

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135349/FO/2022
Date registered valid: 2 November 2022
Proposal: Installation of external fume extraction to ground floor unit
Address: 26-28 Hilton House , Hilton Street, Manchester, M1 2EH
Ward(s): Piccadilly Ward

Applicant: Mr Chris Hosty HHNQ Ltd
Agent (if any): Mr Ralph Taylor Paul Butler Associates
Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 17 January 2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 6 December 2022 Expired: 27 December 2022

Neighbour notifications

Printed: 17 November 2022 Expired: 8 December 2022

Site notice

Posted: 17 November 2022 Expired: 8 December 2022

Press advert

Published: 22 November 2022 Expired: 13 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The application site is located at Hilton House, 26-28 Hilton Street, Manchester, M1 2EH. It is a six storey building above a basement. The building is located on the west side of Hilton Street and is bound by Port Street to the north and Tariff Street to the south. Immediately to the west of the site is The Vaults, a former industrial building which has been converted (and extended) to apartments.

Hilton House comprises offices on the upper floors which are accessed via a communal entrance situated on the Tariff Street/Hilton Street corner of the building. The main part of the ground floor comprises a café/restaurant use currently occupied by 'Feel Good Club' which fronts Hilton Street. There is a second café/restaurant unit which has frontage to Port Street but which is currently vacant.

Description of Development

The application proposal relates to the majority of the ground floor of Hilton House. Restaurant/Cafe. The main part of the ground floor comprises a café/restaurant use currently occupied by 'Feel Good Club' which fronts Hilton Street. There is a second café/restaurant unit which has frontage to Port Street but which is currently vacant. The proposal will allow for 'Feel Good Club' to expand into Restaurant/Cafe which is currently vacant. The proposal will therefore allow the whole of the ground floor of Hilton House to be brought into active use, as well as enabling a local restaurant/café operator to expand.

The proposals do not require any external alterations to the building to facilitate the expansion of 'Feel Good Club'. The only minor change relates to the Tariff Street elevation where proposed vent exhaust will exit the building. This will pass through the external wall but will be screened behind existing cladding fins thereby avoiding visual impact.

The enlarged café/restaurant will include a commercial kitchen with associated extraction equipment and plant. On previous planning permissions final details of the commercial kitchen and associated extraction equipment and plant were conditioned. Details have now been worked up and a 'Specification and EMAQ Report' prepared by Purified Air has been submitted as part of this planning application for approval.

Relevant Planning History:

122541/FO/2019 - Change of use of the basement to a gym (use class D2) and creation of new access, retention of the existing ground floor restaurant (Class A3 Use) (approved under application ref no 094485) with amendments to approved hours of operation and alterations to ventilation and fume extraction system. Regularisation of the use of the pavement adjacent to the building on Port Street for as external seating area to comprise tables and chairs associated with and ancillary to the restaurant use and external alterations comprising the removal of the existing 'shack' structure erection of pergola structure and associated external alterations to the building including new ground floor entrances (relocation of those approved under application ref no 120931), addition of roof level plant, and minor amendments to basement window and door design (approved under application ref no 120931). Approved 13.09.2019.

131579/FO/2021 Retrospective application for installation of air conditioning condenser units to rear elevation. Approved 10.11.2021

Description of area

Description of development

Consultations & Notification Responses

The application has been advertised in the Manchester Evening News as affecting a Conservation Area and affecting a Listed Building. A site notice was displayed and the occupiers of nearby properties have been notified.

No representations have been received as a result of this publicity

Cadent Gas - have requested that an Informative Note is added into the Decision Notice:

Environmental Health - have reviewed the application and requested that conditions are attached to control

1. noise from external plant/equipment/servicing and;
2. fumes.

Issues

NPPF

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The latest version was updated 20 July 2021. The document states that the purpose of the planning system is to contribute to the achievement of sustainable development.

The Core Strategy Development Plan Document (July 2012)

The Core Strategy, adopted in July 2012, is the key Development Plan Document against which proposals should be judged. Core Strategy policies of particular relevance to the proposed scheme include:

Policy SP 1 'Spatial Principles' which states that the Regional Centre will be the focus for economic and leisure activity; and, that development should enhance/protect the built/natural environment.

Policy CC 9 'Design and Heritage' states that development in the City Centre should preserve or enhance heritage assets, including conservation areas.

Policy EN 3 'Heritage' sets out that new developments must be designed so as to support the Council in preserving/enhancing the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance including conservation areas.

Policy DM 1 'Development Management' sets out various issues that development should have regard to, including: appropriate siting, layout, scale, form, massing, materials and detail; impact on the surrounding areas; and effects on amenity including noise and vibration.

Saved Policies of the Unitary Development Plan for Manchester (July 1995)

The Unitary Development Plan (UDP) was superseded by the Core Strategy. However, a number of UDP policies have been 'saved'. Extant policies contained within the UDP which are relevant to the proposed scheme include:

Policy DC18.1 'Conservation Areas' seeks to protect, preserve and enhance the character of the city's conservation areas.

Policy DC26 'Development and Noise' aims to minimise the adverse impact of noise on noise-sensitive developments.

Issues

Visual Amenity

The only minor change elevational change to the exterior of the building relates to the Tariff Street elevation where a proposed vent exhaust will exit the building. This will pass through the external wall but will be screened behind existing cladding fins thereby avoiding visual impact.

The proposal installations are considered to be acceptable in terms of visual amenity and would not cause harm to the Stevenson Square Conservation Area in accordance with Core Strategy Policies DM1 and EN3.

Residential Amenity and Noise

Environmental Health - have reviewed the application and requested that conditions are attached to control

1. noise from external plant/equipment/servicing

Environmental Health have stated that the Noise Impact Assessment submitted with the application is insufficient to discharge the condition. No assessment has been made of the noise breakout from the equipment through the Louvres or intake position. The report has assessed plant on the roof of the building and from the drawing the intake/extract points are not on the roof. It still needs to be demonstrated that the above equipment will meet Env Health criteria.

The noise condition suggested by Environmental Health will be attached in full

2. fumes.

Environmental Health have stated that

The Purified Air report has done a risk assessment and has proposed Fine filtration, ESP followed by UV ozone system to mitigate against the fumes and this is sufficient to discharge part a of the condition.

The condition suggested by Environmental Health will be attached in full

Subject to discharge of the attached conditions the proposal is considered to be acceptable with regards to its impact on residential amenity in accordance with saved UDP policy DC1.

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

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:

Drawings

Received by the Planning Service as Local Planning Authority on 2nd November 2022
Site Location Plan PL 010
Ground Floor Demise PL 200
EXISTING & PROPSD ELEVATIONS PL 300

Received by the Planning Service as Local Planning Authority on 1st December 2022
Ventilation SE----/AM/M01 Revision P1

Documents

Received by the Planning Service as Local Planning Authority on 2nd November 2022
Covering Letter
The Specification & EMAQ Report entitled Feel Good Club by Purified Air and Solution Environmental Services; prepared for Andy Mills - Solutions Environmental Services; prepared by Rob Martin; dated 10th October 2022
Planning Application - Waste Management Strategy
Noise Impact Assessment by Peak Acoustics Project No: PA872 Report Ref: 2106191NR Issue Date: 10th July 2019 for Hilton House, 26-28 Hilton Street, Manchester, M1 2EH

Received by the Planning Service as Local Planning Authority on 14th November 2022
Email from Ralph Taylor of Paul Butler Associates

Received by the Planning Service as Local Planning Authority on 1st December 2022
Email from Ralph Taylor of Paul Butler Associates
Document entitled Kitchen Extract UV-0 Range 500 | 1000 by Purified Air
Document entitled Kitchen Extract ESP Range 1500 | 3000 | 4500 | 6000 by Purified Air
Document entitled Systemair MUB/T-S 042 450EV
Document entitled Systemair MUB 042 450EV sileo Multibox

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.

3) a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

4) a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies DM1 and SP1 of the Core Strategy for the City of Manchester

Informatives

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Environmental Health

Basement, Hilton House, 26 - 28 Hilton Street, Manchester, M1 2EH
8 Tariff Street, Manchester, M1 2FF
Second Floor, 10 Tariff Street, Manchester, M1 2FF
First Floor, 10 Tariff Street, Manchester, M1 2FF
Second Floor, 12 Tariff Street, Manchester, M1 2FF
Third Floor, 14 Tariff Street, Manchester, M1 2FF
Third Floor, 12 Tariff Street, Manchester, M1 2FF
Third Floor, 10 Tariff Street, Manchester, M1 2FF
Ground Floor, 10 Tariff Street, Manchester, M1 2FF
First Floor, Hilton House, 26 - 28 Hilton Street, Manchester, M1 2EH
10 Tariff Street, Manchester, M1 2FF
Flat 22, 1 Tariff Street, Manchester, M1 2FF
Flat 19, 1 Tariff Street, Manchester, M1 2FF
Flat 15, 1 Tariff Street, Manchester, M1 2FF
Flat 13, 1 Tariff Street, Manchester, M1 2FF
Flat 10, 1 Tariff Street, Manchester, M1 2FF
Flat 7, 1 Tariff Street, Manchester, M1 2FF
Flat 4, 1 Tariff Street, Manchester, M1 2FF
Flat 1, 1 Tariff Street, Manchester, M1 2FF
First Floor, 12 Tariff Street, Manchester, M1 2FF
14 Tariff Street, Manchester, M1 2FF
12 Tariff Street, Manchester, M1 2FF
Flat 24, 1 Tariff Street, Manchester, M1 2FF
Flat 23, 1 Tariff Street, Manchester, M1 2FF
Flat 21, 1 Tariff Street, Manchester, M1 2FF
Flat 20, 1 Tariff Street, Manchester, M1 2FF
Flat 18, 1 Tariff Street, Manchester, M1 2FF
Flat 17, 1 Tariff Street, Manchester, M1 2FF
Flat 16, 1 Tariff Street, Manchester, M1 2FF
Flat 14, 1 Tariff Street, Manchester, M1 2FF
Flat 12, 1 Tariff Street, Manchester, M1 2FF
Flat 11, 1 Tariff Street, Manchester, M1 2FF
Flat 9, 1 Tariff Street, Manchester, M1 2FF
Flat 8, 1 Tariff Street, Manchester, M1 2FF
Flat 6, 1 Tariff Street, Manchester, M1 2FF
Flat 5, 1 Tariff Street, Manchester, M1 2FF
Flat 3, 1 Tariff Street, Manchester, M1 2FF
Flat 2, 1 Tariff Street, Manchester, M1 2FF
The Whiskey Jar, Basement And Ground Floor, 14 Tariff Street, Manchester, M1 2FF
First Floor, 14 Tariff Street, Manchester, M1 2FF
Basement And Ground Floor, 12 Tariff Street, Manchester, M1 2FF
Second Floor, 14 Tariff Street, Manchester, M1 2FF

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
Conservation Area - Stevenson Square Conservation Area 1987
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: CENTRAL