

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139178/FO/2024
Date registered valid: 28 February 2024
Proposal: Continuation of use as a Fish & Chip Shop (Sui Generis).
Address: 37 Bloom Street, Manchester, M1 3LY
Ward(s): Piccadilly Ward

Applicant: Mr Frank Quinn
Agent (if any): Mr Alexis Anderson-Jones MRTPI Serviam Planning
Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 24/04/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 12/03/2024

Standard consultations:

Printed: 7 March 2024 Expired: 28 March 2024

Neighbour notifications

Printed: 7 March 2024 Expired: 28 March 2024

Site notice

Posted: 12/03/2024 Expired: 04/04/2024

Press advert

Published: 12 March 2024 Expired: 26 March 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to a ground floor unit at 37 Bloom Street which is currently occupied by a fish and chip takeaway restaurant. The site sits opposite a surface level carpark and within a row of commercial units comprising convenience retail, tattoo shop, takeaway and drinking uses. The site lies within the Whitworth Street conservation area and sites with the setting of a Grade II-listed building at 27 Bloom Street.

Listed building: Not applicable

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The area relates to Manchester's Gay Village, an internationally renowned LGBTQ+ cultural hub in Manchester's city centre. The character of the area comprises many different uses, including dining, drinking, nightclubs, residential, office and entertainment.

Description of development

The development relates to a permanent change of use to a Sui Generis hot food takeaway. Permission for a temporary change of use to a hot food takeaway was granted in 2015 under application reference 110613/TMCOU/2015/C2. This granted permission for the use for a period of two years. This period has now elapsed.

Consultations & Notification Responses

Publicity - a notice was displayed on site. The development was advertised in the local press as one affecting a conservation area. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health - no objections, provided certain conditions regarding fume and odour extraction, plant noise mitigation and waste management are discharged.

MCC Highways Services - waste management acceptable provided stored on site before collection. Refreshment of TROs preferred.

Design for Security at Greater Manchester Police - no comments

Issues

Policies

The main policies that relate to this application are policies SP1 (Spatial Principles), DM1 (Development Management) and C10 (Leisure and the Evening Economy) of the Manchester Core Strategy (2012) and saved policy DC10 of the Unitary Development Plan for Manchester (1995).

Principle of continued use and impact on amenity

It is noted that the takeaway was granted a temporary change of use in 2015 for a period of two years but this was under permitted development rights and did not establish its acceptability in planning policy terms.

Notwithstanding this the principle of hot food takeaways, such as the one considered under this application, is generally accepted in the City Centre, subject to there not being any adverse impacts on amenity pursuant to policy DC10.1 of the Unitary Development Plan (1995). Given the above, the principle of a Sui Generis hot food takeaway in this unit is considered to be established and acceptable.

Noise

The applicant has submitted a noise report, which detailed a scheme to ensure the plant associated has not resulted in an unacceptable increase in background noise. The findings of the report were accepted by Environmental Health, who require that validation testing is undertaken to ensure adherence to the findings of the report. An appropriate condition is attached to this approval.

Fumes

The applicant has submitted an extraction strategy, detailing a scheme to ensure that fumes and odours associated with the cooking at the takeaway are properly discharged and do not cause disamenity to surrounding occupiers. The scheme was accepted by Environmental Health, who require evidence to be submitted that the scheme is adhered to, together with a cleaning schedule for the equipment. An appropriate condition is attached to this approval.

Hours

The takeaway opens at 10am and closes at midnight Sunday-Thursday, with later opening hours until 5am on Friday and Saturday. It is considered that the hours are not unreasonable given the concentration of nightlife venues in the Gay Village and are in line with those granted

by Premises Licencing and with other business opening hours in the vicinity. The proposed hours are the same as those currently operated and no objections have been received to the application.

Access

There is no level access into the site. Remodelling of the building or footway to accommodate level access is constrained by the other units both above and below at unusual and inconsistent levels at the address, together with the width of the footway outside. Given the above, whilst this would not normally be acceptable to the City Council, it is considered given the site constraints that on balance it is acceptable in this instance.

Waste

Waste is collected daily by a private waste management service. Bags are stored internally on the shopfloor and left on the street at specific times for collection. This was deemed acceptable by Environmental Health and Highways Services.

Conclusion

The proposed continued use as a Sui Generis hot food takeaway is considered to be acceptable on basis that it would not have any adverse impacts on amenity subject to the satisfactory discharge of the conditions attached to this approval. Hence, this application to continue the use at 37 Bloom Street is supported pursuant to Core Strategy policies DM1 and SP1, which require the impact of development on amenity to be considered and C10, which supports development that promotes an active night time economy and Unitary Development Plan saved policies DC10, which outlines acceptable locations for hot food takeaways and DC26 which requires assessment of the impact of development on noise.

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

In assessing the merits of an application for planning permission officers will seek to work with the applicant in a positive and pro-active manner in seeking solutions to problems arising in relation to dealing with the application. In this instance, the application was considered acceptable and appropriate conditions have been attached to this approval.

Condition(s) to be attached to decision for approval

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

- Drawing - Existing & Proposed 22.3040.1C PLANS
- Drawing - Existing & Proposed 22.3040.1D PLANS
- Drawing - Existing & Proposed 22.3040.3 ELEVATIONS
- Supporting Information ODOUR ASSESSMENT
- Noise assessment or information ACOUSTIC SURVEY
- Noise assessment or information EXTRACTION DETAILS
- Heritage Statement
- Waste Management RUBBISH COLLECTION
- Waste Management RUBBISH COLLECTION POINT

All received by the City Council, as Local Planning Authority, on 05/02/2024

-Waste Management received by the City Council, as Local Planning Authority, on 28/02/2024

-Waste Management EMAIL RE: WASTE received by the City Council, as Local Planning Authority, on 22/04/2024

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) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with the approved scheme (Noise assessment or information ACOUSTIC SURVEY and Noise assessment or information EXTRACTION DETAILS received by the City Council, as Local Planning Authority, on 05/02/2024).

b) Within one month of the date of this permission, a verification report shall be submitted to and approved in writing by the City Council as 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for Manchester (1995).

3) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with the approved scheme (Supporting Information ODOUR ASSESSMENT received by the City Council, as Local Planning Authority, on 05/02/2024).

b) Within one month of the date of this permission, confirmation shall be submitted to and approved in writing by the City Council, as local planning authority, that the approved scheme has been implemented together with a cleaning schedule and method statement for the approved equipment.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

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

Monday - 10:00am to 00:00 (midnight)

Tuesday - 10:00am to 00:00 (midnight)

Wednesday - 10:00am to 00:00 (midnight)

Thursday - 10:00am to 00:00 (midnight)

Friday - 10:00am to 05:00am (Saturday)

Saturday - 10:00am to 05:00am (Sunday)

Sunday - 14:00 to 00:00 (midnight)

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for Manchester (1995).

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, Sunday/Bank Holiday deliveries etc. are permitted and the times shall be confined to 10:00 to 18:00.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

6) Refuse shall be stored and disposed of in accordance with the approved details (Waste Management RUBBISH COLLECTION; Waste Management RUBBISH COLLECTION POINT both received by the City Council, as Local Planning Authority, on 05/02/2024; Waste Management received by the City Council, as Local Planning Authority, on 28/02/2024; Waste Management EMAIL RE: WASTE received by the City Council, as Local Planning Authority, on 22/04/2024). The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

40 Richmond Street, Manchester, M1 3WB
42 Richmond Street, Manchester, M1 3WB
44 Richmond Street, Manchester, M1 3WB
First Floor 37 And Part 39, 37 Bloom Street, Manchester, M1 3LY
Ground Floor, 37 Bloom Street, Manchester, M1 3LY
Basement, 37 - 39B Bloom Street, Manchester, M1 3LY
36 - 38 Sackville Street, Manchester, M1 3WA
37 - 39B Bloom Street, Manchester, M1 3LY
43 Bloom Street, Manchester, M1 3LY
39 Bloom Street, Manchester, M1 3LY
Ground Floor, 39 Bloom Street, Manchester, M1 3LY
41A Bloom Street, Manchester, M1 3LY
41 Bloom Street, Manchester, M1 3LY
35 Bloom Street, Manchester, M1 3LY

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 - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL