

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136991/JO/2023

Date registered valid: 30 May 2023

Proposal: Variation of Condition 8 (Hours) attached to application ref no 120738/FO/2018 to amend opening hours to 08:00 - 00:00 (midnight) Monday to Thursday, 08:00 - 04:00 Friday and Saturday, 08:00 - 00:00 Sunday.

Address: 61 Deansgate, Manchester, M3 2BW

Ward(s): Deansgate Ward

Applicant: Mr Ismail Adam Wok Kitchen (Manchester) Ltd

Agent (if any): Mr Matthew Norris One 17 Architects & Interior Designers

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 03/07/2023

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 7 June 2023

Standard consultations:

Printed: 6 June 2023 Expired: 27 June 2023

Neighbour notifications

Printed: 6 June 2023 Expired: 27 June 2023

Site notice

Posted: 7 June 2023 Expired: 28 June 2023

Press advert

Published: 13 June 2023 Expired: 27 June 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the commercial unit present at no61 Deansgate. The application site forms part of Barton Arcade, a Grade II* listed four storey shop and office arcade. The application unit operates as a Class E(b) food provision use with ancillary takeaway use.

Listed building: Grade II Star

Conservation area: St Anns Square Conservation Area 1970

Tree Preservation Order: Not applicable

Description of area

The neighbouring area, lying within the heart of the City Centre's Primary Shopping Area, is characterised by a high number of buildings in commercial use. Neighbouring properties consist of a variety of drinking establishments uses (Sui Generis) and Class E food (Class E(b)) and non-food (Class E(a)) commercial uses.

Description of development

The application seeks consent to vary condition 8 (Hours) of planning permission 120738/FO/2018). The application would see the hours of operation approved on site be extended from:

- Monday to Friday 08:00 – 00:00
- Saturday 08:00 – 04:00
- Sunday 08:00 – 00:00

To the following:

- Monday to Thursday 08:00 – 00:00
- Friday and Saturday 08:00 – 04:00
- Sunday (Including Bank Holidays) 08:00 – 00:00

Planning History

CDN/19/0048 - Discharge of Condition 3 (Full and Final Details) of application reference 120740/LO/2018 – Approved April 2019.

120740/LO/2018 - Listed building consent for the internal alterations associated with change of use of the unit from retail (use class A1) to cafe/restaurant with takeaway function (Sui Generis - A3/A5) and associated signage – Approved November 2018.

120739/AO/2018 - 1no. externally mounted individual letters on external signage zone, 1no. internally hung illuminated sign within the elevation facing Deansgate and 1no. projecting sign affixed to the existing signage pole to the exterior of the unit within the arcade – Approved November 2018.

120738/FO/2018 - Change of use of the unit from shop (use class A1) to cafe/restaurant with takeaway function (Sui Generis - A3/A5) – Approved November 2018.

Consultations & Notification Responses

Environmental Health – No objection.

Greater Manchester Police – No objection. If the premises does not have existing CCTV it is recommended it be installed to deter anti-social and criminal behaviour.

Publicity – None 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 CC2 – Retail
- Policy C1 – Centre Hierarchy
- 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

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving Well-Designed Places

Issues

Principle

The proposed development seeks to extend the hours of operation of an existing Class E(b) food use. As the proposal would not fundamentally alter the nature of the use of the site as a retail unit within the City Centre and only concerns said unit's hours of opening, it is considered it is

acceptable in principle and therefore accords with Core Strategy Policies SP1, CC2 and C1 subject to the matters discussed below.

Residential Amenity

The proposal would see the extension of the hours of operation of the premises on a Friday from 08:00 – 00:00 to 08:00 – 04:00. Planning permission 120738/FO/2018 saw hours of operation lasting until 04:00 approved on a Saturday only.

Notwithstanding this however, the application site neighbours properties in commercial use as drinking establishments at no64-66, no68-74, no76-78 and no78 Deansgate that all have license to operate until 2am on Fridays and Saturdays. Deansgate is also an arterial City Centre Road and thoroughfare that typically sees high footfall and commercial trade until the early hours of the morning.

Environmental Health do not object to the proposal and the Greater Manchester Police also do not object to the proposal but do advise CCTV be installed on site if it has not already been. In the event of an approval, it is considered necessary that this be attached as an informative. The application site is a relatively small commercial unit and hours of opening until 04:00 have previously been determined to be acceptable. Subject to the aforementioned informative, given the above it is considered that the proposal would have an acceptable impact on neighbouring amenity in accordance with Core Strategy Policies DM1 and SP1, Saved Unitary Development Plan Policy 26, and the National Planning Policy Framework.

Conclusion

In light of the above it is considered the proposal is acceptable and is in accordance with Manchester Core Strategy Policies SP1, CC2, C1 and DM1, Saved Unitary Development Plan Policy 26 and the National Planning Policy Framework.

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 officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing advice about the information required to be submitted to support the application which resulted in successful negotiation of amendment to the proposal.

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

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

The location plan referenced 3227 (LP) 01 Rev C received by the City Council as local planning authority on 17 September 2018

The drawings referenced:

3227 (SK) 24 rev B

received by the City Council as local planning authority on 26 November 2018

3858-0-M103 Rev P2

received by the City Council as local planning authority on 1 November 2018

3227 (SK) 05 Rev B

3227 (SK) 06 Rev B

3227 (SK) 08 Rev A

3227 (SK) 12 Rev A

3227 (SK) 13 Rev A

3227 (SK) 14

3227 (SK) 15 Rev A

3227 (SK) 19 Rev D

3227 (SK) 20 Rev A

3227 (SK) 22 Rev A

3227 (SK) 24 Rev A

3227 (SK) 25

3227 (SK) 27

3858-G-M101 Rev P1

3858-B-M102 Rev P1

all received by the City Council as local planning authority on 17 September 2018

3227 (SK) 09

1801-FP-General Info-Light-A

all received by the City Council as local planning authority on 23 July 2018

The document entitled Servicing/Delivery Times - Barton Square in relation to Unit 9 - U/O Wok to Walk received by the City Council as local planning authority on 1 November 2018

The maintenance and cleaning document prepared by Purified Air and the document entitled 'Operation and Maintenance Instruction' received by the City Council as local planning authority on 19 November 2018

The completed Waste Management Proforma received by the City Council as local planning authority on 19 November 2018

The Design and Access Statement and Method Statement and the Design and Access Statement Addendum prepared by One 17 Architects and Interior Designers received by the City Council as local planning authority on 17 September 2018

The Heritage Statement prepared by Turley Heritage received by the City Council as local planning authority on 17 September 2018

The report by Hepworth Acoustics referenced P18-416-R01v2 and dated October 2018 received by the City Council as local planning authority on 31 October 2018

The Floor, Ceiling and Walls specification prepared by TANK received by the City Council as local planning authority on 23 July 2018

The System Air specification document referenced MUB/T-S 062 500D4 IE2, the air-conditioning specification document referenced PEAD-M R410A and The Air Spiralo specification document received by the City Council as local planning authority on 30 August 2018

The Longar Industries Ltd Airgard specification document, the ESP4500 specification prepared by Purified Air, the ESP4500E Pressure Drop specification prepared by Purified Air, The Mr Slim product specification and The UV-O Range product specification received by the City Council as local planning authority on 17 September 2018

The emails from Bob May of Turley dated 31 October 2018,
The email from Matthew Norris of One 17 Architects and Interior Designers dated 2 November 2018

The emails from Kerry Melrose of Turley dated 13 November 2018 (in relation to signage only) and 23 November 2018

The emails from Jack Dickinson of Turley dated 19 November 2018 and 26 November 2018

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies CC1, CC4, CC5, CC7, CC9, CC10, T1, T2, EN1, EN3, EN16, EN19 and DM1 of the Core Strategy, saved policies DC10, DC14.1, DC14.2, DC18.1, DC19.1 and DC26 of the Unitary Development Plan and Sections 6, 7, 9, 12, and 16 of the National Planning Policy Framework.

3) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with the report by Hepworth Acoustics referenced P18-416-R01v2 and dated October 2018. Within two months of this permission the approved scheme shall be implemented in full, and evidence be submitted to the City Council as local planning authority for approval that will demonstrate that the electric noise limiter has been installed and subsequently set to

the levels within the report and made tamper proof. All approved measures shall be maintained in situ for the duration of the use.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the Unitary Development Plan.

4) Within two months of the date of this planning permission a scheme for the extraction of all fumes, vapours and odours from the premises hereby approved, as detailed within the following documentation,

- o System Air specification document referenced MUB/T-S 062 500D4 IE2
- o The Air Spiralo specification document
- o The Longar Industries Ltd Airgard specification document
- o The ESP4500 specification prepared by Purified Air
- o The ESP4500E Pressure Drop specification prepared by Purified Air
- o The Mr Slim product specification
- o The maintenance and cleaning document prepared by Purified Air and the document entitled 'Operation and Maintenance Instruction'
- o The UV-O Range product specification and the drawings referenced 3858-G-M101 Rev P1, 3858-B-M102 Rev P1 and 3858-O-M103 Rev P2

shall be fully installed on site and a risk assessment for the scheme that confirms it is acceptable be submitted to the City Council as local planning authority for approval. The approved scheme shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with saved policy DC26; of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) All externally mounted ancillary plant, equipment and servicing shall be acoustically treated and operated in accordance with the scheme described within the report prepared by Hepworth Acoustic report referenced P18-416-R01v2 and dated October 2018 for the duration of the use hereby approved.

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

6) The approved scheme for the storage (including segregated waste recycling) and disposal of refuse as detailed within the completed Waste Management Proforma received by the City Council as local planning authority on 19 November 2018 and the emails from Matthew Norris of One 17 Design dated 2 November 2018 and Jack Dickinson of Turley dated 19 November 2018 shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

7) All servicing shall be operated only in accordance with the approved servicing management plan as detailed within the document referenced Servicing/Delivery Times - Barton Square in relation to Unit 9 - U/O Wok to Walk only and the email from Matthew Norris of One17Design dated 2 November 2018

Reason: To ensure that the use is acceptable in the interests of the highway safety and the amenity of the locality, pursuant to policies SP1, DM1, CC5, CC10 and T1 of the Core Strategy.

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

08:00 - 00:00 (midnight) Monday to Friday

08:00 - 04:00 Saturday

08:00 - 00:00 Sunday (Including 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.

9) The access measures for disabled people to gain access into and throughout the premises as detailed within the Design and Access and Method Statement prepared by One 17 Architects and Interior Designers and shown on the approved drawings shall be fully implemented before the use hereby approved commences and shall be maintained for the duration of the use hereby approved.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policies CC10, T1, T2, SP1 and DM1 of the Adopted Core Strategy for the City of Manchester and DC14.2 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The applicant is advised that if no CCTV system has been installed on site that it be installed in order to deter anti-social and criminal behaviour and due to the increase in the occurrences of verbal use, violent assaults and theft in the early hours of the morning.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

7 St Anns Arcade, St Ann's Square, Manchester, M2 7HN
64 Barton Arcade, Manchester, M3 2BJ
International House, 82 - 86 Deansgate, Manchester, M3 2ER
6 St Anns Arcade, St Ann's Square, Manchester, M2 7HN
55 Barton Arcade, Manchester, M3 2BJ
Seventh Floor Flat, 10 St Ann's Square, Manchester, M2 7HW
12A St Ann's Square, Manchester, M2 7HW
1 Barton Arcade, Manchester, M3 2BB
63 Deansgate, Manchester, M3 2BW
STEPHENS PREMIER LTD, 10 St Anns Arcade, St Ann's Square, Manchester, M2 7HW
Abelsons, 8 St Anns Arcade, St Ann's Square, Manchester, M2 7HW
82 Deansgate, Manchester, M3 2ER
8 St Ann's Arcade, 10 St Ann's Square, Manchester, M2 7HW
Basement And Ground Floor, 76 Deansgate, Manchester, M3 2FW
First Floor, 76 Deansgate, Manchester, M3 2FW
76 Deansgate, Manchester, M3 2FW
Ground Floor, 76 Deansgate, Manchester, M3 2FW
55 Deansgate, Manchester, M3 2BN
Lunya, 57 Deansgate, Manchester, M3 2AY
St Anns Arcade, St Ann's Square, Manchester, M2 7HW
HELP YOUR CLAIM LTD, Second Floor, International House, 82 - 86 Deansgate, Manchester, M3 2ER
32 Barton Arcade, Manchester, M3 2BH
67 Barton Arcade, Manchester, M3 2BJ
66 Barton Arcade, Manchester, M3 2BJ
34 - 35 Barton Arcade, Manchester, M3 2BH
36 Barton Arcade, Manchester, M3 2BH
56 Barton Arcade, Manchester, M3 2BJ
58 Barton Arcade, Manchester, M3 2BJ
57 Barton Arcade, Manchester, M3 2BJ
Flat 8, 6A St Ann's Square, Manchester, M2 7HD
Flat 7, 6A St Ann's Square, Manchester, M2 7HD
Flat 9, 6A St Ann's Square, Manchester, M2 7HD
Flat 2, 6A St Ann's Square, Manchester, M2 7HD
Flat 1, 6A St Ann's Square, Manchester, M2 7HD
Flat 3, 6A St Ann's Square, Manchester, M2 7HD
Flat 5, 6A St Ann's Square, Manchester, M2 7HD
Flat 4, 6A St Ann's Square, Manchester, M2 7HD
Flat 6, 6A St Ann's Square, Manchester, M2 7HD
17D Barton Arcade, Manchester, M3 2BB
26 - 27 Barton Arcade, Manchester, M3 2BB
17B Barton Arcade, Manchester, M3 2BB
17C Barton Arcade, Manchester, M3 2BB
17 Barton Arcade, Manchester, M3 2BB
17A Barton Arcade, Manchester, M3 2BB
Flat 12, 12 St Ann's Square, Manchester, M2 7HW
Flat 9, 12 St Ann's Square, Manchester, M2 7HW
Flat 2, 12 St Ann's Square, Manchester, M2 7HW
Flat 1, Fourth Floor, Barton Arcade, Manchester, M3 2BJ

90 Barton Arcade, Manchester, M3 2BJ
65 Barton Arcade, Manchester, M3 2BJ
Barton Cosmetic Dentistry Centre, 28 - 31 Barton Arcade, Manchester, M3 2BH
45 Barton Arcade, Manchester, M3 2BH
41 Barton Arcade, Manchester, M3 2BJ
54 Barton Arcade, Manchester, M3 2BH
Flat 17, 12 St Ann's Square, Manchester, M2 7HW
Flat 5, 12 St Ann's Square, Manchester, M2 7HW
Flat 1, 12 St Ann's Square, Manchester, M2 7HW
Fourth Floor, Barton Arcade, Manchester, M3 2BJ
38 Barton Arcade, Manchester, M3 2BH
CHEETHAM & MORTIMER SURVEYORS, First Floor Suite 101, International House, 82 - 86
Deansgate, Manchester, M3 2ER
Flat 19, 12 St Ann's Square, Manchester, M2 7HW
Flat 14, 12 St Ann's Square, Manchester, M2 7HW
2 Barton Arcade, Manchester, M3 2BB
First Floor Suite 105, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Fourth Floor, International House, 82 - 86 Deansgate, Manchester, M3 2ER
68 Barton Arcade, Manchester, M3 2BJ
19A Barton Arcade, Manchester, M3 2BB
80 Deansgate, Manchester, M3 2ER
Flat 15, 12 St Ann's Square, Manchester, M2 7HW
Flat 10, 12 St Ann's Square, Manchester, M2 7HW
Flat 6, 12 St Ann's Square, Manchester, M2 7HW
44 Barton Arcade, Manchester, M3 2BJ
65 Deansgate, Manchester, M3 2BW
Flat 18, 12 St Ann's Square, Manchester, M2 7HW
Flat 16, 12 St Ann's Square, Manchester, M2 7HW
Flat 3, 12 St Ann's Square, Manchester, M2 7HW
80 Barton Arcade, Manchester, M3 2BJ
40 Barton Arcade, Manchester, M3 2BH
33 Barton Arcade, Manchester, M3 2BH
Basement, Barton Arcade, Manchester, M3 2BJ
69 - 70 Barton Arcade, Manchester, M3 2BJ
13D Barton Arcade, Manchester, M3 2BB
25 Barton Arcade, Manchester, M3 2BB
59 Barton Arcade, Manchester, M3 2BJ
Basement, Lancaster Buildings, 14 Barton Square, Manchester, M2 7LW
Fifth Floor Suite 502, International House, 82 - 86 Deansgate, Manchester, M3 2ER
First Floor Suite 103, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Third Floor Suite 303, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Fifth Floor Suite 503B, International House, 82 - 86 Deansgate, Manchester, M3 2ER
11 Barton Arcade, Manchester, M3 2BB
13 - 16 Barton Arcade, Manchester, M3 2BB
Flat 7, 12 St Ann's Square, Manchester, M2 7HW
Flat 21, 12 St Ann's Square, Manchester, M2 7HW
Serviced Apartment 13, 12 St Ann's Square, Manchester, M2 7HW
Flat 4, 12 St Ann's Square, Manchester, M2 7HW
9 St Anns Arcade, St Ann's Square, Manchester, M2 7HW
Flat 20, 12 St Ann's Square, Manchester, M2 7HW
Flat 11, 12 St Ann's Square, Manchester, M2 7HW
Flat 8, 12 St Ann's Square, Manchester, M2 7HW
45 - 47 Barton Arcade, Manchester, M3 2BH
12 Barton Arcade, Manchester, M3 2BB

19 - 20 Barton Arcade, Manchester, M3 2BB
Be At One Cocktail Bar, 13 Barton Arcade, Manchester, M3 2BB
22 Barton Arcade, Manchester, M3 2BB
37 Barton Arcade, Manchester, M3 2BH
47A Barton Arcade, Manchester, M3 2BJ
39 Barton Arcade, Manchester, M3 2BH
43 Barton Arcade, Manchester, M3 2BJ
First Floor Suite 104, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Third Floor Suite 304, International House, 82 - 86 Deansgate, Manchester, M3 2ER
First Floor Suite 102, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Third Floor, International House, 82 - 86 Deansgate, Manchester, M3 2ER
84B Deansgate, Manchester, M3 2ER
First Floor Suite 103B, International House, 82 - 86 Deansgate, Manchester, M3 2ER
Third Floor Suite 305, International House, 82 - 86 Deansgate, Manchester, M3 2ER
78 Deansgate, Manchester, M3 2FW
3 Barton Arcade, Manchester, M3 2BB
18 Barton Arcade, Manchester, M3 2BB
60 Barton Arcade, Manchester, M3 2BJ

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 - St Anns Square Conservation Area 1970
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL