MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139200/FO/2024
Date registered valid:	13 February 2024
Proposal:	Use as a tattoo studio (Sui Generis).
Address:	First Floor, 24 Dale Street, Manchester, M1 1FY
Ward(s):	Piccadilly Ward
Applicant:	Mrs Justyna Walters Dancing Tigers Tattoo ltd
Agent (if any):	
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**27 March 2023**

Application Details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 22 February 2024

Standard consultations:
Printed: 20 February 2024 Expired: 12 March 2024

Neighbour notifications
Printed: 20 February 2024 Expired: 12 March 2024

Site notice
Posted: 22 February 2024 Expired: 14 March 2024

Press advert
Published: 27 February 2024 Expired: 12 March 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order: Not applicable

The site of the proposal is a 57.05 sqm section of the first floor of 24 Dale Street. The building in question is a Grade II listed building, listed as Nos. 24, 26, and 28 Dale Street. The building was original constructed as three town houses. The ground floor operates as a public house and the upper floors is currently in use as office space.

The building lies within an area of the City Centre known as the Northern Quarter, which contains a variety of uses including bars, restaurants, residential, hotel uses, other commercial uses, and places of worship.

Description of Development

The proposal seeks permission to change the use of the space from office (Class E) to the use as a tattoo studio (Sui Generis).

As no works will be undertaken that will affect the fabric of the listed building itself, it is not considered that an accompanying Listed Building Consent is required alongside this proposal for a change of use.

Consultations & Notification Responses

Highway Services - Are approving of the waste management and refuse. They have also requested cycle storage on site for a minimum of 2 cycles.

Environmental Health - Recommended that conditions be added to control opening hours and deliveries.

Greater Manchester Police - No consultation response was received.

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 Adopted Core Strategy for the City of Manchester

The following policies are considered to be most relevant to the proposed development:

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) identifies the City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

Policy SP1 (Spatial Principles) guides the strategic development of Manchester, identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high-quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan.

Development should:
Make a positive contribution to neighbourhoods of choice including: -
o Creating well designed places that enhance or create character.
o Making a positive contribution to the health, safety, and wellbeing of residents.
o Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity, or income.
o Protect and enhance the built and natural environment.
o Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
o Improve access to jobs, services, education, and open space by being located to reduce the need to travel.
o Provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

o Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
o Development should have regard to the character of the
Surrounding area.
o Effects on amenity, including privacy, light, noise, vibration, air quality and road safety

and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
o Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
o Community safety and crime prevention.
o Design for health.
o Refuse storage and collection.
o Vehicular access and car parking.

Policy CC7 Mixed Use Development identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment.

The Unitary Development Plan for Manchester

Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC26.1 Development and Noise details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

DC26.5 Development and Noise states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

National Policy

The following **National Planning Policy Framework (2023)** policies are of relevance to this application:

Section 1 Building a strong and competitive economy is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future and places significant weight on the need to support economic growth through the planning system.

Section 2 Ensuring the Vitality of Town Centres promotes competitive town centre environments.

Places for Everyone

The Inspectors' Report on the examination of the Places for Everyone plan was published on 15 February 2024. The Inspectors' Report sets out and justifies their recommendations in relation to the plan, and they have concluded that all legal requirements have been met and that with the recommended main modifications set out in the appendix to their report, the Places for Everyone plan is 'sound'.

You can view the Inspectors' Report on the GMCA's website at Places For Everyone - Greater Manchester Combined Authority (greatermanchester-ca.gov.uk). In addition, a hard copy is available in Manchester Central Library, St Peters Square, Manchester M2 5PD between 9am - 8pm Monday to Thursday and 9am - 5pm Friday and Saturday.

The nine constituent local authorities will now consider the Inspectors' Report and the adoption of Places for Everyone, with the plan going to the Full Council meeting in Manchester on 20 March 2024. The first Council meetings to approve the plan will be Salford and Wigan (28 February).

There will be a period of six-week post adoption (i.e. from 21 March) when a judicial review challenge may be made. This will trigger a process of consideration by the Courts as to whether a JR is sufficient grounds to be heard (there is a one-step oral hearing appeal process if a Judge decides to reject the ground for a JR from the outset).

Given the stage the Plan has reached, 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 following policies are considered relevant to this application.

Policy JP-P1 (Sustainable Places) aims to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-S1 (Sustainable Development) aims to help tackle climate change, development should aim to maximise its economic, social, and environmental benefits simultaneously, minimise its adverse impacts, utilise sustainable construction techniques and actively seek opportunities to secure net gains across each of the different objectives. Preference will be given to using previously developed (brownfield) land and vacant buildings to meet development needs. In bringing forward previously developed sites for development, particular attention will be paid to tackling land contamination and stability issues, ensuring that appropriate mitigation and remediation is implemented to enable sites to be brought back into use effectively.

Issues

Principle of Development

The proposed use is one which would normally be acceptable within a City Centre location. In addition, the proposed use would occupy a currently vacant unit and create more daytime activity an area which is predominantly associated with the nighttime economy. This will lead to more diversification of the commercial offer for visitors to the city and residents along with more informal surveillance during daytime hours.

Access

There is no disabled access to the first floor. The listed building has proven difficult to modify to provide access to the upper floors without causing significant harm to the listed heritage asset.

To remedy this, the tattoo studio has confirmed that they have partnered up with a nearby tattoo studio with ground floor access and will offer tattoo bookings for those with disabilities who will not be able to access the first-floor studio at this studio.

Residential Amenity

Based on the nature of the use, the proposed hours of, the delivery hours of, and on the basis that no plant and equipment is proposed as part of the application, it considered that within a City Centre context there would be no adverse impact on residential amenity as a result of this proposed change of use.

Conditions have been added to control the waste management, delivery hours, and opening hours respectively.

Highways Impacts

The proposals will have no negative impact on the highway. The waste management has been confirmed to be compliant with Highway Service's guidance. Highway Services did ask for two secured and sheltered cycle parking provision to be made with the curtilage of the site, for the accommodation of staff/visitor cycles.

Given the small size of the proposal, it is the opinion of Manchester City Council's Planning service that it would not be reasonable for the applicant to accommodate these requested cycle storage provisions on site.

Loss of Office Space

There will be a small loss of office space (57.05 sqm) brought about by this proposal. However, it is considered that the office space has been vacant for many years, and considering the small amount of floor space that is being requested to be changed to Sui Generis use, on balance it is considered that the benefits of bringing this space into use outweighs the small amount of office space that will be lost as a result of this proposal.

Conclusion

Given the above it is considered that on balance and subject conditions controlling the hours of operation, the hours during which deliveries can take place and the storage and disposal of refuse the proposals would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC26.1 and 26.

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 polices 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 the application, officers sought to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the 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 Manchester City Council as the Local Planning Authority on 07 February 2024:
- Location Plan
- Proposed Floor Plan

Received by Manchester City Council as the Local Planning Authority on 13 February 2024:
- Waste Proforma

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) The waste management for the use shall be carried out in accordance with the submitted information 'Proposed Floor Plans' received by the City Council as Local Planning Authority on 07 February 2024 and Waste Management Proforma received by the City Council as Local Planning Authority on 13 February 2024.

General waste will be collected from the existing bin storage that is shared by the wider property, as per the waste management strategy agreed for the building as a condition attached to application 103317/FO/2013/C2.

Sharp bins and clinical waste will be collected from inside the studio by an appropriate private collector that collects sharps and clinical waste.

The waste bins should not obstruct the footway on waste collection days.

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use of the development is in operation.

Reason - In the interests of residential amenity and public health, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

4) No part of the premises shall be open outside the following hours:

8am to 6pm Monday 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.

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/Bank Holidays

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.

6) Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the premises shall only be used as a tattoo studio (Sui Generis) (57.05 sqm) and for no other purposes.

Reason - To ensure that the premises is used solely for the intended purpose to safeguard the character of the area pursuant to policies SP1, and DM1 of the Manchester Core Strategy (2012).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Basement And Ground Floor, 24 Dale Street, Manchester, M1 1FY
Second Floor, 24 Dale Street, Manchester, M1 1FY
Ground Floor And Basement, 26 - 28 Dale Street, Manchester, M1 1FY
Kingsley House, 15 Newton Street, Manchester, M1 1HE
Second Floor, 26 - 28 Dale Street, Manchester, M1 1FY
Flat 5, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 3, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 1, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 18, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 16, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 14, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 11, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 9, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 7, Kingsley House, 15 Newton Street, Manchester, M1 1HE
26 - 28 Dale Street, Manchester, M1 1FY
24 Dale Street, Manchester, M1 1FY
29 Dale Street, Manchester, M1 1EY
Flat 20, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 19, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 17, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 15, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 13, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Basement, 29 Dale Street, Manchester, M1 1EY
First Floor, 26 - 28 Dale Street, Manchester, M1 1FY
Flat 12, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 10, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 8, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 6, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 4, Kingsley House, 15 Newton Street, Manchester, M1 1HE
Flat 2, Kingsley House, 15 Newton Street, Manchester, M1 1HE

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 - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CENTRAL