

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139814/FO/2024

Date registered valid: 18 April 2024

Proposal: Continued use of a temporary structure as a public house and associated facilities (Use Class E Drinking Establishment), for a further period of three years; with new adjacent canopy structure.

Address: Sadler Cat, Hanover Street, Manchester, M4 4BB

Ward(s): Piccadilly Ward

Applicant: NOMA (GP) Ltd

Agent (if any): Ms Eithne FitzGerald Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 10/06/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 25 April 2024 Expired: 17 May 2024

Neighbour notifications

Printed: 25 April 2024 Expired: 17 May 2024

Site notice

Posted: 26 April 2024 Expired: 18 May 2024

Press advert

Published: 30 April 2024 Expired: 14 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the Sadler's Cat site off of Hanover Street within Sadler's Yard. The application property is a single storey building clad in timber and features a dual gabled roof. The site features an external seating area and external bin store. The site is in use as a drinking establishment (Sui Generis). The application site benefits from an extant planning permission for the erection of a seven storey office building (Approved under applications 127464/FO/2020 and 127465/LO/2020).

Listed building: Not applicable

Conservation area: Shudehill Conservation Area 1987

Tree Preservation Order: Not applicable

Description of area

The neighbouring area constitutes that of NOMA, a regeneration scheme covering the land within the Co-operative Group's ownership, with much of the surrounding area also lying within the Shudehill Conservation Area. Neighbouring built development around Sadler's Yard, a pedestrianised public space, consists of a high number of Grade II listed buildings, including the Hanover Building, Old Bank Building, New Century House, Cooperative Society Building, Holyoake House, Redfeam Building and CIS Tower. Neighbouring uses are comprised of a variety of commercial office and restaurant uses.

Description of development

The application seeks consent for the continued temporary siting of the property on site and drinking establishment use for a further period of three years, with the erection of a single storey free standing canopy structure. An extended temporary permission has been sought on the basis that the initial works for the office development approved under application 127464/FO/2020 would relate primarily to the Old Bank Building and thus the site can be occupied for an additional two to three year period before works would require the clearing of the site.

The proposed canopy structure is that previously approved under planning permission 133212/FO/2022 that has not yet been implemented. The justification for the development is to provide additional covering seating on site, with it proposed to replace existing open-air seating. Said structure would be located to the front of the existing property on site and would feature open elevations. The structure would be completed in timber and would feature a gable roof with a ridge height of 3.33m, an eaves height of 2.4m, a width of 5.9263m and a length of 15m.

Planning History

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

133212/FO/2022 - Continued use of a temporary structure as a public house and associated facilities (Use Class E Drinking Establishment), for a further period of two years; with new adjacent canopy structure and food hut – Approved May 2022.

127465/LO/2020 - Listed Building Consent for internal and external alterations and extension to the Grade II Listed Old Bank Building including refurbishment of existing windows; elevation works including infilling of the existing lightwell, and creation of a new doorway at ground level on Hanover Street; repair of existing stairs and lobby areas; addition of new mezzanine at ground floor level, alongside the installation of new rooftop plant and screen, and associated works (associated full planning application reference 127464/FO/2020) – Approved October 2020.

127464/FO/2020 - Construction of a new 7-storey office extension to the rear of the Old Bank Building to form a mixed use development comprising office use (Use Class B1) and ground floor commercial units (Use Classes A1, A2, A3, A4 and D2); change of use at ground floor of the existing building from B1 office use to (Use Classes A1, A2, A3, A4 and D2), together with cycle storage, showers and bin storage; and external works relating to the reuse, refurbishment and extension of the building, including external alterations to create a new doorway on Hanover Street; alongside new internal substation and installation of external plant and screen at roof level and associated works (associated listed building application reference 127465/LO/2020) – Approved October 2020.

119817/FO/2018 - Continued use of a temporary structure as a public house and associated facilities (Use Class A4 Drinking Establishment), for a further period of three years (following previous approval under application no. 109781/FO/2015/C1) – Approved March 2019.

109781/FO/2015/C1 - Erection of temporary building to be used as Class A4 (Drinking Establishment) Use with external ramp – Approved November 2015.

Consultations & Notification Responses

Environmental Health – No objection upon submission of amended Noise Impact Assessment.

Greater Manchester Police – No objection received.

Highways – No objection.

Publicity – None received.

Policy

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

- Policy SP1 – Spatial Principles
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC4 – Visitors – Tourism, Culture and Leisure
- Policy CC9 – Design and Heritage
- Policy C10 – Leisure and the Evening Economy
- 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 21st 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 extension of the temporary use of the application site as a drinking establishment, to allow for the site to remain occupied whilst works for the development approved under permission 127464/FO/2020 are advanced off-site. Sadlers Cat is a vibrant commercial property that attracts footfall to Sadler’s Yard, thereby assisting the regeneration of the wider NOMA estate. On this basis it is considered appropriate that the site remain occupied whilst works to implement permission 127464/FO/2020 are progressed off-site. The proposal therefore accords with Core Strategy Policies SP1, EC3, CC1, 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 a primarily commercial area of the City Centre, with neighbouring uses being commercial office and food retail space. The existing use on site has had permission to operate since November 2015. An amended noise impact assessment has been received which has omitted the use of external speakers on site. Environmental Health do not object to the proposal on this basis. No plant is proposed as part of the development. Subject to appropriate condition relating to noise transmission and external speakers the proposal is acceptable in this regard and therefore accords with Core Strategy Policies SP1 and DM1, Saved Unitary Development Plan Policies DC10 and DC26, and the National Planning Policy Framework.

Visual Amenity

The proposed covered seating area is that which was approved under planning permission 133212/FO/2022. The structure would be of a height where it would be easily read that it is subservient to that of the adjacent bar on site, additionally, the use of timber cladding will ensure that the structure has a visual cohesion with that of Sadler's Cat's timber cladding finish. It is also acknowledged that the structure is only proposed to be temporary and would be removed at the expiration of the temporary permission applied for. On this basis the proposal is considered to be acceptable in this regard and accords with Core Strategy Policies SP1 and DM1, Places for Everyone Plan Policy JP-P2, Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Heritage

The application site is located within the Shudehill Conservation Area and is in close proximity to 7 no Grade II listed buildings. A free standing canopied seating area would be erected on site adjacent to the existing temporary bar. It is considered the setting of the neighbouring heritage assets benefit from the application site remaining occupied and not becoming derelict/unoccupied. Due to this, as well as the external covered seating area's small size, matching material pallet to the property it would serve, its temporary nature, and how the site would be vacant if not approved, the development is acceptable in this regard.

The development would therefore meet the statutory test to preserve and therefore accords with the provisions of Core Strategy Policies SP1, CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, Places for Everyone Plan Policy JP-P2, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework.

Highways

The application site is accessed off of Sadler's Yard, a pedestrianised public space. The property's south-west facing side elevation faces out onto Hanover Street, the only elevation to face directly onto the public highway. Highway Services do not object to the proposal. On this basis the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Waste Management

The waste management arrangements on site are to remain the same. This would see the storage of the property's bins in an open air store to the rear of the site. Environmental Health have no objection to this arrangement. As such, the development is acceptable in this regard and therefore 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 proposal is acceptable and therefore accords with Core Strategy Policies SP1, EC3, CC1, CC4, CC9, C10, EN3 and DM1, Saved Unitary Development Plan Policies DC10, DC18, DC19 and DC26, 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 permission hereby granted is for a limited period only, expiring on 30th May 2027; and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

Reason - The use hereby approved is of a temporary nature, in order to allow the preparation of the a more balanced interim use strategy that would support the proper planning and regeneration

of the area and to allow the City Council the opportunity to reconsider the appropriateness of this use and its impact of the use on policies aimed at reducing reliance on travel by private car the consequences of which have not been considered beyond the 30th May 2023 pursuant to Core Strategy Policies SP1, CC1, CC4, EN1 and DM1

2) The structures hereby permitted shall be discontinued no later than the 30th May 2027 and the fixings and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Within one month of the expiration of the temporary period, a scheme to restore the land shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1, EN9, EN10 and DM1 of the Manchester Core Strategy (2012).

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

- o 2696-PLA-XX-XX-DR-L-0008 S3 P01: Planning Application Boundary
- o P(1-)010 Revision C: Proposed Ground Floor Plan
- o P(2-)022 Revision B: Proposed Elevations
- o 2696-PLA-XX-XX-DR-L-0005 S3 P01: Terrace Structure, Sadlers Yard
- o 2696-PLA-XX-XX-DR-L-0010 S3 P01: Site Layout
- o L(01)004 Revision A: Proposed Waste Transfer Plan
- o L(01)005 Revision A: Proposed Waste Storage Plan
- o 7693-004 Revision T2: Proposed Drainage Layout
- o C 5226.M01: Mechanical Ventilation Bar & Indoor Seating Area
- o Crime Impact Statement (Prepared by Greater Manchester Police Design For Security; Dated 23/11/2021)
- o Sadler's Cat Operational Management Strategy
- o Acoustic Planning Report - Sadler's Cat, NOMA (Prepared by Sandy Brown; Dated and Received 03/06/2024)

All stamped as received by the City Council as Local Planning Authority on 18/04/2024, 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.

5) The premises (including the external areas) shall not be open to the public outside the following hours,:-

- o Saturday: 12:00 to 22:00
- o Sunday - Monday: 12:00 to 01:00
- o Bank Holidays: 12:00 to 22:00

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

6) The acoustic insulation within the development hereby approved shall be implemented in accordance with the following:

- Acoustic Planning Report - Sadler's Cat, NOMA (Prepared by Sandy Brown; Dated and Received 03/06/2024)
- No external speakers shall be used on site for the lifetime of the development.
- Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

7) The development hereby approved shall be ventilated in accordance with drawing no. C5226.M01 (Received 18/04/2024) and the Acoustic Planning Report (Prepared by Sandy Brown; Dated and Received 03/06/2024) for its lifetime.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

8) Refuse storage and disposal shall be carried out in accordance with drawing no. L(01)004 Revision A and L(01)005 Revision A, stamped as received by the City Council as Local Planning Authority, for the lifetime of the development.

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.

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

- o 07.30 to 20.00 Monday to Saturday
- o 10.00 to 18.00 Sunday / Bank Holidays

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy Policy DM1

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Third Floor, Holyoake House, Hanover Street, Manchester, M60 0AS
Fourth Floor, Dantzic Building, 29 Dantzic Street, Manchester, M4 2AL
Ground Floor, Holyoake House, Hanover Street, Manchester, M60 0AS
Hanover Building, 130 Corporation Street, Manchester, M4 4GW
Federation House, 2 Federation Street, Manchester, M4 4BF
CIS Building, Miller Street, Manchester, M60 0AL
Old Bank Building, Hanover Street, Manchester, M4 4AH
Second Floor, Holyoake House, Hanover Street, Manchester, M60 0AS
Basement, Holyoake House, Hanover Street, Manchester, M60 0AS
Fifth Floor, New Century House, Corporation Street, Manchester, M60 4ES
Sadlers Cat, 40 Hanover Street, Manchester, M4 4AH
Dantzic Building, 29 Dantzic Street, Manchester, M4 2AL
Holyoake House, Hanover Street, Manchester, M4 4AH
New Century House, Corporation Street, Manchester, M4 4GY
Redfern Building, 30 Hanover Street, Manchester, M4 4AH

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Shudehill Conservation Area 1987
Area Team Boundary - Name: CENTRAL