

## List No. 13

**Miles Platting  
And Newton  
Heath Ward**

**Application Number**  
078428/JO/2006/N1

**Date of Appln**  
7th Feb 2006

**Committee Date**  
28th Sep 2006

**Proposal** Variation of condition 3 permission 060606/FU/NORTH1/00 to allow opening from 9a.m. to 2a.m. 7 days a week

**Location** 371 Oldham Road, Miles Platting, Manchester, M40 8EA,

**Applicant** Alexander Sheridan Ltd C/o Agent

**Agent** NJL Consulting Adamson House, Towers Business Park,  
Wilmslow Road, Manchester, M20 2YY

### Description

The application was previously considered by the Planning and Highways Committee on 27 July 2006, and was deferred pending consultation with ward councillors.

#### Site

The application site is an existing licensed venue for functions. It is situated on Oldham Road, close to its junction with Hulme Hall Lane. The site is located adjacent to an industrial concrete plant and railway line, and opposite a residential area comprising terraced houses and high rise flats. The residential properties are about 60m from the application site, across Oldham Road and a landscaped amenity area.

#### Proposal

The applicants propose to vary condition 3 of permission 060606/FU/NORTH1/00 to permit the premises to open until 0200. This represents an extension of hours of operation and opening from the existing approved 0900 to 1200 Monday to Sunday, to proposed 0900 to 0200 Monday to Sunday.

<b>Existing hours of operation</b>	<b>Licensing (entertainment license)</b>	<b>Licensing (justice's license)</b>	<b>Proposed hours of operation</b>
Monday to Sunday 0900 – 1200	Monday to Saturday 1100 – 0000 Sunday 1200 – 0000	Monday to Saturday 1100 – 2300 Sunday 1200 – 2230	Monday to Sunday 0900 - 0200

### Consultations

Local Residents/Local Businesses -

Standard letter. Two letters of objection received, and the main comments are outlined as follows:

\* The proposal would lead to an increase in noise and disturbance in the early hours;

## **List No. 13**

\* The proposal could lead to overspill parking at Sawley Road, and associated noise and disturbance up to and after 2.00am.

Head of Engineering Services -  
No objections.

Head of Environmental Health -  
No outstanding objections following receipt of additional acoustic information.

Greater Manchester Police (Architectural Liaison Unit) -  
No objections.

New East Manchester -  
No response at date of report.

North Manchester Partnership (inc Crime Reduction Officer) -  
No response at date of report.

Licensing -  
No objections.

Ward Councillors -  
Objection received from Councillor Carroll on the basis of noise breakout concerns, that this would be intolerable for residents at 2am closure time.

Head of Planning -  
Further Observations / Modifications to Conditions / Reasons for Refusal -  
For clarification, Environmental Health originally objected to the proposed opening hours. However, following the receipt of additional information from the applicant, contained in an acoustic report, these objections were overcome and Environmental Health now have no objection to the proposed hours of operation.

## **Issues**

### **Policies**

Policies contained within the development plan, including the Regional Spatial Strategy for the North West (formerly RPG13) the North West Plan (draft RSS) and central government guidance contained within PPS1 and PPG24, and policies H2.2, HC1 and DC26 of the Unitary Development Plan for the City of Manchester (adopted 1995).

### **Regional Spatial Strategy for the North West (formerly RPG13)**

Policy DP2 Enhancing the quality of life: seeks to ensure development which provides a high quality of life for this and future generations.

Policy UR1 Urban Renaissance: seeks to revive local economies and communities.

### **North West Plan (draft RSS)**

Policy MCR2 Regional centre and inner areas of the Manchester city region: seeks the provision of a high quality residential environment, accessible local facilities and employment opportunities.

## List No. 13

PPS1 seeks development which maintains and enhances the quality of the built environment and sustainable communities.

Policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995) seeks to maintain and where necessary improve the quality of the housing stock and residential environments. The matters which the Council will consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

Policy DC26: The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider the effect of new development proposals which are likely to be generators of noise. Developments likely to result in unacceptably high levels of noises will not be permitted in residential areas. Where the Council believes that a new proposal might generate potentially unacceptable levels of noise, it will require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it.

### Site history

Planning permission was granted for the conversion of the bingo hall at the site to licensed premises for functions etc on 20.12.2000 (ref. 060606). The permission included an hours restriction by condition as follows:

No work or other activity shall take place at the property or in the surrounding car park and grounds outside the following hours:- 9.00a.m. to 12.00 p.m.

### Reason

To safeguard the amenities of the occupiers of nearby residential accommodation once the development is completed.

The building was originally a warehouse and converted to a bingo hall following planning permission granted in 1994.

An application for planning permission was received on 16 June 2005 to extend opening hours to 0300 (ref. 076079). 25 objections were received from local residents. The application was refused on 1 August 2005 as follows:

\* The proposal would lead to the potential for a significant increase in general noise and disturbance to local residents, by virtue of associated general and vehicular activity at times of rest and reduced background noise, in close proximity to a residential area, to the detriment of the amenity of local residents. The proposal is therefore contrary to policies HC1, H2.2, DC26.1 and DC26.3 of the Unitary Development Plan for the City of Manchester (adopted 1995).

### Principle of the proposal

The use of the premises for functions has been established in the previous grant of planning permission (ref. 060606/FU/NORTH1/01). However, the impact of the proposed extended opening hours upon the amenities of nearby residents must be considered.

### Amenities of residential area

The site benefits from its own off-street parking and is divorced from the residential area by a major road.

### **List No. 13**

The proposal would not affect the existing parking provision, and would not specifically lead to an increased requirement for numbers of parking spaces. It is therefore unlikely that it would lead to overspill parking at the other side of Oldham Road, any more than at present.

Planning permission was previously refused for the extension of hours to 0300 on the basis of the potential for an increase in noise and disturbance at a time when normally residents would expect a level of quiet.

Given the location of the application site, with a self-contained parking area approximately 60m at the other side of a main radial route from the nearest houses, it is considered that the proposed reduced opening hours to 0200 would lead only to a limited extension of potential noise and disturbance in the early hours, and that this would not on balance be significant as to warrant refusal of the application.

The head of Environmental Health has not expressed any objection to the proposal on the basis of noise and disturbance following receipt of an acoustic survey. The proposal should be implemented on the basis of the recommendations of the acoustic survey, ie that the premises should remain acoustically insulated to a level of 34 dBa and noise output should remain no higher than 90 dBa.

Following receipt of an objection from Ward Councillors, the Head of Environmental Health has confirmed the previous comments as noted above.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents 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. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation APPROVE**

Approve in light of the development plan, including Regional Planning Guidance for the North West contained within RPG13, central government guidance contained within PPS1, and policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester (adopted 1995), on the basis that the proposal would not be significantly detrimental to the amenities of the local area and nearby dwellings.

## List No. 13

### Conditions and/or Reasons

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 shall be implemented in accordance with the criteria in the Assessment of Noise Breakout from the Alexander Sheridan Suite, by Azymuth Acoustics dated 04/07/06, ie the premises shall remain acoustically insulated to a level of 34dBa and noise output within the premises shall remain below 90dBa.

Reason

For the avoidance of doubt, and to protect the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester (adopted 1995).

### Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 078428/JO/2006/N1 held by Planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are all held by the Planning Division.

### The following residents, businesses and other third parties in the area were consulted on the application:

Protec 325-327 Oldham Road Central Manchester M40 7PS  
J L Hargreaves & Co 1 Johnson Square Central Manchester M40 7UE  
F C B Partners 1 Johnson Square Central Manchester M40 7UE  
1 Shardlow Close Central Manchester M40 7NW  
10 Shardlow Close Central Manchester M40 7NW  
11 Shardlow Close Central Manchester M40 7NW  
12 Shardlow Close Central Manchester M40 7NW  
13 Shardlow Close Central Manchester M40 7NW  
14 Shardlow Close Central Manchester M40 7NW  
15 Shardlow Close Central Manchester M40 7NW  
16 Shardlow Close Central Manchester M40 7NW  
18 Shardlow Close Central Manchester M40 7NW  
2 Shardlow Close Central Manchester M40 7NW  
20 Shardlow Close Central Manchester M40 7NW  
22 Shardlow Close Central Manchester M40 7NW  
24 Shardlow Close Central Manchester M40 7NW  
26 Shardlow Close Central Manchester M40 7NW  
28 Shardlow Close Central Manchester M40 7NW  
3 Shardlow Close Central Manchester M40 7NW  
30 Shardlow Close Central Manchester M40 7NW  
32 Shardlow Close Central Manchester M40 7NW  
4 Shardlow Close Central Manchester M40 7NW

**List No. 13**

5 Shardlow Close Central Manchester M40 7NW  
6 Shardlow Close Central Manchester M40 7NW  
7 Shardlow Close Central Manchester M40 7NW  
8 Shardlow Close Central Manchester M40 7NW  
9 Shardlow Close Central Manchester M40 7NW  
Nelson Court Flat 1 Droitwich Road Central Manchester M40 8DR  
Dubliner Varley Street Central Manchester M40 8EE  
1 Droitwich Road Central Manchester M40 8ED  
5 Droitwich Road Central Manchester M40 8ED  
7 Droitwich Road Central Manchester M40 8ED  
9 Droitwich Road Central Manchester M40 8ED  
11 Droitwich Road Central Manchester M40 8ED  
13 Droitwich Road Central Manchester M40 8ED  
15 Droitwich Road Central Manchester M40 8ED  
17 Droitwich Road Central Manchester M40 8ED  
19 Droitwich Road Central Manchester M40 8ED  
21 Droitwich Road Central Manchester M40 8ED  
23 Droitwich Road Central Manchester M40 8ED  
25 Droitwich Road Central Manchester M40 8ED  
27 Droitwich Road Central Manchester M40 8ED  
29 Droitwich Road Central Manchester M40 8ED  
31 Droitwich Road Central Manchester M40 8ED  
33 Droitwich Road Central Manchester M40 8ED  
35 Droitwich Road Central Manchester M40 8ED  
37 Droitwich Road Central Manchester M40 8ED  
39 Droitwich Road Central Manchester M40 8ED  
41 Droitwich Road Central Manchester M40 8ED  
43 Droitwich Road Central Manchester M40 8ED  
45 Droitwich Road Central Manchester M40 8ED  
47 Droitwich Road Central Manchester M40 8ED  
Nelson Court Flat 2 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 3 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 4 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 5 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 6 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 7 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 8 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 9 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 10 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 11 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 12 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 13 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 14 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 15 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 16 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 17 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 18 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 19 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 20 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 21 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 22 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 23 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 24 Droitwich Road Central Manchester M40 8DR  
Nelson Court Flat 25 Droitwich Road Central Manchester M40 8DR



## List No. 13

66 Farnborough Road Central Manchester M40 7NN  
Post Office Miles Platting Post Office 24 Broadhaven Road Central Manchester  
M40 7LT  
Greater Manchester Probation & After Care Service Varley Street Central  
Manchester M40 8EE  
Mancunian Community Health N H S Trust Varley Street Clinic Varley Street  
Central Manchester M40 8EE  
Equipment & Adaption Service Sensory Resource Centre Varley Street Central  
Manchester M40 8EE  
Miles Platting Housing Office Varley Street Central Manchester M40 8EE  
Manchester City Council Varley Street Central Manchester M40 8EE  
10 Kilsby Walk Central Manchester M40 8DP  
2 Kilsby Walk Central Manchester M40 8DP  
4 Kilsby Walk Central Manchester M40 8DP  
6 Kilsby Walk Central Manchester M40 8DP  
8 Kilsby Walk Central Manchester M40 8DP  
11 Bednal Avenue Central Manchester M40 8DW  
13 Bednal Avenue Central Manchester M40 8DW  
15 Bednal Avenue Central Manchester M40 8DW  
5 Bednal Avenue Central Manchester M40 8DW  
7 Bednal Avenue Central Manchester M40 8DW  
9 Bednal Avenue Central Manchester M40 8DW  
2 Silvine Walk Central Manchester M40 8DT  
4 Silvine Walk Central Manchester M40 8DT  
6 Silvine Walk Central Manchester M40 8DT  
Corpus Christi Parochial Centre Corpus Christi Priory 39 Varley Street Central  
Manchester M40 8EE  
Age Concern Corpus Christi Day Centre Varley Street Central Manchester M40  
8EE  
1 Bednal Avenue Central Manchester M40 8DW  
3 Bednal Avenue Central Manchester M40 8DW  
10 Edinburgh Square Central Manchester M40 8DN  
2 Edinburgh Square Central Manchester M40 8DN  
4 Edinburgh Square Central Manchester M40 8DN  
6 Edinburgh Square Central Manchester M40 8DN  
8 Edinburgh Square Central Manchester M40 8DN  
10 Kirkhaven Square Central Manchester M40 8DA  
12 Kirkhaven Square Central Manchester M40 8DA  
2 Kirkhaven Square Central Manchester M40 8DA  
26 Kirkhaven Square Central Manchester M40 8DA  
28 Kirkhaven Square Central Manchester M40 8DA  
4 Kirkhaven Square Central Manchester M40 8DA  
6 Kirkhaven Square Central Manchester M40 8DA  
8 Kirkhaven Square Central Manchester M40 8DA  
10 Norbury Close Central Manchester M40 8DL  
12 Norbury Close Central Manchester M40 8DL  
14 Norbury Close Central Manchester M40 8DL  
16 Norbury Close Central Manchester M40 8DL  
18 Norbury Close Central Manchester M40 8DL  
2 Norbury Close Central Manchester M40 8DL  
20 Norbury Close Central Manchester M40 8DL  
22 Norbury Close Central Manchester M40 8DL  
4 Norbury Close Central Manchester M40 8DL  
6 Norbury Close Central Manchester M40 8DL

