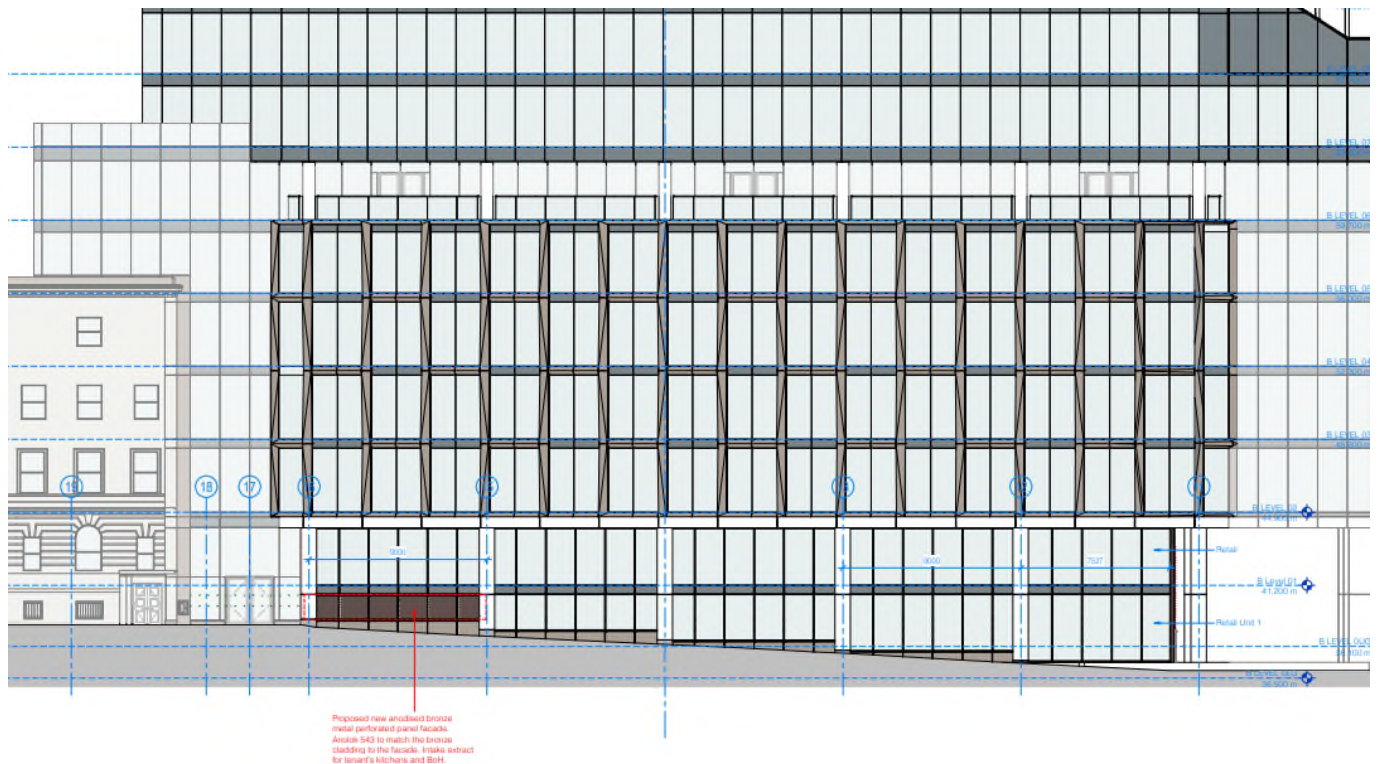
The ground floor known as Unit 3, requires additional floorspace for the tenant who will occupy the space. The proposal therefore seeks to use the previously approved office for a restaurant and undertake elevational alterations in the form of the installation of louvres at ground floor level, repositioning of the entrance floor. The louvres would be covered with an anodised perforated panel.

The change of use is considered to be acceptable as are the elevational alterations. The loss of the floorspace represents a minor loss in the overall context of the St Michaels development. Having an active ground floor tenant is supported.

