

Planning**Growth & Development****Delegated officer report for planning application**

Application no. 136771/NMC/2023

Date registered valid: 21 April 2023

Proposal: Non material amendment to application ref no 134588/FO/2022 to add an additional condition to set parameters for temporary structures associated with the Area B Events Space and amend condition 6 (to update noise levels to adhere to current City Council standards)

Address: 11 Baring Street, Manchester, M1 2PY

Ward(s): Piccadilly Ward

Applicant: Broadwick Live Ltd

Agent (if any): Mr Michael Percival Deloitte

Case officer: Angela
Tel: 0161 234 Leckie
Email: angela.leckie@manchester.gov.uk 4651

Recommendation: Approve

Date of recommendation: 16-05-23

Application details

Type of application: Non-Material Change Application

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 21 April 2023 Expired: 12 May 2023

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application site is bounded by Baring Street to the west, Travis Street and Neild Street/Fairfield Street to the north and Freight Island to the south. The site includes part of the former train platform area and the enclosed rooftop area (level 1) of the Mayfield Depot building at the junction of Travis Street and Baring Street.

The site sits within the wider Mayfield area bounded by Fairfield Street to the north; Temperance Street to the north-east; the Mancunian Way Ring Road (A635) to the south; and London Road (A6) to the west. More specifically the Mayfield Area can be defined as being bounded by Fairfield Street to the north; Temperance and Amory Street to the north-east; the River Medlock to the south' and Baring Street to the west.

The Mayfield Depot forms part of the existing wider Mayfield Station complex. The station was built in 1910 as an overflow to Piccadilly Train Station (grade II listed), servicing routes to South Manchester and Cheshire. Between 1970 and 1986, it was used as a parcel depot. The Depot building has remained predominantly disused since the departure of Royal Mail and has the potential to be considered as a non-designated heritage asset. The Star and Garter public house (grade II listed) is on Fairfield Street immediately north of the site, adjacent to the platform ramp and ticket hall. Other nearby designated heritage assets include the Grade II* London Road Fire Station.

To the west is student accommodation operated by Unite (Piccadilly Place) as well as an area of surface car parking and an electricity substation. To the south of the Unite complex, beyond Buxton Street, is a further student accommodation (Liberty Point). Further west, beyond the student accommodation, is the MacDonald Hotel fronting London Road. In the wider context, there are significant existing residential areas north of Piccadilly Train Station (Piccadilly Village) and to the south of the Ring Road (north of Ardwick Green Park) and south-west of Wadeson Road.

The proposal site is not located within a designated Conservation Area, nor does it contain any listed buildings. The Grade II Listed Star and Garter pub lies to the north of the site.

The proposal site is located in an urban setting of the Mayfield Area of Manchester in an area predominantly characterized by offices, workshops and light industrial uses with properties of differing styles and heights.

The proposal site is within the Manchester City Council (MCC) endorsed Mayfield Strategic Regeneration Framework (2018) (SRF) area which covers an area of approximately 74 ha overall. The Mayfield SRF highlights the potential for 'meanwhile' uses within the regeneration area to help kick-start regeneration and facilitate economic and social activity, particularly in the local community. The proposal, as previously stated, would cover approximately 2.5 ha of the overall Mayfield SRF.

There are a number of development plots in the immediate area which form part of the overall Mayfield SRF. Some associated and standalone 'meanwhile' uses have recently received

planning permission. Consent has previously been granted for temporary change of use for a 5 year period for the Mayfield Depot from Use Class B8 to Sui Generis Use Class, comprising theatre, music, dance, performance-related activities (Sui Generis), cinema and conferencing (Use Class D2), food and drink festivals including external food and drink operators (Use Class A3 and A4), art exhibitions and markets (Use Class A1/D2), marketing suites and offices (Use Class B1), with associated demolition, external alterations, landscaping, servicing and access (application ref no 123728/FO/2019). These activities take place within the area below the area that is the subject of this application.

Description of development

Consent was granted under application ref no 134588/FO/2022 for a temporary change of use for a three-year period of rooftop area of Mayfield Depot to allow for the retention of a cinema with supporting food and beverage offer (Area A) and for use as an event space and ancillary leisure uses (Area B) Sui Generis use) and installation of temporary structures, including for access and associated works. The approved space is divided into 2 areas, 1 Area A is operated by Backdoor Cinema Club. The second area, Area B, is to be utilised as either a seasonal events space with activations such as a winter ice rink or a full time exhibition, art installations and theatre.

At the time of the application, it was anticipated that the types of events and activities expected to take place on the Platform would include and dance performances, exhibitions, art installations, corporate hire events, ice rinks, community events, children and young people activities, brand activations and commercial filming. No details of any structures that might be associated with the use of Area B were supplied with that application.

Subsequent to granting consent discussion have taken place about the potentially fluid nature of these, given the likely changing nature of events and it has been determined that the best way to allow for flexibility whilst controlling the visual impact is to set parameters for the location and maximum size of any cumulative structures. Thus, the application seeks consent to add an additional condition to agree those parameters.

It has also come to light that condition 6 sets out of date parameters for noise levels and does not reflect MCC's current targets or the recommendation in the original comments from Environmental Health. The application therefore also seeks to amend condition 6 to reflect the current noise targets.

Consultations & Notification Responses

Head of Environmental Health – It is noted that the memo dated 16-12-23 stated that entertainment noise should be controlled to 5dB and not 10dB as set out in condition 6 attached to application ref no 134588/FO/2022.

Issues

Principle of additional condition

It is acknowledged that if the applicants had to apply for permission every time that a new type of event and its associated structures was held in Area B that the process of applying and agreeing details and associated time constraints could be prohibitive to the operation of the area and its wider regeneration role as part of the programme of placemaking / meanwhile uses at Mayfield. Given this it is considered appropriate to control potential impacts on amenity and the setting of adjacent listed buildings through the proposed condition.

Variation of condition 6 : The existing wording of the relevant conditions and proposed amendments are set out below:

Original condition 6 (134588/FO/2022)

Notwithstanding the recommendation within the Mayfield Depot Cinema, Manchester Noise Survey and Noise Impact Assessment Mayfield Depot Cinema R01C Client: Broadwick Live Dated: 5/12/2022 by DbX Acoustics before the operation of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commences , details of how the spaces will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to **10dB below the LA90** (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively. The scheme proposed may need to include different measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to the use of this area commencing a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

Proposed condition 6

Notwithstanding the recommendation within the Mayfield Depot Cinema, Manchester Noise Survey and Noise Impact Assessment Mayfield Depot Cinema R01C Client: Broadwick Live Dated: 5/12/2022 by DbX Acoustics before the operation of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commences , details of how the spaces will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to **5dB below the LA90** (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively. The scheme proposed may need to include different measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to the use of this area commencing a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

The proposed changes would have no material impact upon the previously approved scheme and the works would not adversely affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development

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

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

1) Reason 1: Following an assessment of the details and plans submitted, it is confirmed that the proposed amendments are considered to be of a non-material nature and acceptable to the City Council as Local Planning Authority. The City Council is satisfied that the proposed changes will have no material impact upon the previously approved scheme and the works will not adversely

affect visual or residential amenity within the area or will they have any significant material impact upon the overall quality of the development

2) The proposed amendments relate to changes resulting from development of the Event Programme and need for structures to support those events. Changes to condition 5 are to reflect the correct current City Council performance requirements in relation to the acoustic performance required within Area B in terms entertainment noise

6) Notwithstanding the recommendation within the Mayfield Depot Cinema, Manchester Noise Survey and Noise Impact Assessment Mayfield Depot Cinema R01C Client: Broadwick Live Dated: 5/12/2022 by DbX Acoustics before the operation of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commences, details of how the spaces will be acoustically insulated and treated to limit the break out of noise shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall include a noise study of the premises and a scheme of acoustic treatment.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively. The scheme proposed may need to include different measures such as acoustic lobbies at access and egress points of the premises, acoustic treatment of the building structure, sound limiters linked to sound amplification equipment and specified maximum internal noise levels.

The approved noise insulation scheme shall be completed before any of the approved uses commence.

Prior to the use of this area commencing a post completion report to verify that all of the recommended mitigation measures have been installed and effectively mitigate any potential adverse noise impacts in adjacent residential accommodation arising directly from the proposed development shall be submitted and agreed in writing by the City Council as local planning authority. Prior to occupation any non compliance shall be suitably mitigated in accordance with an agreed scheme.

Reason - To secure a reduction in noise in order to protect future residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy and saved UDP Policy DC26.

13) Prior to the use of Area B as shown in Dwg MAY-K002 RO stamped as received on 17-01-23 commencing, details of the location, details and maximum size parameters of any temporary structures shall be submitted and approved in writing by the City Council as Local Planning Authority.

Reason

To allow some level of flexibility given the varying temporary structure needs of each type of event that would take place in Area B whilst considering the overall potential impacts on visual amenity and impact on the setting of adjacent listed buildings outside of agreed parameters relative to the locations on the railway viaduct pursuant to Core Strategy Policies SP1, CC1, CC4, CC9, EN3 and DM1 and saved UDP policies, DC19.1.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited

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

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)

HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)

Area Team Boundary - Name: CENTRAL