

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136001/FO/2023

Date registered valid: 10 May 2023

Proposal: Change of use from public house (Sui Generis) to form a restaurant, bar and shisha/smoking lounge (Sui Generis), together with the erection of a single storey rear extension to form additional floor space

Address: 6 Honey Street, Manchester, M8 8RG

Ward(s): Cheetham Ward

Applicant: Mr Samsom Kahsay

Agent (if any): Mr Mike Carr Mat Design Ltd

Case officer: Michael Pearson
Tel: 0161 219 2735
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Recommendation: Approve

Date of recommendation: 04/07/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 23 May 2023

Standard consultations:

Printed: 10 May 2023 Expired: 31 May 2023

Neighbour notifications

Printed: 10 May 2023 Expired: 31 May 2023

Site notice

Posted: 23 May 2023 Expired: 13 June 2023

Press advert

Published: 16 May 2023 Expired: 6 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the two storey semi-detached property at no6 Honey Street. The property is completed in white render and features a contemporary protruding fascia sign. The application site also benefits from a two storey rear extension and single storey rear extension completed in white render and unfinished breezeblock respectively. The premises' last authorised planning use was that of a drinking establishment (Sui Generis), with the site now in an unauthorised use a shisha/smoking lounge, restaurant and bar (Sui Generis). A residential flat features at first floor (Class C3).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site and surrounding area forms part of the "Northern Gateway", an area earmarked for significant future residential led regeneration.

Honey Street, and the neighbouring area, is currently characterised by two storey commercial/industrial units, a number of which are unoccupied and historically formed part of the Strangeways employment area.

To the south of the application site at no2 lies a property in a Class E non-food retail use (Class E (a)). Beyond the application site lies the former Lancashire Creamline Dairies site that is subject to a live planning permission for works to facilitate the delivery of the residential development of the site (Approved under application 133143/VO/2022).

Description of development

The application seeks planning permission for the retention of the use of the application site as a shisha/smoking lounge, restaurant and bar (Sui Generis) and the erection of a single storey extension.

The premises has been segmented into two areas, with the restaurant and bar area situated to the front of the property comprising of 32no covers. The site's rear extension then houses the shisha/smoking lounge providing room for a further 28no covers. The proposed hours of opening are as follows:

- 11:00 – 02:00 Monday to Saturday
- 11:00 – 23:00 Sunday and Bank Holidays

The proposed single storey rear extension would replace the existing unauthorised extension and would have a length of 7.615m, a width of 10.79m and feature a flat roof with a maximum height of 2.4m. The submitted application form notes the extension would be completed in brick/render to match that of the existing property. The extension would then feature a set of double doors within it's rear elevation to provide rear garden access and full height bi-folding windows located on said elevation and it's eastern facing side elevation, all finished in aluminium.

The proposed site plan depicts that bins would be stored alongside the property's eastern facing side elevation.

Planning History

36103 - Two storey side extension with basement to form household storage area, extended public bar at ground floor level and new bedroom and lounge above – Approved March 1990.

25780 - Refurbishment and rear extension at first floor level to public house with external alterations and retention of living accommodation – Approved January 1986.

21180 - Change of use of 1st floor residential accommodation to a public bar and external alterations including construction of a fire escape to the first floor, bricking up of windows etc – Approved March 1984.

Relevant Neighbouring Applications

136812/00/2023 - Outline application for development comprising: Erection of a residential led mixed use development across severable plots comprising residential (Use Classes C3 and C2); non-residential floorspace comprising commercial, business, service and community uses (Use Classes E, F and Sui Generis); residents amenity space including within clubhouse buildings; health centre (Use Class E); a primary school (Use Class F); the final surface finish of the highway and footpath consented under HIF permission ref: 133143/VO/2022; creation of new public realm and associated landscaping, car parking provision, cycle storage, and other associated works (with all matters reserved).

Outline application for development with all matters considered: Demolition of existing buildings and structures – Application pending consideration.

133143/VO/2022 - City Council Development for the creation of development platforms, including remediation and earthworks, and change in site levels, to allow delivery of future residential-led development at the Red Bank Neighbourhood, together with the construction of a new road and priority junction from Red Bank, new drainage infrastructure, utility and services connections and

diversions, preparatory tree and shrub clearance, and demolition of certain existing structures, along with the creation of new and improved green infrastructure and landscaping including the improvements of St Catherine's Wood to form part of a City River Park, and other associated works – Approved March 2022.

Consultations & Notification Responses

Publicity – None received.

Highway Services – No objection subject to a condition relating to cycle parking and an informative relating to temporary traffic management arrangements.

Environmental Health – Objection on the grounds that the proposal would lead to the creation of an enclosed smoking lounge and that the proposed use would result in an unacceptable noise disturbance to the detriment of neighbouring amenity.

