

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133212/FO/2022
Date registered valid: 15 March 2022
Proposal: Continued use of a temporary structure as a public house and associated facilities (Use Class E Drinking Establishment), for a further period of two years; with new adjacent canopy structure and food hut
Address: Sadlers Cat , Hanover Street, Manchester, M60 0AB
Ward(s): Piccadilly Ward

Applicant: NOMA (GP) LTD C/o Agent
Agent (if any): Ms Eithne Fitzgerald Deloitte LLP 2 Hardman Street, Spinningfields, Manchester, M3 3HF
Case officer: Angela Leckie
Tel: 0161 234 4651
Email: angela.leckie@manchester.gov.uk

Recommendation: Temporary Approval

Date of recommendation: 30-05-22

Application details

Type of application: Full Application Consent

Development type: Smallscale Major Other

Date of site visit: 30 March 2022

Standard consultations:

Printed: 30 March 2022 Expired: 20 April 2022

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 30 March 2022 Expired: 20 April 2022

Press advert

Published: 5 April 2022 Expired: 26 April 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The application site relates to the a parcel of land bounded by New Century House and its associated Conference Hall to the north, Redfern Street to the east, Hanover Street to the south and the rear of the grade II listed Old Bank Building. Currently within the site there is a single story temporary public house facility, currently operating as Sadlers Cat which covers an area of 163 sq.m with an external ramp and adjacent associated external seating area. Temporary consent for the unit was granted under application ref no 109781/FO/2015/C1 in 2015 and a second permission for continued use, for a further period of three years, was approved March 2019 (App Ref. 119817/FO/2018).

The development footprint of the site occupies a parcel of land previously occupied by the Redfern Annexe Building, which was demolished as part of the public realm enabling works and will in the long-term be brought forward as a development plot.

The site lies adjacent to Old Bank Building, Hanover Building, the Redfern Building and New Century Hall and House which are all the grade II listed. It is also adjacent to the Shudehill Conservation Area.

Description of area

NOMA is a 20 acre regeneration scheme covering the land within the Co-operative Group's ownership in Manchester city centre. This truly transformative regeneration strategy has been approved by Manchester City Council in the form of a Strategic Regeneration Initiative (2009) and is also endorsed in the adopted Core Strategy. The area comprises a group of listed office and former warehouse buildings, several large cleared sites and the Group's new head office building, 1 Angel Square. Working in partnership with Manchester City Council, the Group's aim is to ensure the delivery of a scheme which will not only add to the variety of business, retail, cultural, educational, leisure and residential options in the city, but do so in a way that establishes a new model of socially aware and sustainable regeneration. In recent years much of the listed estate has been refurbished and reused, and it is envisaged that new buildings will be brought forward on the current vacant land.

Description of development

This application seeks to formally extend permission for Sadler's Cat for a further two years (the previous consent expired in March this year. Consent is also sought for the erection of a terrace structure over the external seating area covering an additional 50 sq. m. The covered terrace area would be known as the Gardenhouse and include a small food hut. The new structures would feature the same larch timber cladding as the existing building. The Gardenhouse will not have facilities to operate independently, but will operate exclusively as an expansion space for activity in the existing public house.

The continued operation of Sadlers Cat and the covered external facilities will continue to play a place making role within the Listed Estate that will contribute to the character of the public square and will tie in with the wider vision for NOMA whilst other commercial units facing the Square await tenants and pending the delivery of the development approved for the site under

application ref no's 127464/FO/202 and 127465/LO/2020 (approved Oct 2020). The temporary pub will bring activity to the public realm in line with the envisaged function of the Square as a place for events.

Consultations & Notification Responses

Publicity – The application was advertised as a public interest development and as affecting the setting of a listed building and the occupiers of adjacent properties were notified about the application. A site notice was displayed adjacent to the site. No representations have been received.

Highway Services - Has no objections

Environmental Health - Have no objections subject to conditions relating to the acoustic insulation of the premises, opening hours and fume extraction being attached to any consent granted.

Greater Manchester Police - Have no objections subject to implementation of the recommendations of the submitted Crime Impact Assessment

Issues

National Planning Policy Framework – The following Policies are of relevance to this application:

Section 1 - Building a strong and competitive economy- which is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future and places significant weight on the need to support economic growth through the planning system.