## List No. 13

8 Norbury Close Central Manchester M40 8DL  
12 Edinburgh Square Central Manchester M40 8DN  
14 Edinburgh Square Central Manchester M40 8DN  
16 Edinburgh Square Central Manchester M40 8DN  
18 Edinburgh Square Central Manchester M40 8DN  
20 Edinburgh Square Central Manchester M40 8DN  
2 Bednal Avenue Central Manchester M40 8DW  
4 Bednal Avenue Central Manchester M40 8DW  
6 Bednal Avenue Central Manchester M40 8DW  
Spanking Roger Sawley Road Central Manchester M40 8DB  
14 Kirkhaven Square Central Manchester M40 8DA  
16 Kirkhaven Square Central Manchester M40 8DA  
18 Kirkhaven Square Central Manchester M40 8DA  
20 Kirkhaven Square Central Manchester M40 8DA  
22 Kirkhaven Square Central Manchester M40 8DA  
24 Kirkhaven Square Central Manchester M40 8DA  
Tian Guan Temple Sawley Road Central Manchester M40 8DB  
2 Sealey Walk Central Manchester M40 8DG  
4 Sealey Walk Central Manchester M40 8DG  
6 Sealey Walk Central Manchester M40 8DG  
8 Sealey Walk Central Manchester M40 8DG  
10 Sealey Walk Central Manchester M40 8DG  
12 Sealey Walk Central Manchester M40 8DG  
2 Ashbury Place Central Manchester M40 8DX  
4 Ashbury Place Central Manchester M40 8DX  
6 Ashbury Place Central Manchester M40 8DX  
8 Ashbury Place Central Manchester M40 8DX  
10 Ashbury Place Central Manchester M40 8DX  
12 Ashbury Place Central Manchester M40 8DX  
14 Ashbury Place Central Manchester M40 8DX  
16 Ashbury Place Central Manchester M40 8DX  
18 Ashbury Place Central Manchester M40 8DX  
20 Ashbury Place Central Manchester M40 8DX  
22 Ashbury Place Central Manchester M40 8DX  
24 Ashbury Place Central Manchester M40 8DX  
26 Ashbury Place Central Manchester M40 8DX  
28 Ashbury Place Central Manchester M40 8DX  
30 Ashbury Place Central Manchester M40 8DX  
1 Loxley Walk Central Manchester M40 8DY  
3 Loxley Walk Central Manchester M40 8DY  
5 Loxley Walk Central Manchester M40 8DY  
1 Filby Walk Central Manchester M40 8DZ  
3 Filby Walk Central Manchester M40 8DZ  
5 Filby Walk Central Manchester M40 8DZ  
2 Backton Place Central Manchester M40 8DF  
4 Backton Place Central Manchester M40 8DF  
6 Backton Place Central Manchester M40 8DF  
10 Giltbrook Avenue Central Manchester M40 8DH  
12 Giltbrook Avenue Central Manchester M40 8DH  
14 Giltbrook Avenue Central Manchester M40 8DH  
16 Giltbrook Avenue Central Manchester M40 8DH  
18 Giltbrook Avenue Central Manchester M40 8DH  
2 Giltbrook Avenue Central Manchester M40 8DH  
4 Giltbrook Avenue Central Manchester M40 8DH

## List No. 13

6 Giltbrook Avenue Central Manchester M40 8DH  
8 Giltbrook Avenue Central Manchester M40 8DH  
1 Falkland Avenue Central Manchester M40 8DJ  
10 Falkland Avenue Central Manchester M40 8DJ  
2 Falkland Avenue Central Manchester M40 8DJ  
3 Falkland Avenue Central Manchester M40 8DJ  
4 Falkland Avenue Central Manchester M40 8DJ  
5 Falkland Avenue Central Manchester M40 8DJ  
6 Falkland Avenue Central Manchester M40 8DJ  
7 Falkland Avenue Central Manchester M40 8DJ  
8 Falkland Avenue Central Manchester M40 8DJ  
1 Reedham Walk Central Manchester M40 8DS  
3 Reedham Walk Central Manchester M40 8DS  
5 Reedham Walk Central Manchester M40 8DS  
7 Reedham Walk Central Manchester M40 8DS  
9 Reedham Walk Central Manchester M40 8DS  
2 Reedham Walk Central Manchester M40 8DS  
4 Reedham Walk Central Manchester M40 8DS  
10 Lifton Avenue Central Manchester M40 8DD  
11 Lifton Avenue Central Manchester M40 8DD  
13 Lifton Avenue Central Manchester M40 8DD  
15 Lifton Avenue Central Manchester M40 8DD  
17 Lifton Avenue Central Manchester M40 8DD  
2 Lifton Avenue Central Manchester M40 8DD  
3 Lifton Avenue Central Manchester M40 8DD  
4 Lifton Avenue Central Manchester M40 8DD  
5 Lifton Avenue Central Manchester M40 8DD  
6 Lifton Avenue Central Manchester M40 8DD  
7 Lifton Avenue Central Manchester M40 8DD  
8 Lifton Avenue Central Manchester M40 8DD  
9 Lifton Avenue Central Manchester M40 8DD  
12 Falkland Avenue Central Manchester M40 8DJ  
14 Falkland Avenue Central Manchester M40 8DJ  
Alburn Court Flat 1 Sawley Road Central Manchester M40 8DE  
19 Lifton Avenue Central Manchester M40 8DD  
1 Keyworth Walk Central Manchester M40 8DQ  
3 Keyworth Walk Central Manchester M40 8DQ  
5 Keyworth Walk Central Manchester M40 8DQ  
7 Keyworth Walk Central Manchester M40 8DQ  
9 Keyworth Walk Central Manchester M40 8DQ  
11 Keyworth Walk Central Manchester M40 8DQ  
6 Reedham Walk Central Manchester M40 8DS  
Alburn Court Flat 2 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 3 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 4 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 5 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 6 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 7 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 8 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 9 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 10 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 11 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 12 Sawley Road Central Manchester M40 8DE  
Alburn Court Flat 13 Sawley Road Central Manchester M40 8DE



**List No. 13**

S Singh & Son 630-632 Oldham Road Newton Heath Manchester M40 8BA  
Manchester Loans 628 Oldham Road Newton Heath Manchester M40 8BA  
Ladbroke Racing Ltd 640-642 Oldham Road Newton Heath Manchester M40  
8BA  
Alex Sheridan 371 Oldham Road Central Manchester M40 8RR  
Alexander Sheridan 371 Oldham Road Central Manchester M40 8EA

**Representations were received from the following third parties:**

<b>Relevant Contact Officer:</b>	: Robert Lilburn
<b>Telephone No.</b>	: 0161 234 4164
<b>Email</b>	: r.lilburn@manchester.gov.uk