

Planning

Growth & Development

Delegated officer report for planning application

Application no. 135169/FO/2022

Date registered valid: 15 November 2022

Proposal: Creation of a tattoo studio (Use Class Sui Generis)

Address: 82 Silk Street, Manchester, M4 6BJ

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Alex Frazer

Agent (if any): HAD & Co Property Consultants Ltd

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 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: 28 November 2022 Expired: 19 December 2022

Site notice

Posted: Expired:

Press advert

Published: 6 December 2022 Expired: 27 December 2022

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order:

Description of Site/Area

The application site is located on Silk Street in the Ancoats Conservation Area. The site is located to the south of Oldham Road, a major radial route into the City. The site is bound by the Crown industrial estate to the eastern side of Poland Street, residential apartments to the west and surface car parking to the north.

The existing use of the building is for offices (Class E).

Description of Development

Creation of a tattoo studio (Use Class Sui Generis)

Consultations & Notification Responses

Local residents and businesses were notified and a total of 2 responses were received. Comments made can be summarised as follows:

Ancoats is a lovely neighbourhood with an elegant vibe for city fringe living with many awards . There are a low level of commercial units and practices with the majority of business being pubs cafes and a small no of business that currently don't interfere with the neighbourhood .

A tattoo parlour is totally out of sync with the investment that the council has made in the area and would detract from the existing business in the area.

In addition parking is very tight in the neighbourhood and such a business would attract a no of traffic issues.

Overall I feel that the business is totally out of sync with the regeneration of the area.

Objection on the basis that the proposal would allow access to member of the public to the businesses on the upper floors of the building. This would increase the risk of potential theft and will undoubtedly increase our insurance costs.

The proposed use would affect the attractiveness of the business on the upper floors of the building.

Highways – no objections.

Environmental Health – recommendation of conditions relating to waste management and noise from external plant equipment.

Design for Security at GMP – recommended of a number of physical security measures. To be added as an informative.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, T2, EN19.
- Saved policy DC26 of the UDP;
- National Planning Policy Framework;

Principle

Having regard to the existing Planning Policy Framework, City Council policy and national planning guidance, the principle of the development is considered acceptable.

In this case, the use of this vacant commercial unit, formerly an office (Class E) to a tattoo shop, within the city centre is considered to represent an effective and appropriate use of space which would contribute to the city's economic growth and employment priorities.

The host building and surrounding environment is commercial in context and together with existing levels of activity in the area, the number of staff/floorspace ratio and the proposed hours of use, it is not anticipated that the use would give rise to any negative effects upon amenity.

Objection has been raised with regard to the impact on the attractiveness of the area and therefore impact on the value of other businesses. This is not a material planning consideration and therefore cannot form part of the assessment of the application.

In light of the above, the proposed use is considered acceptable and an appropriate land use for a city centre location.

Amenity

Environmental Health have recommended conditions in relation to waste and opening hours will be applied to the approval. The proposed opening hours and operation of the premises is considered to be compatible with the uses in the rest of the building and wider area.

With regards to issues of security, there are not considered to be any additional impacts on security than if the unit was to be used as an office with different tenants on upper floors as both uses may have visiting members of the public.

Highways impacts

It is anticipated that most staff and customers will utilise sustainable methods of transport such as public transport or cycling to travel to and from work, as is typical of city centre and city fringe locations. Due to the sustainable location of the site, the site enjoys access to a host of public transport services including train, bus and tram stations which are all located nearby and within a short walking distance.

Highway Services do not envisage that the proposed use would generate any significant vehicle trips or parking issues. On this basis, the impact on the highway is considered acceptable.

Highways have requested that secure cycle parking is provided for a minimum of 2 no. spaces however in this instance given the limited size of the unit this is not considered viable.

Access

The building as existing has narrow entrances and the unit is located in the basement with stepped access. Given the structural and spatial restrictions imposed by the building footprint and layout, whilst it would not be feasible at this time to provide full disabled access to this part of the building a condition will be attached to require the submission of a scheme to improve access to those with disabilities.

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 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:

-Proposed Plans and Elevations ref. HAD3443-03 received by the City Council as Local Planning Authority on 15 November 2022.

-Waste Management Proforma received by the City Council as Local Planning Authority on 15 November 2022.

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) The waste management for the use shall be carried out in accordance with the submitted information 'Proposed Plans and Elevations ref. HAD3443-03' received by the City Council as Local Planning Authority on 15 November 2022 and Waste Management Proforma received by the City Council as Local Planning Authority on 15 November 2022.

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 or 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:-

10am to 6pm daily

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) Within 1 month of the date of this permission, a scheme to incorporate measures to improve disabled access into and throughout the premises. The agreed scheme shall be implemented within 3 months of the date of this permission and shall be retained and operational for so long as the building is in use.

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

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) (75.7 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)

Informatives

1) the applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004)

2) Any new external fittings (i.e. shutters, windows or doors) should be certified to Secured by Design standards.

Any new glazing in external doors, ground floor or easily accessible windows should include at least one pane of laminated glass rated as P4A under EN 356.

A CCTV system should be included within these premises and should be capable of monitoring the following areas: external doorways, all internal spaces.

An intruder alarm should be installed with contacts on all external doors and with movement detectors. The alarm should be monitored by an appropriate body.

Signage should be displayed to indicate the areas of the premises that are restricted to staff only.

Any staff areas that are to be included within the proposal should be access controlled and restricted to members of staff only.

Dusk till dawn lighting should be installed above all external doors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Environmental Health
Greater Manchester Police

1 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
2 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
3 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
4 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
5 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
6 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
7 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
8 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
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27 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
28 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
29 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
30 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
31 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
32 Roper Court, 109 George Leigh Street, Manchester, M4 6GG
84 Silk Street, Manchester, M4 6BJ

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(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Area Team Boundary - Name: CENTRAL