

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139995/FO/2024		
Date registered valid:	3 June 2024		
Proposal:	Retention of day centre for homeless people with ancillary cafe (Sui Generis).		
Address:	Unit 5, 153 Great Ducie Street, Manchester, M3 1FB		
Ward(s):	Cheetham		Ward
Applicant:	Mr Hendrix Lancaster Coffee4Craig		
Agent (if any):			
Case officer:	Emily Tel: 0161 234 Email: emily.booth@manchester.gov.uk		Booth 4193
Recommendation:	Approve		
Date of recommendation:	23 July 2024		

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 25 June 2024

Standard consultations:

Printed: 19 June 2024 Expired: 10 July 2024

Neighbour notifications

Printed: 19 June 2024 Expired: 10 July 2024

Site notice

Posted: 25 June 2024 Expired: 16 July 2024

Press advert

Published: 25 June 2024 Expired: 9 July 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

This application relates to a two-storey commercial property located at 153 Great Ducie Street that is one of five commercial units within a low-level brick building. All of the units have rear yards. The property is located within the heart of the warehouse district where there are a number of traders and businesses and is close to HM Prison Manchester.

It is located within the district of Cheetham and fronts onto Great Ducie Street which is a major gateway route that leads into the City Centre from North Manchester and beyond.

The premises appears to have been used as a claims business and a sofa shop in the past. The retail use could have been wholesale given the predominant use of the area. It is currently being used as a day centre for homeless people with ancillary cafe on a temporary basis. This use was approved on 16 July 2022 (application referenced 126877/FO/2020).

There is a small rear yard that the property can use for waste storage.

Description of development

Planning permission is sought to retain and continue the use as a day centre for homeless people with an ancillary cafe (Sui Generis). Planning Permission has not been sought for any external works including signage.

Consultations & Notification Responses

Publicity - A site notice was displayed on site and letters were sent to surrounding residents. No responses were received.

Issues

Policy

Manchester Core Strategy (2012):

The following policies:

Policy SP1 (Spatial Principles) Policy SP1 (Spatial Principles) advises that:

- Development in all parts of the City should:
- protect and enhance the built environment.
- create well designed places that enhance or create character.
- make a positive contribution to the health, safety, and wellbeing of residents.
- consider the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity, or income.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.
- Maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport.

Policy EC2 (Existing Employment Space) advises that the City Council will seek to retain and enhance existing employment space and sites.

Policy EN19 (Waste) requires all developers, including those of new waste management facilities within the District, to demonstrate the proposal's consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling/composting, energy recovery, final disposal).

DM1 (Development Management) advises that all development should have acceptable effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Saved Unitary Development Plan Policies

Saved Policy DC26 (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.

Places for Everyone -

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

The following policies are considered relevant to this application:

Policy JP-P 1 (Sustainable Places) aims 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.

Policy JP-S 4 (Resilience) states that development will be managed so as to increase considerably the capacity of its citizens, communities, businesses and infrastructure to survive, adapt and grow in the face of physical, social, economic and environmental challenges, including climate change. One key measure is supporting healthier lifestyles and minimising potential negative impacts on health including air pollution.

Policy JP-P 6 (Health) states that to help tackle health inequality new development will be required, as far as practicable, to include support for healthy lifestyles, including through the use of active design principles making physical activity an easy, practical and attractive choice.

Policy JP-P 7 (Sport and Recreation) states that a network of high quality and accessible sports and recreation facilities will be protected and enhanced, supporting greater levels of activity for all ages, including by requiring new development to support the achievement of strategic and local plan standards by providing new and/or improving existing facilities commensurate with the demand they would generate, ensuring that they meet accessibility standards and locating and designing recreation facilities in relation to housing so as to ensure that they are accessible but also minimise the potential for complaints due to disturbance to residential amenity from recreational activity.

Policy JP-S 5 (Flood Risk and the Water Environment) details measures to protect the quantity and quality of water bodies and manage flood risk.

Policy JP-C 5 (Walking and Cycling) states that in order to help deliver a higher proportion of journeys made by walking and cycling a range of measures are supported, including creating safe, attractive and integrated walking and cycling infrastructure, connecting every neighbourhood and community, ensuring routes are direct, easily navigable and integrated with the street and public transport network, creating active neighbourhoods and street networks which are more permeable to walking and cycling than to the private car, creating an active incentive to walk and cycle; creating dedicated separate space for people walking and cycling, with pedestrians and cyclists given priority at junctions and crossings which form part of the Bee Network, increasing the capacity and quality of walking and cycling infrastructure in locations where significant growth in the number of short journeys is anticipated, and where improvements are proposed, utilising and enhancing green infrastructure, including canals, parks and recreation grounds, to create opportunities for walking and cycling; and ensuring that new developments are planned and constructed with walking and cycling as the primary means of local access, and fully integrated into infrastructure.

Principle of the Use

The proposal would result in the continuation of use of a former commercial premises within the warehouse district to a day centre and café for the homeless. At the centre, visitors will be able to access food and wash facilities together with support and advice on housing, benefits and access to employment.

The applicant has recently had to use vacant premises on Oldham Street within the City Centre and this premises offers a suitable location close to the city centre to allow visitors to access their services.

The premises is currently located in an employment area. This premises would offer an alternative sui generis use within this part of the city. However, the use would help support other objectives as part of the homeless programme in this part of the city. The applicant had previously agreed to a temporary period of 3 years, which has been a useful test.

The use is considered to be acceptable in principle. Matters which require consideration are noise disturbance, highway consideration, waste management and fume extraction.

Noise and disturbance

The application site is located in a commercial area. As such, the character of the area is one of commercial businesses servicing and customers visiting their premises. There nearest residential properties are some distance from the site located in the Greengates area of Salford.

The use includes support group session at the property, including café offer, to people who are homeless 10:00 to 16:00 Monday to Friday. There are also drop-in sessions between 19:00 to 21:00 Monday to Friday and 17:00 to 19:00 Saturday and Sunday.

During the drop-in sessions, the premises can cater for up to 70 people. Hot meals, showers, internet access and medical support are also provided. During this time, bed referrals can be organised, and mental health support given. The premises also offers a base for other agencies and charities to engage with the street homeless population.

The proposal is not considered to create any unduly harmful levels of noise and disturbance. Whilst there will be comings and goings up until 9pm weekdays, 7pm weekends, given the characteristics of the area it is not considered that this will be detrimental to the operations and amenity of the surrounding business.

Indeed, the proximity to the city centre enables the charity to access those in need.

Highway considerations

It is not considered that there will be any highway implications as a result of the continuation of the proposal. The majority of people who are visiting the premises will do so on foot. There is a rear yard to the property which is accessed off a side road (Langston Street). This is considered to be sufficient to deal with the servicing arrangements for a proposal of this nature.

Waste management

The waste storage area would be within the rear yard at the premises and will cater for the recycling and general waste needs of the application site. Further details are required in respect of the exact number and size and this should be dealt with by planning condition.

Fume extraction

The applicant has confirmed that there will be no fume extraction requirements at the property. Should the situation change, a fume extraction condition has been imposed to deal with this.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Discussions took place during the course of the application with regards to the nature of the proposal. The proposal is considered to be acceptable and the application is therefore determined in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

The location plan received by the City Council, as local planning authority on 14 May 2024

The drawing showing the ground and first floors received by the City Council, as local planning authority on 14 May 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.

2) Notwithstanding waste management location plan received by the City Council, as Local Planning Authority, on 14 May 2024, within 1 month of date of this decision, further details on the waste management arrangements shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall be implemented as part of the development and thereafter retained for as long as the development remains in use.

Reason - To ensure suitable refuse arrangements are put in place pursuant to policies EN19 and DM1 of the Manchester Core Strategy (2012).

3) Within 1 month of the date of this decision a Flood Risk Assessment in accordance with NPPG Standing Advice or any subsequent replacement national standards has been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Assessment of the estimated flood level for the Site.
- Details of Finished Floor Levels set in accordance with Standing Advice.
- If floor levels cannot be raised in line with Standing Advice, details of flood resistance and resilience measures and access/escape plans to be implemented in accordance with Standing Advice.

Reason: To promote sustainable development and manage the risk of flooding. This condition is imposed in light of national policies within the NPPF and NPPG and local policies EN08 and EN14 of the Core Strategy.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority within 1 month of the date of this decision.

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 eaves level and/or any openable windows/ventilation intakes of nearby properties.

b) Before the first use of the fume extraction approved within part (a) of this planning condition, confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been fully implemented.

c) The equipment shall then be operated and maintained only in accordance with the above approved documents for the duration of the use.

Reason - To ensure an acceptable development in the interests of residential amenity, pursuant to policies DM1 and SP1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan.

5) Prior to the installation of any plant equipment details of a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority within 1 month of the date of this decision in order to secure a reduction in the level of noise emanating from the site.

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.

within 2 months of the installation of the equipment 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 the noise criteria has 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) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

6) The use hereby approved shall not be open outside the following hours:

Monday to Friday 10:00 to 21:00

Saturday and Sunday (including Bank Holidays) 14:00 to 19:00

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.

7) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00 - Monday to Saturday,

10:00 to 18:00 - Sunday/Bank Holiday

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

Informatives

1) MCC records highlight that the underground Fairy Lane Brook is located within close proximity to the site (approximately 8 m to the South of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all culverted assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and

to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC Lead Local Flood Authority (LLFA) should be contacted immediately. Any alterations to an ordinary watercourse will require consent from MCC LLFA under Land Drainage Act 1991. The

developer can apply for land drainage consent (if required) via the following

link: <https://manchester.civicapayforms.co.uk/Sales/LaunchInternet.aspx?saleform=drainage>.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

HMP Dental Department, H M Prison, Southall Street, Manchester, M60 9AH
Unit 5, 163 - 165 Great Ducie Street, Manchester, M3 1FF
Unit 4, 163 - 165 Great Ducie Street, Manchester, M3 1FF
Unit 3, 163 - 165 Great Ducie Street, Manchester, M3 1FF
Unit 2, 163 - 165 Great Ducie Street, Manchester, M3 1FF
Unit 1, 163 - 165 Great Ducie Street, Manchester, M3 1FF
163 - 165 Great Ducie Street, Manchester, M3 1FF
165 Great Ducie Street, Manchester, M3 1FF
Flat, H M Prison, Southall Street, Manchester, M60 9AH
HMP Hospital, H M Prison, Southall Street, Manchester, M60 9AH
82 Great Ducie Street, Manchester, M3 1LT
HM Prison Manchester, Southall Street, Manchester, M3 1JL
153 Great Ducie Street, Manchester, M3 1FB
151 Great Ducie Street, Manchester, M3 1FB
Unit 1, 153 Great Ducie Street, Manchester, M3 1FB
SP Casuals, 165 Great Ducie Street, Manchester, M3 1FF
All Star Costumes, 165 Great Ducie Street, Manchester, M3 1FF
Unit 2, 153 Great Ducie Street, Manchester, M3 1FB
Unit 4, 153 Great Ducie Street, Manchester, M3 1FB
Unit 3, 153 Great Ducie Street, Manchester, M3 1FB

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
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL