

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140321/FO/2024

Date registered valid: 4 July 2024

Proposal: Change of use from a live escape rooms gaming experience (Class E) to an entertainment facility, serving food and drinks (mixed Class E / Sui Generis), plus associated rooftop flue.

Address: Unit 21 Upper, The Printworks, Withy Grove, Manchester, M4 2BS

Ward(s): Piccadilly Ward

Applicant: LCP Retail Ltd

Agent (if any): Miss Emily Thorne, Pegasus Group

Case officer: Jack Naven
Tel: 0161 219 2095
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Recommendation: Approve

Date of recommendation: 21 August 2024

Application Details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 10 July 2024

Standard consultations:

Printed: 10 July 2024 Expired: 31 July 2024

Neighbour notifications

Printed: 10 July 2024 Expired: 31 July 2024

Site notice

Posted: 10 July 2024 Expired: 31 July 2024

Press advert

Published: 16 July 2024 Expired: 30 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Shudehill Conservation Area 1987

Tree Preservation Order: Not applicable

The application site comprises the ground floor lobby area and first floorspace (650 sqm) of Unit 21, located in the north-eastern part of The Printworks.

The Printworks is a modern commercial centre located within Manchester city centre which incorporates a number of entertainment, leisure and hospitality based occupants and operators, such as mini-golf, a cinema and tenpin bowling. The property is a former printing works and is used as an entertainment complex with internal streets, night clubs, bars, restaurants and a cinema.

The Printworks is bounded by Withy Grove, Garden Street, Well Street, Dantzic Street, Balloon Street and Corporation Street, and is located within the Shudehill Conservation Area.

The character of the surrounding area is commercial due to the proximity to the city's primary shopping area where the majority of retail operators are located.

Surrounding uses include the Arndale Shopping Centre, the Football Museum, Chetham's School of Music, Victoria Train Station, Shudehill transport interchange, a hotel, residential accommodation, offices, bars, restaurants and shops.

The application site (Unit 21) was formerly occupied and operated as a live escape room gaming experience (Use Class E).

As well as the ground floor stair and lift access off the Pump Yard throughfare, the unit benefits from access to the dedicated service and delivery area within the basement of The Printworks.

The application site does not comprise a statutory nor locally Listed Building, nor is it within the setting of a Listed Building.

The site is located within the Shudehill Conservation Area, which was designated in 1987 and features a wide range of commercial premises.

The application site is approximately 200m from Manchester Victoria Train Station. The site is accessible by various nearby bus stops on Corporation Street and at the Manchester Shudehill Interchange, as well as the nearby Shudehill metrolink tram stop.

The Printworks APCOA car park is located approximately 180m north-east of the application site which hosts 777 spaces and is open 24 hours a day.

Description of Development

The proposal seeks a change of use from a live escape rooms gaming experience (Class E) to an entertainment facility, serving food and drinks (mixed Class E / Sui Generis), plus associated rooftop flue.

Since neither the entertainment (Class E) or bar with expanded food provision (Sui Generis) dominate the function and character of the proposed use, there is no 'primary purpose' and therefore, the proposal is for a mixed (Sui Generis) use.

The experience will consist of a social, interactive entertainment and leisure function, comprising of quiz booths ('Chase Bases') in the format of 'The Chase' television programme.

The unit will also incorporate a kitchen on the new mezzanine and bar in order to serve hot food and drinks, including alcoholic drinks. The internal alterations associated with this do not require Planning Permission and the details have been included to solely provide context to the change of use application.

The only external alterations include the installation of rooftop flue that will serve the kitchen.

Whilst the demised area for the flue is shown in the accompanying drawings, the final details of the rooftop flue have not been finalised as a part of the submission and it has been requested by the applicant that these details be included as a condition to any approval of this application.

Related Applications

The wider Printworks site has an extensive planning history relating primarily to external alterations, the display of advertisements and various change of uses within the existing units.

The following permission is the only permission of note, as it is the most recent permission that directly concerns the application site - Unit 23.

117909/FO/2017 - Change of use from a nightclub (sui generis) to a live 'Escape Rooms' gaming experience (D2).

Approved December 2017.

Consultations & Notification Responses

Highway Services - Are accepting of the proposals.

Environmental Health - Requested that conditions be attached to confirm details of fume extraction, to control opening hours, for a noise survey, and for noise of external plant equipment.

Greater Manchester Police - Have provided no response to the consultation request.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The following policy and guidance are considered relevant to the consideration of this application:

The Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

C1 (Centre Hierarchy) states Manchester City Centre is the regional focus for commerce, culture, leisure and tourism development, with retail development being directed towards the Primary Shopping Area.

C10 (Leisure and the Evening Economy) states that redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/ night-time economy will be permitted, subject to the following considerations:

- Cumulative impact – where a concentration of bars, takeaways or other night-time uses are proving detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
- Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
- Balance – new uses in Manchester centres should support both the daytime and evening/night-time economies whilst not undermining the role of the primary shopping area.

CC4 (Visitors – Tourism, Culture and Leisure) states the City Centre will be the main focus for culture and leisure in the City Region and development which improves facilities for visitors, including Manchester residents, will be promoted.

CC5 (Transport) requires all development to include adequate parking provision for cars and bicycles.

CC9 (Design and Heritage) advises that design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other

LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed-use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

CC10 (A Place for Everyone) sets out that the Council will support uses which will appeal to a wide range of people, including those that support daytime activities to attract a wider range of visitors.

SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space, and provide good access to sustainable transport provision.

EN1 (Design Principles and Strategic Character Areas) advises that development provide opportunities for good design to enhance the overall image of the City should be fully realised and both reinforce and enhances the local character. It also 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.

EN19 (Waste) states that the Council will require developers to demonstrate how the sustainable waste management needs of the end user will be met.

DM1 (Development Management) states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
- 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. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The Unitary Development Plan (UDP) for the City of Manchester

The Unitary Development Plan was adopted in July 1995. Coinciding with the adoption of the Core Strategy in 2012 significant proportions of the UDP have been replaced; however, a number of policies were saved on 11 July 2012 and remain extant.

DC10.1 (Food and Drink Uses) requires development for food and drink uses to have regard to the following:

- the general location of the proposed development, including any reference to the area in other policies in the Development Plan;
- 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.

DC26.1 (Development and Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures, and environmental sustainability.

In Chapter 2 'Design', paragraph 2.7 outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment and encourages "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing, and orientation of its buildings should achieve a unified form which blends in with and links to adjacent areas.

Places for Everyone

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

The following policies are considered relevant to this application:

JP-Strat2 (City Centre) states that the role of the City Centre as the most significant economic location in the country outside London will be strengthened considerably. The City Centre will continue to provide the primary focus for business, retail, leisure, culture and tourism activity in Greater Manchester, but the increasingly important residential role of the City Centre will be expanded. It will be a priority for investment in development and infrastructure. This will include addressing current network capacity issues in the City Centre which will enable the future expansion of the rapid transit public transport network across Greater Manchester. Improvements in the public realm, walking and cycling facilities, and green infrastructure will help to enhance the local character and environmental quality of the City Centre so that it can rival city centres across the globe, enabling it to compete effectively at the international level for investment, businesses, skilled workers, residents and tourists. A broad range of commercial

accommodation will be delivered, helping the City Centre to capture growth across key economic sectors. The new functions within the City Centre will be delivered in a way that complement, rather than displace the area's non-residential functions and will seek to protect and enhance the city centre's historic environment and assets.

JP-Strat12 (Main Town Centres) states that the role of the main town centres as local economic drivers will continue to be developed, providing the primary focus for office, retail, leisure and cultural activity for their surrounding areas. Development here will offer a significant opportunity to reduce levels of poverty and deliver inclusive growth.

JP-J2 (Employment Sites and Premises) states an aim to make a diverse range of both new and second-hand employment sites and accessible premises available across the Plan area in terms of location, scale, type and cost to offer opportunities for all kinds and sizes of businesses, including start-ups, firms seeking to expand, and large-scale inward investment, which will help to tackle inequalities. Existing employment areas that are important to maintaining a strong and diverse supply of sites and premises in our boroughs will be protected from redevelopment to other uses, nurtured to ensure they remain competitive, and their accessibility improved where necessary.

JP-P1 (Sustainable Places) states an aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy, and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

JP-P4 (New Retail and Leisure Uses in Town Centres) states that the existing hierarchy of centres for retail and leisure uses will be maintained and enhanced. At the top of the hierarchy of centres is the City Centre (within Manchester and Salford). Appropriate large-scale retail and leisure development will be accommodated within the centres in the upper levels of the hierarchy. The need for the expansion of any existing centres, or the provision of new centres, will be identified in district local plans.

JP-C8 (Transport Requirements for New Development) states that development must be located and designed to enable and encourage walking, cycling and public transport use, to reduce the negative effects of car dependency, and help deliver high quality, attractive, liveable and sustainable environments

JP-S1 (Sustainable Development) states that in order to help tackle climate change, development should aim to maximise its economic, social and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously-developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

The National Planning Policy Framework (NPPF) (2023)

Decisions should accord with the requirements of the National Planning Policy Framework (NPPF) (2023), which sets out the Government's Planning Policies for England and how these are expected to be applied.

Section 8 (Promoting healthy and safe communities) outlines how planning policies and decisions should aim to achieve healthy, inclusive, and safe places and beautiful buildings.

Section 12 (Achieving Well-Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It specifically states that:

"Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Developments should help to raise the standard of design more generally in an area and fit in with the overall form and layout of their surroundings" (**paragraph 139**).

At the heart of the Framework is a presumption in favour of sustainable development in terms, *"For plan-making"* and *"For decision-taking"*, (**paragraph 11**).

This is further explored in **paragraph 8**, which confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

The National Design Guide (January 2021)

Illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

There are 10 characteristics of well-designed places within the National Design Guide which are listed below:

- Context - enhances the surroundings
- Identity - attractive and distinctive
- Built form - a coherent pattern of development
- Movement - accessible and easy to move around
- Nature - enhanced and optimised
- Public Spaces - safe, social, and inclusive
- Uses - mixed and integrated
- Homes and buildings - functional, healthy, and sustainable
- Resources - efficient and resilient
- Lifespan - made to last

Issues

First, it must be determined if the principle of development is considered to be acceptable.

Once acceptability of this has been determined, the proposals must then be judged against any potential impact the proposed development will have on visual amenity, on residential amenity, on access, and the potential impact that waste and deliveries will have.

The Principle of Development

The Printworks is a modern commercial centre located within Manchester City Centre which incorporates a number of entertainment, leisure, and hospitality based occupants and operators.

The proposed use is considered to be an appropriate use that fits in with the aesthetic and the other uses in The Printworks development, which include a number of entertainment, leisure and hospitality based occupants and operators, such as mini-golf, a cinema and tenpin bowling.

The proposed change of use does not involve the loss of any retail floorspace within the Primary Shopping Area (PSA) and as such, does not trigger any Development Plan policies concerning this matter.

The proposed mixed entertainment, leisure and hospitality use is a 'main town centre use' as defined by the NPPF, and its location within Manchester City Centre is in accordance with Manchester's spatial strategy prescribed under Core Strategy Policy C1 as well as the Places for Everyone Policies JP-Strat2.

It is also worth identifying that the proposed interactive game experience will help diversify the entertainment and leisure value of the City Centre. As such, it will enhance footfall and the visitor economy, including during the day and night-time, in accordance with Core Strategy Policies CC4 and CC10.

Furthermore, the proposed change of use will result in the refurbishment of a vacant unit within a sustainable location as well as the delivery of various employment benefits, including 45 full-time equivalent employees. This is in accordance with the NPPF and the Core Strategy, which prioritise bringing vacant sites back into a viable use.

Core Strategy Policy C10 confirms development proposals that support the evening economy, and a socially inclusive evening / night-time economy will be supported. However, this is subject to three criteria being met:

- 1) Cumulative impact upon the vitality and viability of the centre – The Printworks website lists 16 (84% of total) occupants offering a use / function that is covered (either in whole or in part) by 'The Chase' concept, most of which also include a bar with expanded food provision. However, it is important to note that these types of uses characterise The Printworks and the site predominantly comprises first floorspace, not ground floor shopping frontage. Therefore, it is not considered The Chase concept would result in an overconcentration of such uses that would harm the vitality and viability of the City Centre. It would, conversely, enhance the character and vitality of The Printworks without conflicting with the wider City Centre commercial function.
- 2) Residential amenity – The Printworks is designed to accommodate late / night early morning operating hour, with some units operating until 03:00.

- 3) Balance of uses – The proposal will contribute to both the day and nighttime economies and do not result of development within the PSA. The proposed mixed use will cater to a wider variety of locals and visitors alike, thus helping to enhance the vitality and viability of the City Centre

Therefore, the principle of the change of use is considered to be acceptable.

The rooftop of The Printworks already contains a significant number of flues and plant equipment, which are screened very well from view of the surrounding street scene and from other nearby building. The principle of installing a flue to the unit that will discharge on this rooftop area is therefore considered to be acceptable in this case.

Visual Amenity

The only external development that will cause any visual amenity impact that needs to be considered involves the installation of the rooftop flue. This is appropriately located with other plant within the rooftop area. Its modest size ensures it will visually amalgamate well with the existing plant and will not be visible from the public realm as well as wider, important views from within the Shudehill Conservation Area.

The existing plant is already well screened and a review of the area of the roof where the rooftop flue will be located shows that there will be a very minor impact upon visual amenity caused by this flue to the host building, surrounding street scene, and conservation area.



Existing Roof Plant Area

A condition has been included to ensure that the final details and design of the flue are required to be submitted to and signed off by the LPA prior to the commencement of the approved use.

Therefore, in terms of visual amenity, the proposal is considered to be in accordance with Core Strategy Policies CC9 and EN1.

Residential Amenity

The Printworks is designed to accommodate late / night early morning operating hours, with some units operating until 03:00. The proposed opening hours are consistent with the opening hours of other units with The Printworks complex and are consistent with the existing Planning Permissions and licensing hours granted at this site.

The nearest residential premise are the flats at 33-39 Withy Grove, approximately 60m south of the site. However, the accompanying Noise Impact Assessment identifies the unit is well-insulated and the nature of the operations means that noise experienced by residents will be to very low levels.

There are no nearby residential premises that rise above The Printworks and as such, the fumes expelled from the proposed rooftop flue will not be experienced by any local residents. The accompanying Odour Assessment confirms the odour impact / risk is 'low to medium' and thus does not require any mitigation in order to preserve residential amenity.

The accompanying Operating Schedule and Management Strategy details how antisocial behaviour and crime will be prevented in accordance with Core Strategy Policy DM1. The Strategy incorporates a range of security measures, including those that are already afforded to The Printworks, including a 24-hour security team, CCTV and alarms. Staff will be encouraged to use the lockers provided within The Printworks.

The dispersal of customers, sale of alcohol and other operational matters related to crime prevention and amenity will be controlled through the premises licence.

A noise assessment and odour assessment have been provided as a part of the application. Whilst the noise assessment is considered to have alleviated concerns about noise breakout from the unit, there are still certain aspects and details that need to be expanded on in the documents submitted in order for the LPA to be assured that there will be no impact on residential amenity caused by the odour or fume extraction discharged from the unit. On the whole, it is considered unlikely that significant impacts will be caused by odour or fumes discharged, but conditions have been added to ensure that these final details are provided prior to the occupation of the unit and are signed off by the LPA and MCC's Environmental Health team in order to ensure that these elements cause no detrimental impact on residential amenity.

The conditions also include requirements for verification reports to be submitted to ensure that the approved schemes to control noise breakout, fume extraction, and odour extraction conform to the details set out in the reports that have been or will be approved by the LPA.

Overall, with the inclusion of various conditions to ensure that there will be no detrimental impact on residential amenity caused by the noise, odour, or fumes discharged from the unit, it is considered that the proposal is unlikely to cause any significant harm to residential amenity in accordance with the criteria outlined in Core Strategy Policies C10, SP1 and DM1, as well as saved policy DC26 of the UDP.

Access

The site is located within a highly accessible city centre location, situated within walking distance of various public transport nodes.

The Design & Access Statement acknowledges that the primary access to the site within the Printworks is off the Pump Yard throughfare, which will be retained as part of the proposals.

The ground floor area of the site contains a stair core and lift. The lift provides access for mobility impaired users.

The proposed site plan indicates that that 8no. two-tier bicycle rack spaces will be provided at the ground floor lobby area which will accommodate in total 16no.cycle parking spaces for use by staff and customers. This level of provision is acceptable in principle given the city-centre location of the site.

No general on-site car parking provision is proposed. This is considered acceptable given the highly accessible city centre location.

The Printworks APCAO car park is located in close proximity to the site and accommodates 777 car parking spaces and is open 24 hours a day.

There is accessible toilet provision included in the proposal for the unit.

Core Strategy Policy CC5 seeks to ensure that development proposals include adequate parking provision for cars and bicycles.

JP-C8 (Transport Requirements for New Development) of the Places for Everyone Document requires new development to be designed to enable and encourage walking, cycling and public transport use and reduce the negative effects of car dependency.

DM1 sets out the importance of accessibility within new developments, seeking to ensure that the needs of disabled people are met. The proposals facilitate access to the first floor for all type of people, including disabled, through the reuse of the existing lift.

Overall, the access elements of these proposals are considered to be in accordance with these policies and are therefore considered to be acceptable.

Waste Management and Deliveries

A Waste Strategy as well as an Operating Schedule & Management Strategy has been submitted as part of the application.

The waste storage arrangement for the proposed use will be consistent with the existing site arrangements.

A bin store is to be provided for the unit on the first floor as shown in the Proposed First Floor Plan.

The existing basement servicing and delivery arrangements are to be retained. Goods, refuse, and recycling are to be transported to and from the unit and basement via the internal service corridors. The existing waste storage area is located in the loading bay within the site.

All tenant deliveries and waste are serviced by an internal ground floor loading bay located on Well St/Garden St. Tenant deliveries are then taken via the goods lifts and internal service corridors.

It is noted that waste oils are to be collected by tenant's approved contractors.

The utilisation of the existing private service and delivery arrangement at The Printworks is appropriate, as it does not require on-street parking by vehicles and allows for the convenient transport of goods, refuse and waste to and from the site using the dedicated service corridors. Therefore, there will be no additional traffic nor pedestrian impact with the servicing and delivery arrangement. Full details are prescribed within the accompanying Waste Management Strategy, as required by Core Strategy Policy EN19.

Conclusion

Overall, it has been demonstrated that the proposal is in accordance with the various policies outlined above.

It is considered that the application site offers an opportunity for sustainable development in an appropriate location which will enhance the vitality and viability of the City by providing a mixed use that will contribute to the day and evening economies, without conflicting with its wider shopping function nor detrimentally changing or harming the character and amenity of the area.

As such, it is recommended that the proposal be approved, subject to the various conditions outlined below.

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 based on seeking solutions to problems arising in relation to dealing with the planning application. In this particular case, any outstanding details that are required can be dealt with via the way of conditions and so have been conditioned accordingly in order to determine the application on time.

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:

Received by Manchester City Council as the Local Planning Authority on 19 June 2024:

- Location Plan DCN-2311-PL-001 Rev A
- Site Plan DCN-2311-PL-002
- Proposed Ground, 1st & Mezzanine Floor Plan DCN-2311-PL-005
- Proposed Section A-A DCN-2311-PL-013 Rev A
- Proposed Section B-B DCN-2311-PL-014 Rev A
- Roof Plan DCN-2311-PL-012 B
- Operating Schedule and Management Strategy
- Waste Management Proforma
- Waste Strategy
- Assessment of operational noise transmission from a proposed themed bar

Received by Manchester City Council as the Local Planning Authority on 04 July 2024:

- Odour Risk Assessment
- Planning and Access Statement

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 and saved policies DC14 and DC18.1.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development (Unit 21) hereby approved shall be used for any purpose other than the purpose of entertainment facility, serving food and drinks (mixed Class E / Sui Generis) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1.

4) Notwithstanding the details as set out in condition 2 above, prior to the commencement of use of the unit as an entertainment facility, serving food and drinks (mixed Class E / Sui Generis), the full and final details of the proposed rooftop flue shall be submitted in writing to and be approved in writing by the City Council as the Local Planning Authority.

The flue shall sit in the area outlined in 'Roof Plan DCN-2311-PL-012 B' and shall not exceed the height of the allocated roof plant area shown in 'Proposed Section A-A DCN-2311-PL-013 REV A' and 'Proposed Section B-B DCN-2311-PL-014 REV A'.

The approved details shall then be implemented prior to the commencement of use of the unit as entertainment facility, serving food and drinks (mixed Class E / Sui Generis).

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 EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan.

5) a) The premises shall be acoustically insulated and treated to limit the breakout of noise in accordance with 'Assessment of operational noise transmission from a proposed themed bar Report Reference: 240513-R002' produced by ACA Acoustics, dated 30th May 2024, that was received by the City Council as the Local Planning Authority on 19 June 2024. The scheme shall be implemented in full before the use commences.

b) Prior to occupation of the use hereby approved, 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.

6) The details of the approved Waste Management scheme, as outlined in 'Site Waste Strategy', shall be implemented as part of the development and shall remain in situ as long as the use of development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

7) a) Prior to the commencement of the use hereby approved, fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme that shall be submitted to in writing to and approved in writing by the City Council as the 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.

The approved details shall then be implemented as part of the development.

b) Prior to the commencement of the use hereby approved, confirmation that the approved scheme has been implemented shall be submitted in writing to and approved in writing by City Council as the Local Planning Authority

Reason - To ensure an adequate fume and odour extraction system is installed in the interest of visual and residential amenity pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy and saved policies DC26 and DC10 of the Unitary Development Plan for the City of Manchester.

8) a) 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 the 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 prior to the use commencing.

b) Prior to the operation of the scheme, a verification report shall be submitted to and approved in writing by the City Council as the 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 residential amenity by minimising the impact of the development and to prevent a general increase in pre-existing background noise levels around the site, pursuant to policies SP1, H1 and DM1 of the Core Strategy for the City of Manchester and Unitary Development Plan saved policy DC26.

9) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday to Saturday - 10:00 to 02:30

Sunday and Bank Holidays - 10:00 to 00:30

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

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

Monday to Saturday - 07:00 to 20:00

Sunday and Bank Holidays - 10:00 to 18:00.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams via email - highwaylicences@manchester.gov.uk or highwaynetworkmanagement@manchester.gov.uk

2) Manchester City Council's Environmental Health department reviewed the Spiritus fume and odour assessment, which includes a risk assessment and has rated the proposed kitchen use at Low to Medium risk category, which they can accept. The proposals for the control of fume and odour include grease pre filter, ESP unit, and ozone odour neutralising unit, which they can also accept.

In terms of discharging the fume extraction condition, it is advised that the applicant will need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

Also required will be a diagram of only the kitchen extraction system, which identifies all the fans, filters, fume and odour abatement equipment and access hatches in the ductwork along with a diagram identifying the extraction terminal and its location in relation to any openable windows and air intakes on the site building or neighbouring buildings.

A maintenance strategy identifying the daily, weekly, monthly and annual maintenance and cleaning requirements along with replacement frequencies for the filters, fans, ductwork and fume and odour abatement equipment will also be required to be submitted in order to discharge this condition.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Time Out, Withy Grove, Manchester, M4 2BS
Unit 13, The Printworks, Withy Grove, Manchester, M4 2BS
Hard Rock Cafe, The Printworks, Corporation Street, Manchester, M4 2BS
Third Floor, 1 Balloon Street, Manchester, M4 4BE
Hanover Building, 130 Corporation Street, Manchester, M4 4GW
Flat 702, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 403, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 305, The Works, 33 Withy Grove, Manchester, M4 2BJ
29 Shudehill, Manchester, M4 2AF
21 - 23 Shudehill, Manchester, M4 2AF
15 Shudehill, Manchester, M4 2AF
4 Thorniley Brow, Manchester, M4 2AJ
Flat 410, 8 Dantzic Street, Manchester, M4 2AD
Flat 406, 8 Dantzic Street, Manchester, M4 2AD
7 Shudehill, Manchester, M4 2AF
Flat 703, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 104, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 802, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 2, 15 Well Street, Manchester, M4 2AG
11 Shudehill, Manchester, M4 2AF
Flat 106, 8 Dantzic Street, Manchester, M4 2AD
Flat 302, 8 Dantzic Street, Manchester, M4 2AD
Unit 1A, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 3A, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 18, The Printworks, Withy Grove, Manchester, M4 2BS
Fourth Floor, 1 Balloon Street, Manchester, M4 4BE
35 - 39 Withy Grove, Manchester, M4 2BJ
Flat 303, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 604, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 803, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 504, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 105, The Works, 33 Withy Grove, Manchester, M4 2BJ
31 Withy Grove, Manchester, M4 2BJ
2 Thorniley Brow, Manchester, M4 2AJ
Second Floor To Fourth Floor, 21 - 23 Shudehill, Manchester, M4 2AF
Level 2, 23 Shudehill, Manchester, M4 2AF
10 Dantzic Street, Manchester, M4 2AD
Flat 104, 8 Dantzic Street, Manchester, M4 2AD
Flat 407, 8 Dantzic Street, Manchester, M4 2AD
Flat 404, 8 Dantzic Street, Manchester, M4 2AD
Flat 205, 8 Dantzic Street, Manchester, M4 2AD
Flat 108, 8 Dantzic Street, Manchester, M4 2AD
Unit 22 And 23, The Printworks, Withy Grove, Manchester, M4 2BS
The Printworks, Corporation Street, Manchester, M4 2BS
Unit 20, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 15, The Printworks, Withy Grove, Manchester, M4 2BS
Treetop Adventure Golf, Unit 17A, The Printworks, 7 Dantzic Street, Manchester, M4 2AD
The Rabbit In The Moon Urbis, Cathedral Gardens, Corporation Street, Manchester, M4 3BG

Dantzic Building, 29 Dantzic Street, Manchester, M4 2AL
Hotel Indigo Manchester Victoria Station, 6 Todd Street, Manchester, M3 1WU
Basement To First Floor, 7 - 9 Thorniley Brow, Manchester, M4 2AB
Ground Floor, 15 Shudehill, Manchester, M4 2AF
23 Shudehill, Manchester, M4 2AF
Flat 203, 8 Dantzic Street, Manchester, M4 2AD
Flat 401, 8 Dantzic Street, Manchester, M4 2AD
Flat 306, 8 Dantzic Street, Manchester, M4 2AD
Flat 103, 8 Dantzic Street, Manchester, M4 2AD
Flat 110, 8 Dantzic Street, Manchester, M4 2AD
Flat 304, 8 Dantzic Street, Manchester, M4 2AD
Flat 107, 8 Dantzic Street, Manchester, M4 2AD
12 - 22 Thorniley Brow, Manchester, M4 2AJ
Unit 10, The Printworks, Withy Grove, Manchester, M4 2BS
Units 2 An 2C, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 1, The Printworks, Withy Grove, Manchester, M4 2BS
The Printworks, Withy Grove, Manchester, M4 2BS
Basement, 1 Balloon Street, Manchester, M4 4BE
Cafe Football Urbis, Cathedral Gardens, Corporation Street, Manchester, M4 3BG
Fourth Floor, Dantzic Building, 29 Dantzic Street, Manchester, M4 2AL
18 - 20 Dantzic Street, Manchester, M4 2AE
9 Shudehill, Manchester, M4 2AF
Flat 301, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 201, The Works, 33 Withy Grove, Manchester, M4 2BJ
29 Withy Grove, Manchester, M4 2BJ
Flat 901, The Works, 33 Withy Grove, Manchester, M4 2BJ
Atana Aparthotel, 33 Withy Grove, Manchester, M4 2BJ
Flat 106, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 304, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 501, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 103, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 1, 15 Shudehill, Manchester, M4 2AF
Flat 408, 8 Dantzic Street, Manchester, M4 2AD
Flat 209, 8 Dantzic Street, Manchester, M4 2AD
Flat 308, 8 Dantzic Street, Manchester, M4 2AD
Flat 309, 8 Dantzic Street, Manchester, M4 2AD
Flat 101, 8 Dantzic Street, Manchester, M4 2AD
CARGO, Units 5 And 6, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 19, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 23A, The Printworks, Withy Grove, Manchester, M4 2BS
Kiosk, 18 - 20 Dantzic Street, Manchester, M4 2AE
Flat 402, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 203, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 205, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 902, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 404, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 1, 15 Well Street, Manchester, M4 2AG
Ground Floor, 19 Shudehill, Manchester, M4 2AF
Second Floor, 19 Shudehill, Manchester, M4 2AF
19 Shudehill, Manchester, M4 2AF
Flat 207, 8 Dantzic Street, Manchester, M4 2AD
Flat 202, 8 Dantzic Street, Manchester, M4 2AD
Flat 301, 8 Dantzic Street, Manchester, M4 2AD
Flat 303, 8 Dantzic Street, Manchester, M4 2AD

Unit 16 To 17, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 2C, The Printworks, Withy Grove, Manchester, M4 4BS
Tenpin, Withy Grove, Manchester, M4 2BS
Flat 602, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 302, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 202, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 503, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 102, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 401, The Works, 33 Withy Grove, Manchester, M4 2BJ
13 Shudehill, Manchester, M4 2AF
Flat 206, 8 Dantzic Street, Manchester, M4 2AD
Flat 105, 8 Dantzic Street, Manchester, M4 2AD
Flat 405, 8 Dantzic Street, Manchester, M4 2AD
Flat 204, 8 Dantzic Street, Manchester, M4 2AD
Second Floor, The Printworks, Withy Grove, Manchester, M4 2BS
Nuffield Health, Unit 4, The Printworks, Withy Grove, Manchester, M4 2BS
Unit 14, The Printworks, Withy Grove, Manchester, M4 2BS
Nuffield Health, Physiothrapy Centre, Unit 4, Withy Grove, Manchester, M4 2BS
Ground First And Second Floors, 1 Balloon Street, Manchester, M4 4BE
The Cooperative Food Store, Corporation Street, Manchester, M4 4BE
Flat 701, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 502, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 601, The Works, 33 Withy Grove, Manchester, M4 2BJ
4 Dantzic Street, Manchester, M4 2AD
2 Dantzic Street, Manchester, M4 2AD
25 - 27 Shudehill, Manchester, M4 2AF
Level 3, 23 Shudehill, Manchester, M4 2AF
17 Shudehill, Manchester, M4 2AF
Flat 3, 15 Shudehill, Manchester, M4 2AF
Flat 2, 15 Shudehill, Manchester, M4 2AF
Ground Floor, 23 Shudehill, Manchester, M4 2AF
Level 1, 23 Shudehill, Manchester, M4 2AF
Flat 403, 8 Dantzic Street, Manchester, M4 2AD
Flat 409, 8 Dantzic Street, Manchester, M4 2AD
Flat 305, 8 Dantzic Street, Manchester, M4 2AD
Flat 210, 8 Dantzic Street, Manchester, M4 2AD
Flat 109, 8 Dantzic Street, Manchester, M4 2AD
Flat 208, 8 Dantzic Street, Manchester, M4 2AD
Unit 3, The Printworks, Withy Grove, Manchester, M4 2BS
Kiosk, The Printworks, Withy Grove, Manchester, M4 2BS
Units 11 And 12, The Printworks, Withy Grove, Manchester, M4 2BS
National Football Museum Urbis, Cathedral Gardens, Corporation Street, Manchester, M4 3BG
T Mobile 66214, Communication Station On Roof Of, The Printworks, Withy Grove, Manchester, M4 2BS
Federation House, 2 Federation Street, Manchester, M4 4BF
Flat 801, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 101, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 204, The Works, 33 Withy Grove, Manchester, M4 2BJ
Flat 603, The Works, 33 Withy Grove, Manchester, M4 2BJ
First Floor, 19 Shudehill, Manchester, M4 2AF
21 Shudehill, Manchester, M4 2AF
Flat 4, 15 Shudehill, Manchester, M4 2AF
Flat 402, 8 Dantzic Street, Manchester, M4 2AD
Flat 307, 8 Dantzic Street, Manchester, M4 2AD

Flat 310, 8 Dantzic Street, Manchester, M4 2AD

Flat 201, 8 Dantzic Street, Manchester, M4 2AD

Flat 102, 8 Dantzic Street, Manchester, M4 2AD

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 - Shudehill Conservation Area 1987

Area Team Boundary - Name: CENTRAL