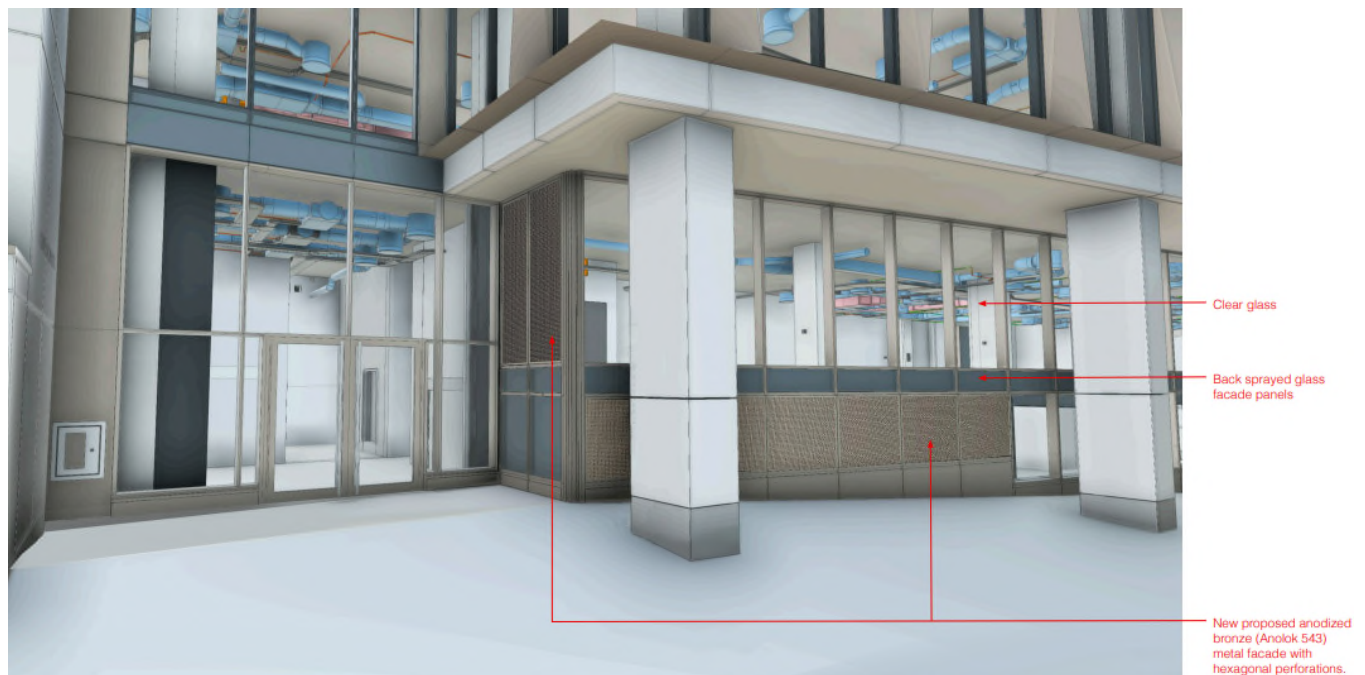
Matters which require consideration are whether the fume, odours, noise and waste are acceptable together with the impact on visual amenity and the surrounding heritage context. Each matter will be considered below.

Visual amenity

The proposed development would require louvres to be installed into the development.



In order for these to be acceptable, a decorative screen is proposed with an anodised panel to ensure that the impact of these are minimised and to complement the architectural language of the building.



It is considered that the change offers the optimum balance between the operational needs of the building and the associated visual impacts on the building's appearance. Final materials would be dealt with by planning condition.

The proposal is located in the conservation area and adjacent to listed building. The proposed changes would not materially impact on the significance of the heritage assets over and above those already considered as part the original permission.

Fumes

The fume extract from the premises would be via the roof. A final odour assessment is required to ensure this is adequate. This should be secured by a condition.

Noise

In order to prevent unacceptable noise out break, an acoustic report is required to demonstrate that there would be no out break. This should be secured as part of the condition of the approval.

Details of plant are also required to be agreed.

Waste

The proposed restaurant proposes to provide a maximum of 108nr covers. The total volume of waste as per the following.

108 Covers for whole restaurant ÷ 20 Covers = 5.4 5.4 x 1,500L = 8,100Litres

Total Uplift in Volume of Waste = 8,100 Litres 8.100 Litres ÷ the Volume of a Euro Bin (i.e. 1,100 Litres) = 7.36nr Euro Waste Bins.

Total uplift in Euro Bins (1,100 Litres) = 7.36 Waste Euro Bins.

The waste would be stored within the basement area of the building.

The applicant is committed to recycling and Environmental Health need to review the final waste streams for the development. This would be secured as part of the condition of the approval.

Highway impacts

The No.1 St Michael's Office Building has been designed based on the building being serviced for deliveries and waste collection from Bootle Street via an internal servicing loading bay next to the Building Management Office.

There are currently restrictions on the servicing through the original permission for this development. These arrangements remain acceptable.

The site is located in a highly sustainable location and there are no concerns regarding the impact of the use in this regard.

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

Officers have worked with the applicant/agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application

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 be carried out in accordance with the following drawings and documents:

63068-HOD-ZZ-00-DR-A-2002, 63068-HOD-ZZ-01-DR-A-2003, 63068-HOD-ZZ-XX-DR-A-HOD-S73-202-ELEVATIONS – NORTH, (P03)_CHANGE of use_01 63068-HOD-ZZ-ZZ-DR-A-2024_GA Elevation - Abercromby Sq_A – Approved received by the City Council, as Local Planning Authority, on the 2 August 2024

Louvre design strategy, servicing strategy, acoustic report and waste management strategy received by the City Council, as Local Planning Authority, on the 2 August 2024

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) Prior to the installation of the louvre screen as indicated within the louvre design strategy received by the City Council, as Local Planning Authority, on the 2 August 2024, final details of the louvre screen (material, colour and design) shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development.

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

4) a) Prior to the first use of the development hereby approved, details of the method/scheme to extract fumes, vapours and odours from the premises shall be submitted for approval in writing by the City Council as Local Planning Authority.

Mixed use schemes shall 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.

b) Prior to the first use of the development, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policy DM1 of the Manchester Core Strategy (2012).

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sundays/Bank Holidays 10:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policy DM1 of the Manchester Core Strategy (2012).

6) a) Prior to the first use of the development hereby approved, a scheme to acoustically insulated and to limit the break out of noise from the premises shall be submitted for approval in writing by the City Council as Local Planning Authority. The scheme shall be implemented in full before the first use.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade 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 (Leq,5min), respectively.

b) Prior to the first use 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.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties pursuant to policy DM1 of the Manchester Core Strategy (2012).

7) Prior to the first use of the development hereby approved, details of any externally mounted ancillary plant, equipment and servicing shall be submitted for approval in writing by the City Council, as Local Planning Authority. The equipment shall be 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 implemented in full before the first use.

b) Prior to the first use of the development, a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in

the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise 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 - 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 of the Manchester Core Strategy (2012).

8) a) Prior to the first use of the development, a scheme for the storage and disposal of refuse shall be submitted for approval in writing by the City Council as Local Planning Authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme shall be implemented as part of the development and be in place prior to the first use of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policy DM1 of the Manchester Core Strategy (2012).

Informatives

The applicant should be advised that any requirements for licensing, hoarding /scaffolding, skips and any associated temporary pedestrian/traffic management arrangements, including Section 50, will need discussion and agreement with the council's Highway Network Management teams via Email -highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Third Floor, 22 Lloyd Street, Manchester, M2 5WA
Second Floor, 22 Lloyd Street, Manchester, M2 5WA
Ground Floor, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
10 Southmill Street, Manchester, M2 3NW
24 Lloyd Street, Manchester, M2 5WA
18 - 22 Lloyd Street, Manchester, M2 5WA
Manchester Reform Synagogue, Jacksons Row, Manchester, M2 5NH
Second Floor, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5BE
First Floor, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
First Floor New Dimensions, 22 Lloyd Street, Manchester, M2 5WA
First Floor, 18 Lloyd Street, Manchester, M2 5WA
Second Floor, 18 Lloyd Street, Manchester, M2 5WA
Third Floor, 18 Lloyd Street, Manchester, M2 5WA
First Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Ground Floor, 16 Lloyd Street, Manchester, M2 5ND
Ground Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Sub Basement, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
The Venue, 29 Jacksons Row, Manchester, M2 5WD
Flat At, Sir Ralph Abercrombie, 35 Bootle Street, Manchester, M2 5GU
Fourth Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Second Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Lower Ground Floor, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
Sir Ralph Abercrombie, 35 Bootle Street, Manchester, M2 5GU
The Albert Square Chop House, 14 Albert Square, Manchester, M2 5PF
18 Lloyd Street, Manchester, M2 5WA
Sub Basement, 18 - 22 Lloyd Street, Manchester, M2 5WA
ADAM GEOFFREY & CO, Ground Floor, 18 - 22 Lloyd Street, Manchester, M2 5WA
Sub Basement Unit 20, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
Third Floor, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
1 Southmill Street, Manchester, M2 5PH
Fifth Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Third Floor, Croxley House, 14 Lloyd Street, Manchester, M2 5ND
Basement, Lloyds House, 18 - 22 Lloyd Street, Manchester, M2 5WA
14 Lloyd Street, Manchester, M2 5ND
22 Lloyd Street, Manchester, M2 5WA

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Deansgate Conservation Area 1985
Area Team Boundary - Name: CENTRAL