MCC Flood Risk Management – No objection subject to a condition relating to site drainage.

Greater Manchester Ecology Unit – No objection. If bats are found on site works should cease and advice be sought from a qualified specialist.

Greater Manchester Police – No objection received.

Network Rail – No objection.

United Utilities – No objection 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 CC5 – Transport
- Policy C10 – Leisure and the Evening Economy
- Policy EC4 – North Manchester
- Policy EN14 – Flood Risk
- Policy EN15 – Biodiversity and Geological Diversity
- Policy EN17 – Water Quality
- Policy EN19 – Waste
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy 26 – Development and Noise

Manchester Northern Gateway Strategic Regeneration Framework – Published February 2019

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

National Planning Policy for Waste

Issues

Principle of Proposal

The application would see the retention of the shisha/smoking lounge, restaurant and bar. As outlined above, the application site is located within the Northern Gateway which seeks to transform the area over the next 20 years with new development.

The Northern Gateway SRF states that Honey Street and the neighbouring area to the north and south will form the Red Bank area, a residential-led neighbourhood that will take advantage of the unique topography of the River Irk and St Catherine's Wood. The SRF goes on to note that Honey Street will be the site of residential-led development up to 8 storeys high (Shown in figures 74 and 76 of the SRF).

It is considered that whilst commercial uses will be an integral part of the success of this new neighbourhood, the proposed use is incompatible with the ongoing regeneration of Honey Street and the Red Bank area and would undermine such efforts to transform the area to that of a high quality residential led neighbourhood.

The retention of the use is therefore contrary to the provisions of Manchester Core Strategy Policies SP1 and DM1, the Manchester Northern Gateway Strategic Regeneration Framework and the National Planning Policy Framework. For the sake of completeness, the proposal's impact on residential amenity, visual amenity, highway safety and waste management are assessed below.

It is noted that the application was historically in use as a public house and this offers a fall back position for the applicant. It is considered that this particular use is not in keeping with the nature of commercial uses that would complement the ongoing regeneration of the area and, as detailed in this report, has demonstrated that there are unacceptable impacts on the residential amenity of the area which could in turn have impacts on the emerging community in this area.

Residential Amenity

The shisha/smoking lounge, restaurant and bar use proposed to be retained has been in operation since early 2022, with the submission having been accompanied by a licensing agreement issued by Manchester City Council dated January 2022.

Environmental Health have assessed the application and object to the proposal on the grounds that it proposes a covered smoking lounge contrary to the Health Act 2006 and that the noise associated with the use, i.e. laughing, music, comings and goings, has an unacceptable adverse impact on neighbouring amenity.

Before the submission of the application, the premises has been subject to an ongoing appeal against the revocation of the site's license, which was revoked on 21/11/2022 on the grounds of prevention of crime, disorder, and public nuisance. Notes within the Notice of Hearing Decision issued by Manchester City Council's Premises Licensing Team detailed that 11 noise complaints had been received regarding the shisha/smoking lounge, restaurant and bar use, and it had been observed that the premises was operating hours outside of their agreed license on several occasions (It should be noted the agreed hours of operation with MCC's licensing team were until midnight five days a week and until 02:00 on a Friday and Saturday).

On this basis it is considered there is reasonable evidence to indicate that there are underlying noise nuisance and potential site of anti-social behaviour to the detriment of neighbouring amenity that would also be intensified through the erection of the proposed single storey rear extension. Taking the above into account, it is considered the proposal would have an unacceptable impact

on neighbouring amenity contrary to policies SP1 and DM1 of the Manchester Core Strategy (July 2012), saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework.

Visual Amenity

There are unauthorised fascia sign at the property together with an unauthorised single storey rear extension. Permission is only sought however for a replacement single storey rear extension that would be finished in brick/render to match that of the existing property. It is acknowledged that the submitted application form when compared to that of the proposed plans does not make clear what material the proposed extension would be finished in. This is due to how the submitted proposed elevations depicts the extension being finished in red brick and the application form noting that it would be finished in brick/render.

Had this application been acceptable, further discussions would have taken place with regards to the appearance of the rear extension to ensure a high quality finish to the development.

Taking into account how the proposed extension would be largely screened from views along Honey Street due to it being a rear extension, and how it would be clearly subservient to the host property due its single storey nature, it is considered the proposal's impact on visual amenity would be insufficient to justify a refusal. Subject to a condition that would require the proposed materials to be confirmed through the provision of samples, it is considered the proposal is acceptable in regard to it's impact on visual amenity and is thus in accordance with Core Strategy Policy DM1 and the National Planning Policy Framework.

Flood Risk

The application site is located in Flood Zone1 where the risk of flooding is lowest. Notwithstanding this however, the area approximately 115m to the south of the application site along the river Irk lies within both Flood Zone 2 and 3. No objection has been received by United Utilities. MCC Flood Risk have assessed the proposal and do not object to it subject to an informative that would notify the applicant that they should design and construct a drainage system to prevent increased risk of flooding and to improve and protect local water quality. Subject to such an informative the proposal is considered to be acceptable in this regard and is thus in accordance with Manchester Core Strategy Policies EN14, EN17 and DM1, and the National Planning Policy Framework.

Ecology

The application site is comprised of hard standing but to the south of the site lies the River Irk and adjacent St Catherine's woodland which hold the potential to be of ecological importance. No supporting information with regards to ecology has accompanied the application. Notwithstanding this however the Greater Manchester Ecology Unit do not object to the proposal subject to an informative relating to bats, stating that if they are found on site that works cease and that a qualified specialist be consulted on how to proceed. Subject to such an informative it is considered the proposal is acceptable in regard to ecology and is thus in accordance with Core Strategy Policy EN15 and The National Planning Policy Framework.

Highway Safety

The proposal would see the continued siting of a shisha/smoking lounge, restaurant and bar use on the periphery of Manchester City Centre. No on site parking provision is proposed and the proposed rear extension would not see the loss of any existing parking provision. It is considered the application site lies within a highly sustainable location in walking distance of amenities and residential dwellings within the City Centre, Victoria Train Station and bus stops along Cheetham

Hill Road. Therefore, future users of the site need not be solely reliable on a private vehicle for transportation to and from the application site. Highways do not object to the proposal subject to a condition that would require the provision of cycle parking facilities on site, and an informative relating to any temporary traffic management arrangements that may be required during the construction phase of the development. Subject to such a condition and informative it is considered that the proposal is acceptable in regard to highway safety and therefore complies with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

Waste Management

The proposed site plan depicts that the property's bins would be stored within the rear yard alongside the property's side elevation. Whilst said location would lead bins to be visible from views present along Honey Street, the application site is considered to be large enough to provide adequate alternative locations that would enable the storage of bins away from public view. Environmental Health do not object to the proposal in this regard. On this basis the proposal is acceptable in relation to Waste Management and is thus in accordance with Core Strategy Policies EN19 and DM1, and the National Planning Policy for Waste.

Conclusion

In light of the above it has been determined that the proposed shisha/smoking lounge, restaurant and bar use would not in the view of the City Council be a compatible use with the delivery of the Red Bank Area and wider Manchester Northern Gateway vision. Additionally, there exists substantial evidence that the proposed use has resulted in unacceptable levels of noise, disturbance and activity in the surrounding area from the comings and goings associated with the nature of the use and the premise's late opening hours to the detriment of neighbouring amenity. The proposal therefore would represent a continuation and intensification of this underlying noise disturbance through the erection of the proposed extension. On this basis the proposal is contrary to policies SP1 and DM1 of the Manchester Core Strategy (July 2012), saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester (1995), the Manchester Northern Gateway Strategic Regeneration Framework and the National Planning Policy Framework, and should therefore be refused.

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: Refuse

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. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

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

1) The restaurant, bar and shisha/smoking lounge (Sui Generis) use is incompatible with the ongoing regeneration of Victoria North and has created a use which undermines the ongoing transformation of this area to a high quality residential led neighbourhood. This is contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (July 2012), the Manchester Northern Gateway Strategic Regeneration Framework and the National Planning Policy Framework.

2) The restaurant, bar and shisha/smoking lounge (Sui Generis) has resulted in unacceptable levels of noise, disturbance and activity in the surrounding area from the comings and goings associated with the nature of the use and the premises late opening hours of opening. This has resulted in an unduly harmful impact on residential and neighbourhood amenity. The single storey rear extension has also intensified the nature of the use at the site further. This is contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (July 2012), saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
United Utilities Water PLC
Greater Manchester Ecology Unit
Network Rail

14D Honey Street, Manchester, M8 8RG
14C Honey Street, Manchester, M8 8RG
14B Honey Street, Manchester, M8 8RG
14A Honey Street, Manchester, M8 8RG
5 - 7 St Thomas' Place, Manchester, M8 8QD
Upper Ground, 62 Red Bank, Manchester, M8 8RG
Unit 2 Lower Ground, 62 Red Bank, Manchester, M8 8RG
Unit 1 Lower Ground, 62 Red Bank, Manchester, M8 8RG
59 Red Bank, Manchester, M8 8QF
Former 56 To 58, Red Bank, Manchester, M8 8TS
2 Honey Street, Manchester, M8 8RG
12 Honey Street, Manchester, M8 8RG
14 Honey Street, Manchester, M8 8RG
63 Red Bank, Manchester, M8 8RD
16 Honey Street, Manchester, M8 8RG

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
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: CENTRAL