

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134521/FO/2022
Date registered valid: 16 August 2022
Proposal: Creation of retail shop (Use Class E)
Address: Basement , 48 Princess Street, Manchester, M1 6HR
Ward(s): Piccadilly Ward

Applicant: Mr Kye Etherton Basement , 48 Princess Street, Manchester, M1 6HR
Agent (if any): Mr Matthew McNulty McNulty Architects 12 Hartington Road, Manchester, M21 8UY
Case officer: Lucy Harrison
Tel: 0161 234 5795
Email: lucy.harrison@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 6 October 2022

Application details

Type of application: Full Application Consent

Development type: Minor Retail

Date of site visit: 23 August 2022

Standard consultations:

Printed: 18 August 2022 Expired: 8 September 2022

Neighbour notifications

Printed: 18 August 2022 Expired: 8 September 2022

Site notice

Posted: 23 August 2022 Expired: 13 September 2022

Press advert

Published: 23 August 2022 Expired: 13 September 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order:

Description of area

The proposal relates to the basement area of 48 Princess Street, which forms part of a Grade II listed building on the west side of Princess Street. The basement is bounded by Princess Street to the east and Harter Street to the north and west. The entrance to the basement is from Harter Street on the north elevation of the building. Residential apartments occupy the ground and upper floors of the building. The area has a mixture of uses including residential, shops, restaurants and offices.

Description of development

The proposal is for the change of use of the basement to a shop (Class E(a)). No works are proposed externally or internally.

Consultations & Notification Responses

Publicity – The proposal has been advertised as affecting a listed building and conservation area and occupiers of neighbouring properties have been notified.

Highway Services - No objections.

Environmental Health - Recommends conditions regarding construction hours, hours of use, servicing hours, noise, waste and lighting.

Greater Manchester Police (GMP) - Recommends security measures.

Issues

The main issues to consider in assessing this application are the principle of the use, the impact on amenity, the impact on highway safety, the impact on the character and appearance of the listed building, crime and safety and the provision of disabled access. The application should be considered against the following policies: SP1 (Spatial Principles), CC9 (Design and Heritage), CC10 (A Place for Everyone), T2 (Accessible Areas of Opportunity and Need), EN3 (Heritage), and DM1 (Development Management) of the Core Strategy and Saved Policies DC19 (Listed Buildings) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester (UDP).

The National Planning Policy Framework sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an economic, social and environmental role (paragraphs 7 & 8). Paragraphs 10, 11, 12, 13 and 14 of the NPPF outline a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan (para 11). Paragraphs 11 and 12 state that:

"For decision-taking this means: approving proposals that accord with an up-to-date development plan without delay" and "where a planning application conflicts with an up-to-date

development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

The following sections of the NPPF are relevant to the consideration of this application: Section 6 (Building a strong and competitive economy), Section 7 Ensuring the Vitality of Town Centres and Section 16 (Conserving and Enhancing the Historic Environment).

Principle of the Use

The proposed use would be in keeping with the uses within the surrounding area and is entirely appropriate in this city centre location. Proposed advertisements shown on the elevation drawings refer to “event space”. However, the application is for a shop use only a condition should therefore be attached restricting the use to shop only for the avoidance of doubt. The use would be in accordance with Policies SP1, T2 and DM1 of the Core Strategy.

Amenity

The unit is within the basement of a building that has residential uses directly above and windows to residential apartments sit adjacent to the unit’s entrance on Harter Street. A shop use should not create excessive noise. However, it is not clear what the proposed hours would be and, if it is proposed to be open late into the evening, this may have an impact on the adjacent residential occupiers, particularly in an old building such as this one where sound can easily carry through the structure of the building. Conditions requiring hours of use to be agreed and an acoustic report should therefore be attached to any approval. With the use of conditions it is considered that the proposed use would be in accordance with Core Strategy Policy DM1 and saved UDP Policy DC26.

Highway Safety

For a use such as this, servicing would take place within the existing highway infrastructure and details of the waste management for the shop should be conditioned to ensure adequate storage areas and management. Given the location within the city centre, the use would not generate a significant increase in the level of vehicular trips. It is considered therefore that there would not be a detrimental impact on highway safety and that the proposal would comply with Policies T2 and DM 1 of the Core Strategy.

Heritage Impact

The unit is within the basement of a Grade II listed building. The applicant has stated that there would be no works to the shop front of the building and it has not been made explicit whether any works are proposed internally. The agent has been informed that any physical works to the building may require listed building consent and a condition should be attached to any permission making it clear that the planning permission granted does not grant or imply grant of consent for any works for which listed building consent may be required. On the basis that no physical works are proposed, the use would not have a detrimental impact on the listed building and would be in accordance with Core Strategy Policies CC9 and EN3 and saved UDP Policy DC19.

Disabled Access

The unit has stepped access to the front door and a staircase down into the basement where the unit is situated. No information has been given as to how access for all would be provided

or managed and a condition should therefore be attached requiring an options analysis and details of how access for disabled persons would be provided prior to the use commencing. With the proposed condition it is considered that the proposed use would be in accordance with policies CC10 and DM1 of the Core Strategy.

Crime and Safety

GMP have recommended a number of measures to make the unit secure. These have been relayed to the applicant and should be attached as an informative.

Conclusion

Given the above, it is considered that the proposal would comply with the NPPF and the above policies of the Core Strategy and should be approved with conditions.

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:

Article 35 Declaration

Officers work with applicants in a positive and pro-active manner to seek solutions to problems arising in relation to dealing with planning applications. The Planning Officer contacted the applicant with regard to the use, access, waste, servicing and the listed building.

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:

Site Location Plan received by the City Council as local planning authority on 28 July 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 use hereby approved shall not commence unless and until a scheme showing provision of access for disabled people, including those with mobility impairments, into and throughout the unit has been submitted to and approved in writing by Manchester City Council as Local Planning Authority. Any scheme approved in compliance with this condition shall be fully implemented before the use first commences.

It should be noted that any works required to discharge this condition may require listed building consent.

Reason - To ensure that satisfactory disabled access is provided pursuant to policy DM1 of the Core Strategy.

4) The use hereby approved shall not commence unless and until the opening hours of the use have been agreed in writing by the City Council as local planning authority. The use thereafter shall not open outside the approved hours and shall remain the hours for any subsequent permitted change in Use Class E.

Reason - In the interests of residential amenity in accordance with saved policy DC 26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) Before the use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break-out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

The LAeq shall be controlled to 5dB below the LA90 (without the use in operation) 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 (Leq,5min), respectively.

Upon completion of the development and prior to occupation a verification report to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report shall be submitted to and approved in writing by the City Council as local planning authority. The verification report shall also undertake post completion testing to confirm that acceptable criteria has 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. Those measures shall be implemented in full before the commercial unit is first occupied.

It should be noted that any works required to discharge this condition may require listed building consent.

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.

6) The use hereby approved shall not commence unless and until a scheme for the storage (including segregated waste recycling) and disposal of refuse relating to the proposed use has been submitted to and approved in writing by the City Council as local planning authority. 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 and shall remain the waste management arrangements for any subsequent permitted change in Use Class E.

It should be noted that any works required to discharge this condition may require listed building consent.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

7) No loading or unloading shall be carried out on the site outside the hours of (and shall remain the servicing arrangements for any subsequent permitted change in Use Class E))

07:30 to 20:00, Monday to Saturday,
10:00 to 18:00, Sundays and Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development shall be used for any purpose other than the purpose of a shop within Class E(a) (excluding convenience retail) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1.

9) The permission hereby granted does not grant or imply grant of consent for any works for which listed building consent may be required, which includes works to the interior of the building.

Reason - For the avoidance of doubt as the planning unit forms part of a building that is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character and appearance of this building and to ensure consistency in accordance with policies CC9 and EN3 of the Core Strategy and saved policy DC19.1 of the Unitary Development Plan for the City of Manchester.

Informatives

1) The following security measures have been recommended by Greater Manchester Police. However, it should be noted that any works to the listed building may require listed building consent and should not be carried out unless and until such consent has been granted by the City Council as local planning authority. Any external works may require planning permission (this planning permission is for change of use only).

- 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 capable of monitoring the following areas: external doorways, all internal spaces;
- 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 above all external doors.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Manchester Central College, Harter Street, Manchester, M1 6HY
Charlies Night Club, 1 Harter Street, Manchester, M1 6HY
Flat 41, 48 Princess Street, Manchester, M1 6HR
Third Floor, 101 Princess Street, Manchester, M1 6DD
Fourth Floor, 101 Princess Street, Manchester, M1 6DD
101 Princess Street, Manchester, M1 6DD
Ground Floor, 44 Princess Street, Manchester, M1 6HR
Flat 22, 2 Harter Street, Manchester, M1 6HY
Flat 18, 2 Harter Street, Manchester, M1 6HY
Flat 17, 2 Harter Street, Manchester, M1 6HY
Flat 15, 2 Harter Street, Manchester, M1 6HY
Flat 402, 11 Harter Street, Manchester, M1 6HY
Flat 401, 11 Harter Street, Manchester, M1 6HY
Flat 303, 11 Harter Street, Manchester, M1 6HY
Flat 302, 11 Harter Street, Manchester, M1 6HY
National Museum Of Labour History, 103 Princess Street, Manchester, M1 6DD
Upper Ground Floor, 101 Princess Street, Manchester, M1 6DD
Flat 11, 48 Princess Street, Manchester, M1 6HR
Flat 2, 48 Princess Street, Manchester, M1 6HR
Flat 18, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 13, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 24, 48 Princess Street, Manchester, M1 6HR
Second Floor, 101 Princess Street, Manchester, M1 6DD
46 Princess Street, Manchester, M1 6DE
Flat 43, 48 Princess Street, Manchester, M1 6HR
Flat 19, 48 Princess Street, Manchester, M1 6HR
Flat 31, 48 Princess Street, Manchester, M1 6HR
Flat 8, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 6, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 7, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 5, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 5, 48 Princess Street, Manchester, M1 6HR
Flat 34, 48 Princess Street, Manchester, M1 6HR
Flat 12, 2 Harter Street, Manchester, M1 6HY
Flat 3, 2 Harter Street, Manchester, M1 6HY
Flat 403, 11 Harter Street, Manchester, M1 6HY
Flat 101, 11 Harter Street, Manchester, M1 6HY
Ground Floor To Third Floor, 103 Princess Street, Manchester, M1 6DD
Flat 45, 48 Princess Street, Manchester, M1 6HR
Flat 44, 48 Princess Street, Manchester, M1 6HR
Flat 42, 48 Princess Street, Manchester, M1 6HR
Flat 10, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 6, 48 Princess Street, Manchester, M1 6HR
Flat 3, 48 Princess Street, Manchester, M1 6HR
Flat 17, 48 Princess Street, Manchester, M1 6HR
Flat 32, 48 Princess Street, Manchester, M1 6HR
Flat 46, 48 Princess Street, Manchester, M1 6HR
Flat 19, 2 Harter Street, Manchester, M1 6HY

Flat 6, 2 Harter Street, Manchester, M1 6HY
Flat 5, 2 Harter Street, Manchester, M1 6HY
Flat 4, 2 Harter Street, Manchester, M1 6HY
Flat 503, 11 Harter Street, Manchester, M1 6HY
Basement To First Floor, National Museum Of Labour History, 103 Princess Street, Manchester, M1 6DD
Flat 4, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 14, 48 Princess Street, Manchester, M1 6HR
Flat 3, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 23, 48 Princess Street, Manchester, M1 6HR
Flat 16, 2 Harter Street, Manchester, M1 6HY
Flat 14, 2 Harter Street, Manchester, M1 6HY
Flat 13, 2 Harter Street, Manchester, M1 6HY
Flat 9, 2 Harter Street, Manchester, M1 6HY
Ground Floor, 46 Princess Street, Manchester, M1 6HR
Flat 12, 48 Princess Street, Manchester, M1 6HR
Flat 4, 48 Princess Street, Manchester, M1 6HR
Flat 20, 48 Princess Street, Manchester, M1 6HR
Flat 21, 2 Harter Street, Manchester, M1 6HY
Fifth Floor, 101 Princess Street, Manchester, M1 6DD
First Floor, Rhodesia House, 52 Princess Street, Manchester, M1 6JX
Flat 25, 48 Princess Street, Manchester, M1 6HR
Flat 19, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 17, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 15, 48 Princess Street, Manchester, M1 6HR
Flat 9, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 16, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 20, 2 Harter Street, Manchester, M1 6HY
Flat 10, 2 Harter Street, Manchester, M1 6HY
Flat 8, 2 Harter Street, Manchester, M1 6HY
Flat 7, 2 Harter Street, Manchester, M1 6HY
Flat 1, 2 Harter Street, Manchester, M1 6HY
Flat 35, 48 Princess Street, Manchester, M1 6HR
Flat 15, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 12, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 11, 2 Harter Street, Manchester, M1 6HY
Flat 2, 2 Harter Street, Manchester, M1 6HY
Flat 501, 11 Harter Street, Manchester, M1 6HY
Flat 301, 11 Harter Street, Manchester, M1 6HY
Flat G02, 11 Harter Street, Manchester, M1 6HY
Flat 201, 2 Waterloo Street, Manchester, M1 6HX
Flat G01, 11 Harter Street, Manchester, M1 6HY
Flat 202, 2 Waterloo Street, Manchester, M1 6HX
Flat 102, 2 Waterloo Street, Manchester, M1 6HX
Basement, 101 Princess Street, Manchester, M1 6DD
Fourth Floor Front, 101 Princess Street, Manchester, M1 6DD
Second Floor Front, 101 Princess Street, Manchester, M1 6DD
First Floor, 101 Princess Street, Manchester, M1 6DD
103 Princess Street, Manchester, M1 6DD
Flat 16, 48 Princess Street, Manchester, M1 6HR
Flat 10, 48 Princess Street, Manchester, M1 6HR
Flat 502, 11 Harter Street, Manchester, M1 6HY
Flat 22, 48 Princess Street, Manchester, M1 6HR
Flat 14, M1 Building, 50 Princess Street, Manchester, M1 6HR

Flat 11, M1 Building, 50 Princess Street, Manchester, M1 6HR
Flat 1, 48 Princess Street, Manchester, M1 6HR
Flat 21, 48 Princess Street, Manchester, M1 6HR
Flat 33, 48 Princess Street, Manchester, M1 6HR
Flat 2, M1 Building, 50 Princess Street, Manchester, M1 6HR

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 - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL