

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139384/FO/2024

Date registered valid: 6 March 2024

Proposal: Reconfiguration of ground floor retail space together with elevational alterations including retractable windows and other associated works.

Address: Land Bounded By Water Street And The V&A Hotel To The West, The Bonded Warehouse And Railway Viaducts To The South, Atherton Street & Granada House To The East And Quay Street & The Globe & Simpson Building To The North, Manchester

Ward(s): Harpurhey Ward

Applicant: Manchester Quays Developments (MGY) Limited

Agent (if any): Mr Cameron Radford Deloitte LLP

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

Recommendation: Approve

Date of recommendation: 01 May 2024

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 13 March 2024 Expired: 5 April 2024

Neighbour notifications

Printed: 13 March 2024 Expired: 5 April 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order: Not applicable

The site comprises of the Manchester Goods Yard building, which is an 11-storey office development which recently completed in August 2022 and is currently occupied by Booking.Com. The building is one of many buildings within the surrounding area collectively referred to as 'Enterprise City' which is inspirational new district of the city, with exceptional workspaces, inspiring cultural spaces, and bespoke city centre living. These buildings include a mixture of co-living, office space, hotel and film / TV studios. Enterprise City, and the Site are situated within the St John's SRF and Castlefield Conservation Area.

The site is located to the south of the Spinningfields commercial district of Manchester City Centre; an exemplar of City Centre economic regeneration. Castlefield is predominantly to the south of the site, an established residential district, set within the City's legacy of industrial infrastructure and buildings, and infused with leisure, retail, and heritage attractions. The St John Street district lies to the east of the site, a mixed-use district characterised by Georgian buildings used as residences and space for professional businesses including legal, accountancy and medical professions. Immediately beyond the St John Street district is the south Deansgate area, which comprises retail facilities, leisure attractions and the City Centre's conference facilities. To the west of the site is the Grade II Listed Victoria and Albert Hotel and the River Irwell beyond, with hotels and office uses located on the other side of the river.

Description of Description

The proposal reconfiguration of ground floor retail space together with elevational alterations including retractable windows and other associated works.

Related Applications

121511/FO/2018 - Erection of two buildings comprising: 11 storey mixed use building (including ground and mezzanine) comprising workspace (Use Class B1), with retail uses at ground and mezzanine levels (Use Class A1/A2/A3/A4 and / or D2) and rooftop amenity spaces known as Manchester Goods Yard; and, a further 10 storey mixed use building (including ground) comprising workspace (Use Class B1), with retail uses at ground level (Use Class A1/A2/A3/A4 and / or D2) known as No.1 Grape Street, above two levels of basement parking for 391 cars and cycle storage, together with new public realm, landscaping, provision of external seating areas, access and other associated works.

Approved December 2018.

131318/JO/2021 - Variation of Condition 2 attached to 121511/FO/2018, as amended, to reflect enclosing the terrace at level 9 and include additional and revised areas at ground and mezzanine floors with associated ground floor access changes on approved plans.

Approved August 2021.

CDN/21/0790 - Discharge of Planning Conditions 14 (Acoustics), 21 (External Plant), 28 (Sustainable Drainage Scheme), 33 (Cycle Storage), 34 (Framework Travel Plan), 35 (Vehicle drop off), 37 (Verification of Remediation Strategy) and 40b (Post completion TV survey) of planning permission ref: 131318/JO/2021

Approved June 2022.

CDN/22/0135 - Discharge of Conditions 4 (Landscape Materials Samples), 5 (Landscaping Scheme), 7 (Paving and Surfacing Strategy), 15 (External Management and Maintenance Strategy), 16 (Lighting) and 23 (Wind) attached to Planning Permission 131318/JO/2021.

Approved October 2022.

CDN/22/0608 - Discharge of planning conditions 11 (Signage), 21 (plant) and 47 (BREEAM) associated with planning permission 131318/JO/2021.

Approved December 2022.

CDN/23/0124 - Discharge of Conditions 6 (Details of External Seating Areas), 9 (Details of Toilet Provision in A3/A4 uses), 10 (Secure by Design), 12 (Opening Hours), 13 (Hours of Operation of External Areas), 17 (Fume and Odour Statement), 20 (Scheme for Acoustic Insulation) relating to application 131318/JO/2021.

Approved September 2023.

Consultations & Notification Responses

Highway Services – The scheme is acceptable.

Environmental Health - Recommended various conditions.

Greater Manchester Police - Recommended that any alterations to the existing building are complete to the Secured by Design standards.

Publicity - Neighbour notification letters were sent to surrounding properties. No representations have been received because of this publicity.

Policy

The following policies are considered to be relevant to this application:

The **Manchester Core Strategy Development Plan** 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- **Policy SP1 - Spatial Principles**
- **Policy EC1 - Employment and Economic Growth in Manchester**
- **Policy EC3 - The Regional Centre**
- **Policy CC1 - Primary Economic Development Focus: City Centre and Fringe**
- **Policy CC5 - Transport**
- **Policy EN19 - Waste**
- **Policy DM1 - Development Management**

Unitary Development Plan for Manchester

- **Policy 18 - Conservation Areas**
- **Policy 26 - Development and Noise**

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.

- **Policy JP-J 2 (Employment Sites and Premises)**
- **Policy JP-P1 (Sustainable Places)**
- **Policy JP-P3 (Cultural Facilities)**
- **Policy JP-P4 (New Retail and Leisure Uses in Town Centres)**

National Planning Policy Framework (NPPF)

- **Chapter 9 - Promoting Sustainable Transport**
- **Chapter 12 - Achieving Well-Designed Places**
- **Chapter 16 - Conserving and Enhancing the Historic Environment**

Issues

Principle of Development

The principle of the development is considered to be acceptable. The proposed development accords with the vision of the St John's Strategic Regeneration Framework, which aims to create a vibrant mixed-use district that supports economic growth, cultural activity and high-quality urban living. The Proposed Development supports placemaking by increasing the level of activity within the St Johns area and creates an opportunity for additional tenant to occupy the building and open new businesses in Manchester City Centre.

Visual Amenity

The design of the development aligns with the existing development and design of Manchester Goods Yard, including the use of similar materials, colour palette, and overall aesthetic. This ensures that the proposed development blends in with the surrounding area and maintains a cohesive visual identity.

Additionally, the proposed design changes, such as the new internal wall and door, full-height retractable windows, curtain wall infill, and relocated door and bollards, contribute to enhancing the functionality of the building. For example, the full-height retractable windows allow the elevation to open up in the summer, creating a more dynamic and engaging space. These design changes also align with the Council's expectation of high-quality building design and appearance.

Noise and Odour

An Operational Management Strategy has also been prepared for Caravan which sets out the proposed opening hours for the retail unit. Weekly operating hours will commence at 07:00 am and terminate at 02:30am Monday to Sunday.

The retractable windows will be utilized when the weather permits, between the hours of 7am and 11pm. When the windows are in use, a sound limiter will be utilized to ensure that any amplified sound from within the premises does not exceed permitted levels as determined in the submitted report prepared by Sandy Brown (appended to the Operational Management Strategy).

Duct Clean access will be installed to TR19 Odour control for the kitchen extraction assets using DEFRA guidance and the point of discharge is classed as low risk with 0.1 - 0.2 of odour control dwell time required. To achieve this UVO injection has been selected.

The unit will be connected through the riser supplied by the Landlord that exhausts at roof level in accordance with Environmental Health guidance. The method of extraction will comply with Planning Permission, and the installation will be carried out in accordance with relevant lease and planning conditions. Plan and section drawings illustrating the ducting routes are attached along with details of extraction equipment and filtration. A full cleaning regime will be implemented in line with manufacturer's guidelines.

The plant has already been discharged under condition **CDN/22/0608**. The Fumes and Odour for this commercial unit still need to be discharged as a condition from application **131318/JO/2021** and so has not been included as a condition on this application.

The Sandy Brown Acoustic Report provided an assessment of operational noise levels and changes to the building envelope at the Proposed Development. A summary is outlined below:

- The predicted transfer noise levels in the office above are compatible with the proposed amplified sound level criteria.
- The predicted noise breakout level via the restaurant facade at the nearest noise sensitive premises exceeds the day and night limits. Maximum amplified sound limits have been set out.
- It is understood that during summer months, the windows may be retracted for the unit. Appropriate limits for amplified sound (in line with low level background music) have been set.
- Customer noise breakout associated with patrons talking will be assessed once the occupancy has been confirmed.
- Loudspeakers within the unit should not be rigidly mounted to the soffit or structural elements to minimise the risk of structure-borne noise transfer. A well-distributed and directional loudspeaker system is also advised to minimise breakout/spillage out of the open façade.

Waste Management and Servicing

A Waste Management Strategy was prepared by Vectos in respect of the original permission. The servicing and waste collection will comply with the Manchester City Council Waste Storage and Collection Guidance for New Developments offering sufficient space for vehicles to manoeuvre safely.

The retail occupiers will store waste within the basement bin stores depending on the type of operation and their lease agreement. If they don't store waste in the basement, then they are required to store their waste within their own demise and take them out for collection when required. Depending on the type of operation their waste streams would be a minimum of the four main waste streams (general (including food waste), mixed dry recyclables, mixed paper and organic/food waste) but may include other waste types. For example, some food operators may require a cooking oil collection.

Access

The proposals have no effect on access to the building. There will still be level access into the commercial unit in question and to the rest of the building.

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

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 27 February 2024:

- GA Plan - LEVEL 00
- Proposed Caravan Works SJQ600-CTA-XX-L00-DR-A-20900-T03
- Fume Odour Statement
- Operational Management Plan

Received by Manchester City Council as the Local Planning Authority on 06 March 2024:

- Existing and Proposed Sections 261CSC-CTA-XX-XX-DR-A-22900-T01
- Existing and Proposed Sections 261CSC-CTA-XX-XX-DR-A-25900-T01

Received by Manchester City Council as the Local Planning Authority on 01 May 2024:

- Proposed Elevation Study - Retractable Windows Closed SJQ600-CTA-XX-ZZ-DRA-07071-P04
- Proposed Elevation Study - Retractable Windows Closed SJQ600-CTA-XX-ZZ-DR-A07072-P04
- Proposed South Elevation SJQ600-CTA-XX-ZZ-DR-A-07061-P02
- Proposed East Elevation SJQ600-CTA-XX-ZZ-DR-A-07060-P04

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) a) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences. Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

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

07:00 to 02:30 Monday to Sunday (last entry time of 00:00 Sunday to Wednesday, 01:00 on Thursday to Saturday)

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.

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

- 07:30 to 20:00 Monday to Saturday
- 10:00 to 18:00 on Sundays 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.

6) 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.

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

7) As confirmed in the Operational Management Plan, received by the City Council as the Local Planning Authority on 27 February, the retractable windows shall to be closed between the hours of 23:00 and 07:00 every day.

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.

8) The external seating area hereby approved shall not be operated outside the following hours:

- 23:00 and 07:00

Amplified sounds including amplified music shall not be played within this area at any time.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1 and DM1 of the Core Strategy and saved policies DC10.1 and DC26 of the Unitary Development Plan for the City of Manchester.

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 the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Factory, 161 Water Street, Manchester, M3 4JQ
6 Goods Yard Street, Manchester, M3 3BG
8 Goods Yard Street, Manchester, M3 3BG
Flat 1108, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Flat 604, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Flat 505, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Flat 1205, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Flat 2707, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Flat 1510, Union East Tower, 19 Water Street, Manchester, M3 4JQ
Bonded Warehouse, 18 Lower Byrom Street, Manchester, M3 4AP
Flat 708, Union East Tower, 19 Water Street, Manchester, M3 4JQ

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Castlefield Conservation Area 1979
Flood Zones Type 2 (low to medium risk) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CENTRAL