

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136157/FO/2023
Date registered valid: 14 February 2023
Proposal: Retention of single storey coffee kiosk (sui generis) together with a temporary two-storey marketing suite building (sui generis) and associated works.
Address: James Grigor Square, River Street , Manchester
Ward(s): Deansgate Ward

Applicant: First Street Developments Ltd
Agent (if any): Deloitte LLP
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk
Recommendation: Temporary Approval 2 years
Date of recommendation: 11 April 2023

Application details

Type of application: Full Application Consent
Development type: Minor Other
Date of site visit: 03-04-23

Standard consultations:
Printed: 23 February 2023 Expired: 16 March 2023

Neighbour notifications
Printed: 23 February 2023 Expired: 16 March 2023

Site notice
Posted: 24 February 2023 Expired: 17 March 2023

Press advert
Published: 28 February 2023 Expired: 21 March 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application site (the 'Site') comprises two distinct parcels of land:

- The land that relates to the coffee kiosk comprises circa 7.5 sq m and is located within the public space adjacent to Tony Wilson Place. The land is bound by a public footpath to the west, north and east, and a commercial building to the south. River Street to the south and First Street to the west.
- The land that relates to the marketing suite extends to 66 sq m and is currently occupied by two trees, a small temporary kiosk, currently used as marketing suite, and areas of hardstanding associated with the public space. The Site is located within James Grigor Square and is bound by a small area of public green space to the east, River Street to the south and First Street to the west.

There are no listed buildings adjacent to the 2 sites and they are not located within a conservation area.

The Site is in a highly accessible location by a variety of modes of transport.

Description of area

The application lies within part of the City Centre known as First Street which is a key regeneration area within the City Centre. First Street is in a pivotal location between the strategic regeneration areas of Manchester's Civic Quarter, Whitworth Street West and Great Jackson Street, and the residential area of Hulme. It is also located within Corridor Manchester.

There are a variety of uses in the surrounding area including offices, hotel, retail and bar and restaurant uses as well as the HOME Arts Centre and an established residential population that has grown over the past 15 years.

Description of development

Consent is sought for the retention of both a single storey coffee kiosk (sui generis) and a temporary two-storey marketing suite building (sui generis). The Marketing Suite is formed from 2 angled shipping container type structures. On the Marketing Suite both container units have living sedum roofs ensuring that the structures blends in with the surrounding green space at James Grigor Square.

The proposals comprise an important component of the Applicant's placemaking strategy for the First Street Estate which seeks to activate the public spaces, addressing tenant demand (following a recent survey) and supporting the next phases of development at Plots 9b and 10a of the masterplan.

The Marketing Suite comprises the following:

- A traditional boardroom style space, located at the ground floor; and
- Informal seating with outdoor space, located on the first floor.

The marketing suite aims to facilitate the sales process for the First Street development and future phases of the SRF area, expediting the regeneration of this historic and important area of the city. It also provides a meeting space that can be booked by First Street tenants and local community groups.

The marketing suite is situated within an area of hard and soft landscaping. The Tree Survey prepared by Bowland Tree Consultancy Ltd, submitted alongside this application, demonstrates that the erection of the marketing suite positioned onto existing surface levels and hard surfacing, required no subsequent excavation within retained tree Route Protection Areas. As such, the development has had no adverse impact on the existing trees.

The coffee kiosk was opened in October 2022 in response to the latest tenant survey, in which office tenants requested a well-priced breakfast and lunchtime offering, as well as additional places to sit. The kiosk is open to both office users and the general public. Future plans for the kiosk are to link it into a range of themed events to support the wider seasonal programme within the Estate.

No foundational works were required in respect of the above structures.

The proposed coffee kiosk has been designed to have natural ventilation, via the fully operable purge vents.

The hours of operation sought are Monday to Sunday (seven days a week), 0800 to 2200. Access may be occasionally required to the Marketing Suite outside of these hours for viewings or marketing activity.

The development's refuse and recycling is managed by the estate's management company, as part of the wider First Street Masterplan management. This comprises regular collections of the internal bins by contracted staff, transfer to the central waste storage area in the Masterplan area and collected on a regular basis from the agreed location on collection days.

Consultations & Notification Responses

Publicity – The application was advertised as a public interest development and a site notice displayed adjacent to the sites. Occupiers of adjacent properties were notified about the application. No representations have been received.

Head of Environmental Health – Have no objections subject to conditions relating to hours of operation, insulation of any plant and equipment and management of contaminated land being attached to any consent granted.

GMP (Design for Security) – Have no objections

Cadent Gas – Have no objections

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 1 - Building a strong and competitive economy- which 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) - which promotes competitive town centre environments.

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

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) –which identifies that 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 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.

Policy CC9 (Design and Heritage) - States that the design of new buildings will need to be of the highest standard in terms of appearance and function and that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

Policy CC 10 (A Place for Everyone) – Promotes the City Centre as a location which appeals to a wide range of residents and visitors. There is particular support for uses which increase the diversity of activity in the City Centre, with an emphasis on family-oriented activity; and, High standards of accessibility to buildings and across spaces in 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 and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and

- 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:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy T2 (Accessible Areas of opportunity and need)- States that the Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport.

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:

DC10 'Food and Drink Uses' - which supports the provision of developments involving the sale of food or drink within the City Centre provided that they would not have a detrimental impact on the amenity of neighbouring residents.

DC26.1 Development and Noise - which 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 – which 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

Principle of the retention of the temporary uses/ structures for 5 year period

The regeneration of an area inevitably creates a series of periods of transition, where different buildings and spaces offer different opportunities. These may not always reflect their final intended state, but are still an essential part of creating a clear character and identity for a new area. The Marketing Suite and Kiosk would be part of this period of transition, contributing to selling and raising the profile of First Street, in particular the emerging office developments (approved and proposed) on the remaining cleared Plots, before more permanent new build projects are completed.

It is noted that a placemaking and event activation strategy for First Street has been created to be delivered through a strong brand, improvements in the public realm, curation and delivery of events for the local and wider community. First Street is a relatively new, fast growing, city centre mixed use development and Ask Real Estate as lead developer, is seeking to futureproof occupier retention and attraction, by increasing tenant satisfaction through regular on-site engagement and enlivenment activity, improving collaboration between tenants across the development and increasing the number of regular year-round events, making the area more of a destination in the wider city centre. The provision of the Kiosk will support these strategies as would the Marketing Suite through its use as a meeting space.

The provision of a dedicated temporary marketing suite would support the showcasing of the quality of the office offering to potential occupiers, and will help to facilitate positive engagement, and attract and retain current businesses within the First Street area.

Notwithstanding the above whilst of an acceptable design on a temporary basis the structures would not be considered to be of an appropriate design quality for the First Street basis on a long term basis and this is discussed in more detail below.

Whilst it is noted that once all sales have been achieved, it is intended that the marketing suite will be decommissioned, on balance given that 5 years is a significant period for something to be considered temporary and the issues with disabled access outlined below a temporary consent for 2 years is considered to be appropriate.

In view of the above it is considered that the proposal has the potential to add to the area's vibrancy and contribute on a temporary basis to the mixed use character of First Street. The proposals are therefore considered to be in accordance with Core Strategy policies CC1, SP1, CC7, T2 and DM1 and saved UDP policies DC10.1, 10.2 10.3 and 10.4 and DC26.

Residential Amenity / Hours of Operation

The Head of Environmental Health has also recommended a condition limiting the hours during which the temporary uses can be operate. This will ensure that any disturbance from such activity is confined to acceptable hours of the day.

Given the above it is considered that on balance and subject conditions controlling the acoustic insulation of the premises, the hours of operation the proposals would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5.

Design Issues

The 'containers' and associated structures is considered to be of a quality of design that would be of an appropriate quality for temporary structures. Their eye catching design would be compatible with their intended purpose within the First Street estate and materials would be robust and have a significant life-span. The locations of the structures, adjacent to areas of public realm in the First Street area provides activity and enhances the open space.

The installations are considered on a temporary basis to be in-keeping with the mixed-grain character of the area and new developments and regeneration initiatives that have taken place in recent years whilst also having a distinct aesthetic to make them more of a visible landmark.

In view of the above the use is consistent with Core Strategy Policies CC9.

Crime and Disorder – The temporary facilities would increase footfall around the areas where they would be located which particularly in terms of the kiosk would enhance the areas vibrancy and increase footfall to this part of Tony Wilson Place.

GMP Design for Security have no objections.

In view of the above it is considered that the proposals are consistent with Policy DM1 of the Core Strategy.

Car Parking/Highway Safety - The site is in an area that is well served by various methods of public transport including buses, trains and the Metrolink and the proposals for servicing and waste collections are considered to be acceptable.

Given the above, the proposals are considered to be in accordance with Core policies DM1 and T2.

Disabled Access

A ramped access provides level access to the ground floor. The full range of facilities would be available at ground floor level which would be fully accessible although it is noted that there would not be the same views across the site from the Marketing Suite from ground floor level. Given that the upper floor would not be fully accessible it is considered that this would only on balance be acceptable if the temporary permission is for 2 years rather than the 5 years applied for to enable enhancement to the existing level of access to be reviewed should there be a need or desire for the facility to remain in place for a longer period.

Given the above it is considered that the access arrangements would on a temporary 2 year basis be consistent with Core Strategy Policy DM1.

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 in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with the planning application. This has included discussions about the principle of the developments pre application.

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

1) The permission hereby granted is for a limited period only, expiring on 11-04-25 and the use and structures comprising the development for which permission is hereby temporarily granted is required to be discontinued on that date and removed from site within one month of the use ceasing.

Reason - The site and wider area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the use of this site following this temporary period. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, CC1, CC9, CC10 and DM1.

2) The development hereby approved shall be retained in situ in accordance with the following drawings and documents for the temporary period set out in condition 2:

(a) Proposed Site Plan MN2A-JMA-XX-ZZ-DR-A-220200 REV H and Location Plan both stamped as received on 14-02-23;

(b) Dwgs DEV 01 (Elevations and Landscape Plans stamped as received on 14-02-23 as amended by Deloitte's e-mail (GMP comments) 22-03 23;

(c) First Street Kiosk Plan stamped as received on 14-02-23;

(d) Waste Management Strategy stamped as received on 14-02-23;

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 for the City of Manchester.

3) The marketing suite and kiosk shall only be operated in accordance with the following hours

Sunday to Monday 08:00 to 22:00

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.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

Fourth Fifth And Sixth Floors, 1 Tony Wilson Place, Manchester, M15 4FN
Ribeye Steakhouse, 3 Isabella Banks Street, Manchester, M15 4RL
Third Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Second Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Ground Floor, 1 Tony Wilson Place, Manchester, M15 4FN
First Floor, 1 Tony Wilson Place, Manchester, M15 4FN
Odeon, 8 First Street, Manchester, M15 4RP
Flat 521, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 520, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Indian Tiffin Room, 2 Isabella Banks Street, Manchester, M15 4RL
Flat 711, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
3 Tony Wilson Place, Manchester, M15 4FN
Jacobs, 5 First Street, Manchester, M15 4GU
8 First Street, Manchester, M15 4RP
1 Tony Wilson Place, Manchester, M15 4FN
6 First Street, Manchester, M15 4GU
12 First Street, Manchester, M15 4GU
10 First Street, Manchester, M15 4GU
4 First Street, Manchester, M15 4GU
SAINSBURYS SUPERMARKETS LTD, 4 Isabella Banks Street, Manchester, M15 4RL
17 Jack Rosenthal Street, Manchester, M15 4RA
15 Jack Rosenthal Street, Manchester, M15 4RA
Flat 1028, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RH
Flat 1004, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RH
Flat 926, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 905, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 811, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 725, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 714, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 710, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 704, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 701, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 625, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 610, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 524, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 512, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 425, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 419, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 413, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 321, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 318, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 301, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 226, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 223, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 206, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 121, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 112, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 102, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 101, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB

[illegible]

[illegible]

[illegible]

[illegible]

Flat 801, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RG
Flat 623, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 616, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 607, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 605, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 526, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 523, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 510, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 507, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 505, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 501, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 415, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 410, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 407, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 401, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 602, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 327, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 620, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RF
Flat 309, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 307, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 306, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 314, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 303, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 302, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 225, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 304, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 220, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 213, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 210, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 204, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 127, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 125, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 123, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 212, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 117, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB
Flat 116, Vita House, 13 Jack Rosenthal Street, Manchester, M15 4RB

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

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CENTRAL