Section 2 Ensuring the Vitality of Town Centres, - which promotes competitive town centre environments

Section 12 Conserving and enhancing the historic environment – which states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

And that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Core Strategy - The following policies are considered to be most relevant to the proposed development:

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) –which identifies that City Centre as a strategic economic location and focus of employment growth encouraging a variety of high quality accommodation types, sizes and foot-plates to boost investment by local, national and international businesses and supports the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities within the City Centre to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

Policy SP1 (Spatial Principles), - which guides the strategic development of Manchester identifying the Regional Centre as the focus for economic and commercial development, leisure and cultural activity, alongside high quality city living. It states that all development within the City Centre regeneration area should have regard to the character and issues as identified in the Manchester City Centre Strategic Plan and outlines the following core development principles:

Development should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income;
- protect and enhance the built and natural environment;
- minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel; and
- Provide good access to sustainable transport provision.

Policy DM1 (Development Management) – Which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:-

- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

Policy CC7 Mixed Use Development - identifies the City Centre as presenting the most viable opportunities for mixed-use development, and states that active ground floor uses (shops, food

and drink and leisure) will be appropriate in locations which have an established public function, or as part of a mixed-use development which will create such an environment.

Policy CC9 (Design and Heritage) States that development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including conservation areas and listed buildings.

Policy T2 (Accessible Areas of opportunity and need)- which states that the Council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport.

The Unitary Development Plan for Manchester – Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

DC10 'Food and Drink Uses' - which supports the provision of developments involving the sale of food or drink within the City Centre provided that they would not have a detrimental impact on the amenity of neighbouring residents.

DC18.1 (Conservation Areas) - which seeks to preserve and enhance the character of its designated conservation areas.

DC19.1 (Listed Buildings) - which seeks to preserve and enhance the settings of listed buildings by appropriate control over new developments within their vicinity.

DC26.1 Development and Noise - which details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

DC26.5 Development and Noise – which states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate

Principle of the continued Use and extension

The unit that is the subject of this application is located within a part of the City where this type of use would normally be acceptable in principle. Its continued use and improvements to the existing seating area will continue to encourage increased activity within the Listed Estate and help create a distinctive destination within Manchester City Centre. Street level activity and vibrancy would continue to contribute to the regeneration of the surrounding area.

The unit lies within part of the City Centre which contains a mix of uses, with retail uses, residential accommodation, bars, restaurants and cafés nearby. The use is complementary to the existing uses, providing an additional facility for local residents and businesses; subject to appropriate control of in terms of the hours of operation and the need to deal satisfactorily with noise, fumes, smells and storage and disposal of refuse.

In view of the above it is considered that the proposal has the potential to add to the area's vibrancy and contribute to the mixed use character of this part of Deansgate. The proposals are therefore considered to be in accordance with Core Strategy policies CC1, SP1, CC7, T2 and DM1 and saves UDP policies DC10.1, 10.2 10.3 and 10.4, DC18 and DC26.

Residential Amenity / Hours of Operation

The hours of operation will continue as previously permitted and no external speakers are proposed. Information submitted in support of the application demonstrates that subject to compliance with conditions the use should not generate issues relating to noise or break from the unit. The applicants have, provided details of how they would seek to control noise and anti social behaviour from people leaving the premises, this includes the placing of notices asking people to leave quietly and in an orderly manner out of consideration for neighbours. The submitted operating strategy for inside the premises aims to prevent crime and disorder, ensuring public safety, preventing public nuisance and protecting children from harm as well as does the dispersal procedure which aims to reduce disturbance to nearby residents will be conditions of any consent granted.

The Head of Environmental Health has also recommended a condition limiting the hours during which the building can be serviced. This will ensure that any disturbance from such activity is confined to acceptable hours of the day.

Given the above it is considered that on balance and subject conditions controlling the acoustic insulation of the premises, the hours of operation, the hours during which deliveries can take place and the storage and disposal of refuse the proposals would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5.

Design Issues and Impact on the adjacent Listed Buildings and Conservation Area

It is felt that on a temporary basis pending delivery of the Old Bank proposals that the overall positive impact that the proposals would have on the historic character and fabric of the building is something which is acceptable. The additional Gardenhouse structure and food hut have been designed to sit in harmony alongside the existing building and will utilise a complementary timber structure and larch timber cladding so that they are read as a cohesive whole. The proposals would make no permanent change or material impact on the character of the adjacent conservation area or adjacent listed buildings and will not affect the building's special interest

In view of the above the use is consistent with Core Strategy Policies CC9 and saved UDP policy DC18.1 and DC19.1.

Crime and Disorder - The submitted Crime Impact Assessment was prepared by Greater Manchester Police Design for Security and they have provided recommendations in relation to the design and operation of the development in terms of Crime and Disorder which are capable of being a condition of any consent granted. It is also felt that an increase in the use of vacant properties particularly during the evening has the potential to increase the level of natural surveillance.

In view of the above it is considered that the proposals are consistent with Policy DM1 of the Core Strategy.

Car Parking/Highway Safety - The site is in an area that is well served by various methods of public transport including buses, trains and the Metrolink and the proposals for servicing and waste collections are considered to be acceptable.

Given the above, the proposals are considered to be in accordance with Core policies DM1 and T2.

Disabled Access

There would full level access to the temporary building by way of a 1:16 ramp.

Given the above it is considered that the access arrangements would be consistent with Core Strategy Policy DM1.

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: Temporary Approval

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. The applicants were advised at pre-application state about the information that would be required in support of the application. A pre application site meeting took place to discuss the proposals and comments made by officers were taken on board in the final submission.

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

1) The permission hereby granted is for a limited period only, expiring on 30th May 2024; and the use comprising the development for which permission is hereby granted is required to be discontinued on that date.

Reason - The use hereby approved is of a temporary nature, in order to allow the preparation of the a more balanced interim use strategy that would support the proper planning and regeneration of the area and to allow the City Council the opportunity to reconsider the appropriateness of this use and its impact of the use on policies aimed at reducing reliance on travel by private car the consequences of which have not been considered beyond the 30th May 2023 pursuant to Core Strategy Policies SP1, CC1, CC4, EN1and DM1

2) The premises (including the external areas) shall not be open to the public outside the following hours,:-

Saturday	12:00 to 22:00
Sunday - Monday	12:00 to 01:00
Bank Holidays	12 to 22:00

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to Core Strategy Policies DM1 and SP1 and saved UDP policies DC26.1 and 26.5.

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

L(02)022 Rev C1, P(1-)011 Rev B, P(1-)010 Rev C, L(01)004 Rev A and L(01)005 Rev A; as amended by 2696-PLA-XX-XX-DR-L-0005 (Terrace Structure), 2696-PLA-XX-XX-DR-L-0010 (Site Plan and Sadler's Cat Kitchen - Layout Plan Planning)(all stamped as received on 15-03-22);

Kitchen layout plan stamped as received on 15-03-22;

Crime Impact Statement Version A: 23-11-21 (sections 3.3. and 4);

Recommendations within Sandy Brown Associates Acoustic Planning Report 02-02-2022;

Operational Management Strategy (Public House) prepared by Cloudwater;

Operational Management Strategy (Food Hut) prepared by Wallace & Sons;

Email from Deloitte dated 06.05.2022 in relation to external speakers, plant and hours of operation; and

Deloitte covering letter dated 10-03-22 in relation to Overview of Proposals, Appearance, Maintenance, Waste and Refuse and Security.

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.

4) The acoustic insulation within the development hereby approved shall be implemented in accordance with the following:

Operational noise levels and mitigation set out within the Sandy Brown Associates Acoustic Planning Report 02-02-2022

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.

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.

5) Before operation of the food hut commences final details of the method of extraction of any fumes, vapours and odours from any kitchen within the communal facilities shall be submitted to and approved in writing by the City Council as local planning authority prior to commencement of those uses. The details of the approved scheme shall be implemented prior to occupancy and shall remain in situ whilst the use or development is in operation.

Defra have published a document entitled 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (withdrawn but still available via an internet search). It describes a method of risk assessment for odour, guidance on minimum requirements for odour and noise control, and advice on equipment selection. It is recommended that any scheme should make reference to this document (particularly Annex B) or other relevant guidance. Details should also be provided in relation to replacement air. The applicant will therefore need to consult with a suitably qualified ventilation engineer and submit a kitchen fume extract strategy report for approval.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy

6) Refuse storage and disposal shall be carried out in accordance with the Waste Management Strategy attached to Andrew Cowan's e-mail dated 02-11-15 and Dwgs 2318 P (01) 004 and 005 (application ref no 109781)

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.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
City Centre Renegeration
Urban Design & Conservation
Greater Manchester Police

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
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 - Shudehill Conservation Area 1987
Area Team Boundary - Name: CITY1