

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138379/FO/2023

Date registered valid: 3 November 2023

Proposal: External alterations consisting of tiles to be applied to either side of the unit and a change of operating hours from 10:00-00:00 Monday to Wednesday, and 10:00 to 04:00 Thursday to Sunday.

Address: 75 Deansgate, Manchester, M3 2BW

Ward(s): Deansgate Ward

Applicant: Mr Mark Wright Epic Restaurants Ltd

Agent (if any):

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7th December 2023

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 3 November 2023

Standard consultations:

Printed: 3 November 2023 Expired: 24 November 2023

Neighbour notifications

Printed: 3 November 2023 Expired: 24 November 2023

Site notice

Posted: 3 November 2023 Expired: 24 November 2023

Press advert

Published: 7 November 2023 Expired: 21 November 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of Area

Listed building: Not applicable

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of Site

75 Deansgate is located close to the junction with St Ann Street and St Marys Street. It sits within the St Anns Square Conservation Area and the surrounding area is predominantly mixed commercial in character and there are a number of listed buildings in the vicinity.

Deansgate was long considered one of the major road routes through the City Centre. Most of Deansgate, including this section of Deansgate in question, is currently limited only to taxis.

The commercial unit was previously occupied by a fast food takeaway. Prior to that, it was an art store.

Description of Development

The proposal seeks external alterations consisting of tiles to be applied to either side of the unit and a change of operating hours from 10:00-00:00 Monday to Wednesday, and 10:00 to 04:00 Thursday to Sunday.

Consultations & Notification Responses

Highway Services - Have no objection to the change of operating hours. An informative has been added concerning Highway Licensing information.

Environmental Health - Are accepting of the proposal.

Greater Manchester Police - Advised that the proposed opening hours should be reviewed by the GMP licencing team. Premises Licensing have already approved the licensing for this establishment. They recommended that the operator utilise a cashless method of payment and a no cash kept on the premises. This has been included as an informative.

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 main issues to consider are the impact on noise, visual amenity and whether the proposal would enhance or maintain the character and appearance of the conservation area. The proposal should be considered against the following policies:

The **NPPF**, in particular sections **12 (Achieving Well Designed Spaces)** and **16 (Conserving and Enhancing the Historic Environment)**;

Policies **EN1 (Design Principles and Strategic Character Areas)**, **EN3 (Heritage)**, **CC9 (Design and Heritage)** and **DM1 (Development Management)** of the Core Strategy; and

Saved policies **DC26.1 (Development and Noise)** and **DC18.1 (Conservation Areas)** of the **Unitary Development Plan for the City of Manchester**.

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. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.

The relevant policy to this application is **Policy JP-S1 (Sustainable Development)**.

Issues

Principle

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon visual amenity, accessibility, and the impact on the residential amenity of the area. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shop fronts and Related Signs).

Visual Amenity

The proposal would not be considered to have a negative impact of the visual amenity of either the host building itself, or the surrounding street scene and conservation area. The tiles applied to either side of the unit are considered to bring more visual interest to the unit compared to what was on site previously when the unit was occupied by Players. A sample of the tiles has been reviewed by the City Council as the Local Planning Authority and has been deemed acceptable.

Residential Amenity

The proposal would see the extension of the hours of operation of the premises from 10:00-00:00 Thursday to Sunday, to 10:00-04:00 Thursday to Sunday. The opening hours would remain 10:00-00:00 on Monday to Wednesday. The hours of operation previously agreed under Planning Permission 124440/FO/2019 only allowed the opening hours until 00:00 each day of the week.

The nearby food establishments of Subway, KFC and Wok to Walk, all situated within close proximity on Deansgate, have permission to operate up to 4am on Saturday and Sunday mornings.

In addition to this, the application site neighbours properties in commercial use as drinking establishments at no64-66, no68-74, no76-78 and no78 Deansgate that all have license to operate until 2am on Fridays and Saturdays. Deansgate is also an arterial City Centre Road and thoroughfare that typically sees high footfall and commercial trade until the early hours of the morning.

Environmental Health do not object to the proposal and the Greater Manchester Police also do not object to the proposal.

The application site is a relatively small commercial unit and hours of opening until 04:00 seem acceptable for such as establishment along this section of Deansgate.

Given the above it is considered that the proposal would have an acceptable impact on neighbouring amenity in accordance with Core Strategy Policies DM1 and SP1, Saved Unitary Development Plan Policy 26, and the National Planning Policy Framework.

Access

There are no concerns related to access requirements with this application. There is level access into the commercial unit in question.

Conclusion

Given the above, it is considered that the proposal is in accordance with the above policies and should be approved.

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.

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

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 the City Council as Local Planning Authority on 30 October 2023:

- Existing & Proposed Plans, Elevations and Sections

Received by the City Council as Local Planning Authority on 02 November 2023:

- Covering Letter
- Noise Assessment
- Duty of Care Policy

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The premises shall not be open outside the following hours:-

10:00 to 00:00 Monday to Sunday

10:00 to 04:00 Thursday to Sunday

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.

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

07:30-20:00 Monday to Saturday

10:00-18:00 Sunday and Bank Holidays

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

5) The following measures shall be implemented as part of the development and shall be maintained for the duration of the use hereby approved:

- Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

- A CCTV system should be included within these premises and should be capable of monitoring the following areas: front & rear entrances

- Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only.

- Dusk till dawn lighting should be installed above all external doors.
- An intruder alarm should be installed or if there is an existing one within the current building for the coverage of this to be reviewed.
- The presence of SIA trained door supervisors and the duty of care policy surrounding security shall be carried out in accordance with the Duty of Care Policy document submitted to the City Council as the Local Planning Authority on 02 November 2023.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework.

6) The storage and disposal of refuse shall be carried out in accordance with the information submitted in the Covering Letter received by the City Council as Local Planning Authority on the 02 November 2023. This scheme shall remain in situ whilst the use or development is in operation.

For the avoidance of doubt all waste associated with the approved use shall be stored within the premises and shall not be placed or stored on any part of the highway as this would cause an obstruction and would be unlawful.

Reason - In the interests of amenity and public health, in accordance with policies SP1 and DM1 of the Core Strategy.

7) The ceramic tiles that will be applied to the exterior, will be carried out in accordance with the drawing Existing & Proposed Plans, Sections & Elevations received on the 30 October 2023 and in accordance with the sample of the ceramic tiles submitted to the City Council as the Local Planning Authority.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policy and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Informatives

1) Design for Security at Greater Manchester Police would recommend the operator utilise a cashless method of payment and there is no cash kept on the premises.

2) For any proposed construction or fitout arrangements, where there is an impact on the highway, taking into consideration the surrounding traffic restrictions. The applicant should be advised that any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - highwaylicences@manchester.gov.uk
highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Basement, Lancaster Buildings, 77 Deansgate, Manchester, M3 2BW
First Floor, Lancaster Buildings, 77 Deansgate, Manchester, M3 2BW
Lancaster Buildings, 77 Deansgate, Manchester, M3 2BW
77 Deansgate, Manchester, M3 2BW
Second Floor, 77 Deansgate, Manchester, M3 2BW
71 Deansgate, Manchester, M3 2BW
73 Deansgate, Manchester, M3 2BW

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - St Anns Square Conservation Area 1970
Area Team Boundary - Name: CENTRAL