

### List No. 3

<b>Cheetham Ward</b>	<b>Application Number</b> 083849/FU/2007/N1	<b>Date of Appln</b> 31st Aug 2007	<b>Committee Date</b> 17 Jan 2008
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**Proposal** Change of use to a health club (D2) from a bank (A2) including ancillary cafe facility

**Location** 54 Bury New Road, Cheetham, Manchester, M8 8FJ

**Applicant Agent** Stefan Kurpas, Acre Nook Farm, Turn Village, Edenfield, BL0 ORN

#### Description

This application was brought before Members of the Planning & Highways Committee on 20 December 2007 with a recommendation for approval.

Members of the Committee resolved to be minded to refuse the application. Members raised concerns in relation to the nature of the use being a sauna and jacuzzi open at night and in the early hours of the morning. Members are concerned that the club will attract frequent visits during the night time and the impact such a use would have on the character of the area being a general employment area based around the general daytime economic uses. Concern was also expressed in relation to personal safety and an increase in anti-social behaviour in the general locality.

The Head of Planning was asked to bring forward a report to the next available committee addressing the above concerns and proposing detailed reasons for refusal.

#### Issues

The application site would be located in an area of mixed commercial uses. In the immediate vicinity are a number of small and medium sized wholesale cash and carry units involved largely with the clothing and electrical industries creating a thriving and busy daytime environment. Policy CC10 The Council will encourage the continued high level of economic activity in Strangeways and Lower Cheetham Hill Road areas, recognising the particularly the needs of the wholesale trades which dominate these areas. The Council recognises the regional role played by this locality and will pursue policies designed to improve the efficiency of existing businesses in order to ensure the continued economic vitality of this key area in the city's economy.

The proposed health club with its evening and late night time activities does not accord with the general character of the area involving the introduction of a night time leisure use into an area comprising of wholesale activities carried out in the normal working day. The introduction of this type of use could set a precedent and lead to a change in the character of the area that the Council is actively trying to retain for high levels of economic activity under policy CC10, given the regional importance of the wholesale trades in this part of the city.

The applicant has verbally confirmed that he wishes to have the application determined on the basis of the opening hours indicated on the application forms, closing at 1.00am Sunday to Thursday, 2.00am on Fridays and 4.00am on Saturdays.

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It would be possible to mitigate the potential adverse impact of significant night time activity by imposing a condition which would give the health club similar hours of opening to other health clubs in Manchester 7.00am to 11.00pm.

The Police believe that such a use may lead to anti-social behaviour in the locality.

### **Conclusion**

The Head of Planning's recommendation has not changed and is still to approve the application but with more restricted opening times (see condition no8).

If the Committee is minded to refuse the proposal based on the concerns raised, the reasons for refusal are as follows.

The proposed use as a sauna and Jacuzzi without health and fitness provision would by reason of its predominantly evening and night time activity be detrimental to the general character of the area which supports daytime wholesale economic activities, and would be contrary to policy CC10 of the Unitary Development Plan for the City of Manchester.

The proposed use is likely to be associated with an increase in anti-social behaviour in the locality and would be contrary to policy E3.5 of the Unitary Development Plan for the City of Manchester and Section 17 of the Crime and Disorder Act which places a duty on a local authority to do all that it reasonably can to prevent, crime and disorder in its area.

### **Description**

This application relates to a two storey flat roof building built in the 1960/70's and was previously used as a bank. There are other businesses occupying the building at the present time. It is located in a commercial area of Strangeways. There is a small car park to rear. The health club will be primarily an evening night time activity. It will close 1.00am Sunday to Thursday and 2.00am Friday and 4.00am on Saturdays. It will employ 20 staff. The ground floor will have a cafe / coffee shop and video area. Upstairs there will be a wet room with separate male/female changing rooms and one mixed changing room. Toilets will be located on the first floor.

### **Consultations**

Local Residents/ Businesses - No objections

Ward Councillors - A verbal objection has been received from Councillor Pagel as he considers the proposal would blight the area and work against the high profile developments coming forward in the area such as at Boddington's brewery

Head of Engineering Services - Nine parking spaces under their control is adequate.

Head of Environmental Health - wish to have conditions to cover, delivery times, fume extraction, noise insulation of external equipment, refuse storage.

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North Manchester Regeneration Team - objections are raised to this application as it is not considered that this an appropriate use of the premises as this is an industrial/ commercial area where, demand for premises are high - and this proposal gives only a small employment potential offer.

If the sauna is open late night early morning - concerns are expressed about the safety of the users and workers leaving the premises in the early hours in this predominantly industrial area.

Licensing Unit - no application for a licence has been submitted.

Environment Agency - no objections.

Greater Manchester Police - recommend glazing at ground floor to have minimum thickness 7.5 mm, fire escape should be enclosed at ground level with 2.4 m high weld mesh fence, lighting should be provided within site especially to car park, bin store should be fully enclosed and be lockable.

Crime Reduction Officer - ideally CCTV both external (covering front entrance) and internal (as patrons enter) would be a bonus and an anti-robbery measure. Similarly ground floor windows and doors should be protected by roller shutters, as an anti- burglary measure.

### **Issues**

U.D.P. Policy CC10 - To encourage the continued high level of economic activity in the area particularly the needs of the wholesale trades which dominate the area. Adequate parking/servicing provision must be made for redevelopment sites.

CC4 High standard of design will be expected in this area to restore the unity and character of the main radial roads.

The proposal generally accords with policy CC10 in terms of providing employment. There is parking available for 9 cars at the rear, and as the club will be open when daytime uses have ceased, there should also be spaces on street available. It is close to good bus services.

Impact on Amenity - There are no residential properties close by and therefore there should be little or no impact. The conditions recommended by Head of Environmental Health should be imposed.

Crime and Safety - Given the late hours of opening and the area this will be an important issue and a Secure by Design condition is recommended. A condition requiring Installation of CCTV surveillance is considered to be merited in this case.

Visual Impact - No external changes are proposed. However, it is considered that an obscure glazing condition is merited in this case given the proposed use. However, it is not considered essential to have roller shutters here as the glazing will need to be 7.5 mm and laminated to meet Secure by Design Accreditation. Advertising of the facility will need to be at an appropriate level and this will be subject of separate advert controls

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**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)/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. He believes that any restriction on these rights posed by the 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 on the basis that the proposal accords with the development plan in particular policy CC10 of the City Council's Unitary Development Plan in that the use is located in a commercial area and has off-street parking provision and there are no material considerations of sufficient weight to indicate otherwise.

### **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 hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority: CS/SK-PL-01 stamped as received on 28 August 2007

Reason - To ensure that the cafe element remains ancillary to the health club pursuant to policy DC10.2 of the Manchester Unitary Development Plan.

3) Before development commences a scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to occupancy and shall remain operational thereafter.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with Policy CC10 of the Unitary Development Plan for the City of Manchester.

4) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City

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Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby properties pursuant to policy CC10 of the Manchester Unitary Development Plan.

5) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be 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.

Reason - In the interests of amenity pursuant of policy E3.3 of the Unitary Development Plan for the City of Manchester.

6) The windows in the all elevation shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - In the interests of visual amenity pursuant to policy cc4 of the Unitary Development Plan for the City of Manchester.

7) The development shall not be occupied unless accreditation, confirming achievement of the Secured by Design standards in respect of the development has been issued by Greater Manchester Police, unless otherwise agreed in writing by City Council as local planning authority.

Reason - To reduce the risk of crime pursuant to Policy E3.5 of the Unitary Development Plan of the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development".

8) The premises shall not open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Before 7.00.am and after 11.00pm each day of the week.

Reason - In order to protect the character of daytime activity in the area pursuant to policy CC10 of the City Council's Unitary Development Plan.

9) The development hereby approved shall include a building lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted to and approved in writing by the local planning authority before the development commences. The approved scheme shall be implemented in full before the development is first occupied unless otherwise agreed in writing by the local planning authority and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

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10) The development hereby approved shall include the installation of CCTV both internal and external to cover front entrance and as patrons enter. Full details of such a scheme shall be submitted to and approved in writing by the City Council as local planning authority prior to the health centre being opened to the public. The approved scheme shall be implemented in full in accordance with the approved details and shall remain in operation for so long as the development is occupied.

Reason - In the interest of amenity, crime reduction and personal safety of those using the proposed development in order to comply with the requirements of government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

### **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: 083849/FU/2007/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 held by the Planning Division.

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

Engineering Services  
Environmental Health  
Environment & Operations (Refuse & Sustainability)  
North Manchester Regeneration Team  
Licensing Unit  
Environment Agency  
Greater Manchester Police  
Dennis Brogan, Crime Reduction Officer  
S J Cellular Ltd, 58 Bury New Road, Manchester, M8 8FJ  
K C Weathergear, 11 Lockett Street, Manchester, M8 8EE  
6 Howard Street, Manchester, M8 8EN  
The Toolbox (mcr) Ltd, Sagar House, 7 Sagar Street, Manchester, M8 8EU  
6a, Moulton Street, Manchester, M8 8FQ  
22 Moulton Street, Manchester, M8 8FQ  
Athletic Sports, 41 Bury New Road, Manchester, M8 8EF  
Cheetham Hill Clothing Co, 49 Bury New Road, Manchester, M8 8EF  
Meritsmart Ltd, 55 Bury New Road, Manchester, M8 8FX  
Handsar Ltd, 50 Bury New Road, Manchester, M8 8EL  
Colourfones, 25 Moulton Street, Manchester, M8 8FQ  
Electrical Appliances Spare Parts, 29 Moulton Street, Manchester, M8 8FQ  
Dreamwise Bedding, 2 Howard Street, Manchester, M8 8EN  
Enkay Sports, 10-16, Harris Street, Manchester, M8 8EG  
Crestmoor Imports & Exports Ltd, 3-7, Harris Street, Manchester, M8 8EG  
Sports Trader, 9 Harris Street, Manchester, M8 8EG  
21 Moulton Street, Manchester, M8 8FQ  
Liberty Distributors, 23 Moulton Street, Manchester, M8 8FQ  
I Q R A Ltd, 24 Moulton Street, Manchester, M8 8FQ  
27 Moulton Street, Manchester, M8 8FQ  
Vicway Ltd, 3 Moulton Street, Manchester, M8 8FQ  
Fizza, 31-32, Moulton Street, Manchester, M8 8FQ  
Mark Up Tools Ltd, 1 Jury Street, Manchester, M8 8FN

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Mughul Taste, 53 Bury New Road, Manchester, M8 8FX  
8 Howard Street, Manchester, M8 8EN  
A & A Fashions, 2 Sagar Street, Manchester, M8 8EU  
Truwear Sports, 33 Bury New Road, Manchester, M8 8EQ  
35 Bury New Road, Manchester, M8 8EQ  
Enkay Sports, 37-39, Bury New Road, Manchester, M8 8EQ  
Lawrayne, 13 Lockett Street, Manchester, M8 8EE  
Pro-circuit Sportsworld, 10 Lockett Street, Manchester, M8 8EE  
S P Clothing, 10a, Lockett Street, Manchester, M8 8EE  
Calculus Leathers, 43 Bury New Road, Manchester, M8 8EF  
Multigoods Ltd, 47 Bury New Road, Manchester, M8 8EF  
Mr Sport, 51 Bury New Road, Manchester, M8 8EF  
46 Bury New Road, Manchester, M8 8EL  
Cheetwood Primary School, Waterloo Road, Manchester, M8 8EJ  
A T S Euromaster, 20-28, Waterloo Road, Manchester, M8 8GJ  
A D T Fire & Security Plc, Communications Centre, 36 Hoveden Street,  
Manchester, M8 8ET  
5-6, Jury Street, Manchester, M8 8FN  
Shahjee Electronics, 34-35, Moulton Street, Manchester, M8 8FQ  
Advanced Fashions, 1 Sagar Street, Manchester, M8 8EU  
5 Sagar Street, Manchester, M8 8EU  
50a, Bury New Road, Manchester, M8 8EL  
Jean Image-wellington`s Bar, 61 Bury New Road, Manchester, M8 8FX  
Mr Mobile, 63 Bury New Road, Manchester, M8 8FX  
Paul Bros, 65-67, Bury New Road, Manchester, M8 8FX  
Sana Electrical, 77 Bury New Road, Manchester, M8 8FX  
Shipping & Trading Co (manchester) Ltd, 79 Bury New Road, Manchester, M8  
8FX  
83 Bury New Road, Manchester, M8 8FX  
45 Bury New Road, Manchester, M8 8EF  
Lucky Mobile, 7 Broughton Lane, Manchester, M8 9TY  
Gordon Bennett International Ltd, 85 Bury New Road, Manchester, M8 8FX  
54 Bury New Road, Manchester, M8 8FJ  
Robinson Motors Ltd, Cheetham Service Station, Waterloo Road, Manchester,  
M8 8GJ  
Cheetham Service Station, Waterloo Road, Manchester, M8 8GJ  
28 Bury New Road, Manchester, M8 8EL  
Boogy, 26 Moulton Street, Manchester, M8 8FQ  
Digital Electronics Centre, 52 Bury New Road, Manchester, M8 8EL  
Imatex, 12 Lockett Street, Manchester, M8 8EE  
Westangle Ltd, 31 Bury New Road, Manchester, M8 8EQ  
Printec Studio, 2 Moulton Street, Manchester, M8 8FQ  
World Of Communications, 30a, Moulton Street, Manchester, M8 8FQ  
Crown Sports, 57-59, Bury New Road, Manchester, M8 8FX  
Stylechoice Ltd, 14 Lockett Street, Manchester, M8 8EE  
T & T Textile, 2a, Moulton Street, Manchester, M8 8FQ  
Skyline Accessories Ltd, 33a, Moulton Street, Manchester, M8 8FQ  
Direct Clothing, 30 Moulton Street, Manchester, M8 8FQ  
Unit 4, Jury Street, Manchester, M8 8FN  
28a, Bury New Road, Manchester, M8 8EL  
28b, Bury New Road, Manchester, M8 8EL  
Yardlamb Ltd, 50 Bury New Road, Manchester, M8 8EL  
9 Lockett Street, Manchester, M8 8EE  
81 Bury New Road, Manchester, M8 8FX  
28 Moulton Street, Manchester, M8 8FQ

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48 Bury New Road, Manchester, M8 8EL  
56 Bury New Road, Manchester, M8 8FJ  
19 Moulton Street, Manchester, M8 8FQ  
1-3, Howard Street, Manchester, M8 8EN  
28 Vega Street, Manchester, M8 9TW

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

Engineering Services  
Environmental Health  
North Manchester Regeneration Team  
Licensing Unit  
Environment Agency  
Greater Manchester Police  
Crime Reduction Officer

**Relevant Contact Officer :** David Hughes  
**Telephone number :** 0161 234 4272  
**Email :** d.hughes3@manchester.gov.uk