

## Planning

## Growth & Development

### Delegated officer report for planning application

**Application no.** 140164/FO/2024

**Date registered valid:** 29 July 2024

**Proposal:** Change of use of the part ground floor from Class E (a & b) to flexible use comprising bar use (Sui Generis) or Class E (a & b).

**Address:** 17 Quay Street, Manchester, M3 3HN

**Ward(s):** Deansgate Ward

**Applicant:** Lina Stores QS Limited

**Agent (if any):** Mrs Danielle Zaire Monmouth Planning Ltd

**Case officer:** Michael Pearson  
Tel: 0161 219 2735  
Email: michael.pearson@manchester.gov.uk

**Recommendation:** Approve

**Date of recommendation:** 19/09/2024

## Application details

**Type of application:** Full Application Consent

**Development type:** Change of use

**Date of site visit:**

### Standard consultations:

Printed: 31 July 2024      Expired: 21 August 2024

### Neighbour notifications

Printed: 31 July 2024      Expired: 21 August 2024

### Site notice

Posted: 2 August 2024      Expired: 23 August 2024

### Press advert

Published: 6 August 2024      Expired: 27 August 2024

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## Description of site/building

The application relates to the six storey office building present at no17 Quay Street. The property is a turn of the century office building having been built on the site of the former Manchester Skin Hospital. The site has recently been remodelled under works approved under application 135294/FO/2022. The property is completed in brick coloured black, with crittal style windows and a two storey glazed extension. The ground floor of the application site consists of a single Class E commercial retail unit, with its upper floors lying in office uses. The property features accesses on its elevations off of Quay Street, Byrom Street and Artillery Street.

**Listed building:** Not applicable

**Conservation area:** Deansgate Conservation Area 1985

**Tree Preservation Order:** Not applicable

## Description of area

The application site lies within the heart of the City Centre and Deansgate Conservation Area. The site lies within walking distance of the St Peters Square Tram Stop, as well as other public transport links along Deansgate. Built development is varied within the local street scene, to the south within the St John Street Conservation Area development consists of low rise Victorian and Edwardian terrace housing, much of which is Grade II listed. To the north, east and west lie a high number of properties in commercial use of varying designs, with older buildings of historical interest such as that of the Grade II listed Opera House, as well as more contemporary properties in the form of no1 Spinningfields and The Pavilion along Byrom Street being present within the street scene.

## **Description of development**

The application seeks consent for the change of use of part of the ground floor of the application site to a flexible planning use comprising that of a bar (Sui Generis) or Class E (a & b) use.

The proposed plans depict a bar use which would be segregated from the neighbouring ground floor Class E unit. Access to the property would be from Byrom Street. Internally the property would feature a bar and seating area, would utilise the ground floor toilet block that serves the neighbouring ground floor unit. The unit would utilise a basement bin store for the storage of waste.

The proposed hours of opening for the bar use are as follows:

- Monday to Saturday: 07:00 – 02:30
- Sundays: 07:00 – 00:00

No external alterations are proposed as part of the development.

## **Planning History**

A high number of applications are on record for the site, the most relevant of which are shown below:

135294/FO/2022 – Refurbishment of the existing building including introduction of new fenestration, refurbishment of existing curtain wall, infill of double height recessed bays, new entrances, creation of new amenity space at roof level and introduction of Class E (a,b) use to the ground floor – Approved January 2023.

056653/MO/CITY1/99 – RESERVED MATTERS APPLICATION FOR LANDSCAPING in association with the erection of office building approved in outline under planning ref.049533 after demolition of existing building – Approved June 1999.

049533/OO/CITY1/96 – Erection of an office building with ground floor front in D1 use, after demolition of existing – Approved October 1996.

## **Consultations & Notification Responses**

Environmental Health – No objection subject to conditions relating to fumes. Demolition/construction hours, hours of operation, deliveries, acoustics, plant acoustics and refuse.

Greater Manchester Police – No objection, any alterations to the building should be in accordance with secured by design standards.

Highways – No objection subject to an informative relating to highway hoarding.

Publicity – None received.

## **Policy**

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11<sup>th</sup> of July 2012:

- Policy SP1 – Spatial Principles
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC2 – Retail
- Policy CC4 – Visitors – Tourism, Culture and Leisure
- Policy CC9 – Design and Heritage
- Policy C10 – Leisure and the Evening Economy
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC10 – Food and Drink uses
- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21<sup>st</sup> of March 2024:

- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 16 – Conserving the Historic Environment

### **Other Legislative Requirements**

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy for Waste

## **Issues**

### Principle of the Development

The application would see the sub-division of the ground floor of the application site to allow for the creation of a new commercial unit that could alternate between a bar and Class E commercial retail or food use. The sub-division of the application site would allow for the site to be more attractive and adaptable to smaller occupiers and the creation of a new commercial unit within the City Centre is considered would assist in the ongoing regeneration of the City Centre. The proposal therefore accords with Core Strategy Policies SP1, EC3, CC1, CC2, CC4, C10 and DM1 and Places for Everyone Plan Policy JP-P2, subject to the matters discussed below.

### Residential Amenity

The application site lies within the City Centre off of Quay Street, a principle commercial road. Notwithstanding this however, the site fronts out onto Byrom Street, a largely residential road. The opening hours proposed for the development are Monday to Saturday: 07:00 – 02:30 and Sundays: 07:00 – 00:00, Environmental Health do not object to these hours but request that opening hours on Bank Holidays be conditioned in line with those proposed on Sundays. Subject to a condition securing this, it is considered the hours applied for are acceptable. Similarly, subject to a condition that would limit the servicing of the unit to sociable hours, the development is acceptable in this regard.

The submission has been accompanied by an acoustic study, Environmental Health have concluded that study is insufficient and does not provide detail on noise transfer to the offices above and predicted noise levels when the premises' doors are open, additionally, the assessment has utilised noise criteria not previously agreed with Environmental Health. Notwithstanding this, the development still can be found acceptable subject to a condition that would require the submission of a new assessment.

In the event that the premises reverts to a Class E(b) restaurant or café use, Environmental Health have requested that conditions that would require the submission of a fumes assessment and an acoustic study, for any proposed plant and means of extraction, be attached in the event of an approval. As no such information has accompanied the application, due to a bar occupier being proposed initially, it is considered that these conditions be attached in the interest of safeguarding neighbouring amenity.

Environmental Health have requested a condition that would limit construction hours to specific hours. Due to the minor nature of the proposed works and how such issues would fall under the remit of Environmental Health it is considered unreasonable to attach such a condition in the event of an approval and as such it will not be attached to a decision notice in the event of an approval.

Subject to the aforementioned conditions, the proposal is acceptable in this regard in accordance with Core Strategy Policy DM1, Saved Unitary Development Plan Policies DC10 and DC26 and the National Planning Policy Framework.

#### Visual Amenity & Heritage

There are no external alterations proposed as part of the development. Notwithstanding this, it is recognised that in the event the premises reverts to a Class E(b) restaurant or café use, there will be need for some form of extraction/ventilation, which is likely to result in an external alteration to the premises. In order to ensure that the property's façade is maintained and that any plant, louvre or other form of extraction proposed to facilitate a Class E (b) use is sensitively designed, a condition should be attached requiring that the plant not impact upon the property's façade and that they are sensitively located. Subject to such a condition, the development is acceptable in this regard and therefore accords with Core Strategy Policies CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC10, DC18 and DC19, and the National Planning Policy Framework.

#### Highway Safety

The application site is located in a highly sustainable location within the City Centre. No on or off-street parking is proposed as part of the development and there would be not loss of parking facilities. Byrom Street and Artillery Street would provide room for deliveries and collections. Highways do not object to the proposal subject to an informative relating to highway hoarding. Subject to such an information, the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

#### Waste Management

The proposed plans note that the unit would store its bins within the property's basement, these would then be presented for collection along Byrom Street. The applicant has confirmed that bins would be collected daily. Environmental Health do not object to this arrangement, subject to the development operating in accordance with the submitted waste strategy. Subject to a condition

that would require this, the development is acceptable in this regard and accords with Core Strategy Policy DM1 and the National Planning Policy for Waste.

## Conclusion

In light of the above, subject to appropriate planning condition, the development is acceptable and accords with Core Strategy Policies SP1, EC3, CC1, CC4, CC9, C10, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC10, DC18, DC19 and DC26, Places for Everyone Plan Policies JP-Strat2 and JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy for Waste and the National Planning Policy Framework. The application is therefore recommended for approval.

## **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 in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

**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:

- o Location Plan - Planning Portal Reference PP-13086405v2 (Received 12/06/2024)
- o Drawing No.1000 Revision B: Proposed Plan
- o Drawing No.1100: Proposed Basement Plan
- o Waste Management Proforma (Received 29/06/2024)
- o Crime Impact Statement prepared by Greater Manchester Police design for security (Dated 28/09/2022; Received 31/05/2024)
- o Planning, Design and Access Statement (Prepared by Monmouth Planning Limited; Dated May 2024; Received 31/05/2024)

Stamped as received by the City Council as Local Planning Authority on 16/07/2024, unless specified otherwise.

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 development hereby approved shall not operate outside of the following hours:-

- o 07.00 to 02.30 Monday to Saturday; and
- o 07.00 to 00.00 Sunday and Bank Holidays

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

- o 07:30 to 20:00, Monday to Saturday
- o 10:00 to 18:00, Sunday and Bank Holiday

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

5) The ground floor commercial unit hereby approved shall be used for Sui Generis bar use or Class E (a) or (b) use, excluding convenience retail, and for no other purpose (including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - The use of the premises other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality in accordance with Core Strategy Policies SP1, EC2 and DM1, and the National Planning Policy Framework.

6) The development shall proceed in accordance with the Crime Impact Statement prepared by Greater Manchester Police design for security (Dated 28/09/2022), stamped as received by the City Council as Local Planning Authority on 31/05/2024. All alterations to the property shall be completed to secured by design standards.

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.

7) The development hereby approved shall manage, store and present waste and recycling for collection in accordance with the following documents:

- o Drawing No.1000 Revision B: Proposed Plan
- o Drawing No.1100: Proposed Basement Plan
- o Waste Management Proforma

The approved measures shall be implemented prior to the first use of the development and thereafter be adhered to for its lifetime.

Reason - To ensure adequate refuse arrangement are put in place for the residential element of the scheme pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

8) a) 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.

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.

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.

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

9) a) Prior to the use of the application site as a Class E(b) restaurant/café use, or in any provision equivalent to that class, a scheme detailing the means of extraction and discharge of fumes, vapours and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure any proposed means of extraction shall not impact upon the property's external façade, are sensitively located and terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties. The development shall then proceed in accordance with the approved details which shall then be retained for the lifetime of the development.

b) Prior to commencement of any Class E(b) restaurant/café use hereby approved, a verification report confirming the installation of the measures approved under part a of this condition will be submitted to and approved in writing by the Local Planning Authority

Reason - In order to safeguard the amenities of occupiers of neighbouring properties in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

10) a) Upon the discharging of condition 9 of this permission but prior to the use of the application site as a Class E(b) restaurant/café use (or in any provision equivalent to that class), 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. Prior to commencement of the use hereby approved 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme 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 safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Core Strategy Policy DM1.

## **Informatives**

1) In addition to this, 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 Applications and Network Resilience 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

Twelfth Floor, 1 Hardman Square, Manchester, M3 3EB  
Ninth Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 302, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Flat G02, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Office 2 Second Floor, 19B Quay Street, Manchester, M3 3HN  
Ground Floor, 19B Quay Street, Manchester, M3 3HN  
24 St John Street, Manchester, M3 4DF  
22 St John Street, Manchester, M3 4EB  
1 Hardman Square, Manchester, M3 3EB  
Fourteenth Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 101, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Flat G01, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
First Floor, 15 Quay Street, Manchester, M3 3HN  
19 Quay Street, Manchester, M3 3HN  
15 Quay Street, Manchester, M3 3HN  
8 Byrom Street, Manchester, M3 3BF  
Eighth Floor, 1 Hardman Square, Manchester, M3 3EB  
Eleventh Floor, 1 Hardman Square, Manchester, M3 3EB  
Fifth Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 203, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Flat 201, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Thirteenth Floor, 1 Hardman Square, Manchester, M3 3EB  
Fourth Floor, 15 Quay Street, Manchester, M3 3HN  
MANSON INSURANCE LTD, Ground Floor, 15 Quay Street, Manchester, M3 3HN  
Third Floor, 19B Quay Street, Manchester, M3 3HN  
19B Quay Street, Manchester, M3 3HN  
12 Byrom Street, Manchester, M3 4PP  
Offices, 18 - 20 St John Street, Manchester, M3 4EA  
Fourth Floor, 1 Hardman Square, Manchester, M3 3EB  
Ground Floor, 1 Hardman Square, Manchester, M3 3EB  
60 Quay Street, Manchester, M3 3JE  
Fifth Floor, 15 Quay Street, Manchester, M3 3HN  
Opera House, Quay Street, Manchester, M3 3HP  
10 Byrom Street, Manchester, M3 3BF  
Third Floor, 1 Hardman Square, Manchester, M3 3EB  
Seventh Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 303, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Flat G03, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Second Floor, 15 Quay Street, Manchester, M3 3HN  
Fifteenth And Sixteenth Floor, 1 Hardman Square, Manchester, M3 3EB  
18 - 20 St John Street, Manchester, M3 4EA  
The Old Schoolhouse, 14 Byrom Street, Manchester, M3 4PP  
28 St John Street, Manchester, M3 4DJ  
First Floor, 1 Hardman Square, Manchester, M3 3EB  
Byrom House, 21 Quay Street, Manchester, M3 3JD  
Flat 301, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Flat 102, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Eighteenth Floor, 1 Hardman Square, Manchester, M3 3EB

Third Floor, 15 Quay Street, Manchester, M3 3HN  
Office 3 Second Floor, 19B Quay Street, Manchester, M3 3HN  
Seventeenth Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 202, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
Nineteenth Floor, 1 Hardman Square, Manchester, M3 3EB  
FLIPBOOK LTD, First Floor, 19B Quay Street, Manchester, M3 3HN  
Tenth Floor, 1 Hardman Square, Manchester, M3 3EB  
Second Floor, 1 Hardman Square, Manchester, M3 3EB  
Store, 1 Hardman Square, Manchester, M3 3EB  
Sixth Floor, 1 Hardman Square, Manchester, M3 3EB  
Flat 103, Artillery House, 15 Byrom Street, Manchester, M3 4PF  
24A - 26 St John Street, Manchester, M3 4DJ  
Office 1 Second Floor, 19B Quay Street, Manchester, M3 3HN  
Lime Blue (O) Part Second Floor, 19B Quay Street, Manchester, M3 3HN

## **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 - Deansgate Conservation Area 1985  
Area Team Boundary - Name: CENTRAL