

Application Number	Date of Appln	Committee Date	Ward
098120/FO/2011/C2	22nd Dec 2011		Ancoats And Clayton Ward

Proposal Change of use of vacant A1 to mixed Sui Generis Class A3 (cafe /restaurant), Class A4 (bar), Class B1 (Business), D1 (Community gallery) and D2 (cinema) Use.

Location 43 Thomas Street, Manchester, M4 1NA,

Applicant Mr A McCallum , Defaqto Leisure Ltd, 1 Marlee Court, 62 Tib Street, Manchester, M4 1LG

Agent ,

Description

The application relates to a property known as 43 Thomas Street and has elevations onto both Thomas Street and Edge Street (32-32 Edge Street). An alleyway runs along the side of the premises from the Edge Street elevation to a small enclosed yard area.

Permission was previously sought by the same applicants for a change of use of vacant A1 premises to A4 (Drinking Establishment) use, and associated elevational alterations to the Thomas Street and Edge Street elevations and the first floor roof area which included a rooftop terrace area (application ref no 093441/FO/2010/C2). This was refused by the Planning and Highways Committee in December 2010 and a subsequent appeal by the applicants was dismissed. More details in relation to this are given later in this report.

The building comprises 3 storeys to the Edge Street elevation and 2 storeys with a partial basement to the Thomas Street elevation and is located within the Smithfield Conservation Area. The building has been vacant since 1980.

Planning Permission is sought for a change of use of the building to mixed use Class A3 (cafe /restaurant), Class A4 (bar), Class B1 (Business), D1 (Community gallery) and D2 (cinema) Use which would be Sui Generis. The public areas would be located on the ground and 1st floors and the kitchen, staff facilities and offices on the 2nd floor.

The applicants are seeking to provide a community facility as well as a restaurant and café bar for eating and drinking. The premises would provide food during the day and evening as well as being a creative hub for the area, a space for people to meet, talk, work, perform, create, craft, display and enjoy themselves with ancillary arts and gallery space, showing of films and low key music performances.

The proposal would include the following elevational alterations:

- Cleaning of all exterior brickwork;

- New ground floor frontage to Edge Street elevation comprising new glazed double doors and windows, re-rendering and painting of stall riser, painting of existing fascia boards and re-glazing and painting of windows.
- New ground floor frontage to Thomas Street elevation comprising new timber shop front re-rendering and painting of stall riser, painting of existing fascia boards and re-glazing and painting of windows.
- All existing roller shutters and housing to be removed.
- Installation of a kitchen vent at 2nd floor level.
- Installation of 2 air conditioning units and cooling units within the ground floor passageway.
- The demolition of a small modern add on at first floor level and 2 no outriggers at the rear of Edge Street façade

The opening hours applied for are

07.00 to 00.00 Sunday to Wednesday
07.00 to 00.30 Thursday; and
07.00 to 01.00 Friday and Saturday.

The main entrance would be located on Thomas Street and there would be a secondary entrance from Edge Street which would be not be used for access or egress after 23.00. The entrances would be acoustically lobbied to prevent unacceptable levels of noise outbreak onto the street.

A premises licence was granted on 30th November 2010 and the applicants have confirmed that they will have to apply for a variation of this to suit any planning consent granted.

Food would be served throughout the opening hours.

The music offer would not involve formal concerts but rather that the music would be a backdrop to create atmosphere. The premises would be fitted with modern projection equipment to offer a platform for the visual arts.

Refuse would be stored until the time of collection and all collections would be from an existing loading bay on Edge Street. All deliveries would take place from the same loading bay.

In support of the application the applicants have stated the following:

- That they would be willing to accept a personal consent.
- That the proposal would provide a community facility as well as being creative hub for the area with its ancillary arts and gallery space, cinema and music.
- The premises would provide a friendly and attractive place to eat and drink and enjoy within the Northern Quarter during the day and night.
- That the proposal seeks to build upon the Northern Quarter's reputation as an area for artistic flair offering a unique locale for the community.
- That the premises would offer a platform for young musicians to perform.
- That there is an intention to establish links with the media departments of local universities to provide them with a platform and venue for exhibitions.

- That the various rooms within the building will be used to display art and there may be opportunities to run informal workshops and talks.
- That the building has been vacant for many years and is desperately in need of significant work to bring it back into re-use.
- The proposed use would enhance the locality of the proposal.
- The recycling / re-use of the existing building is both a sustainable and environmentally positive route.
- That the proposed scheme will result in the removal of some of the ad hoc extensions which have been made to the building and reinstate the building back to a more historical form.
- That the proposal would aid in the regeneration of 2 street scenes (Edge Street and Thomas Street) and would promote activity and natural surveillance.
- That the development of the building through substantial investment would mitigate the health and safety problems such as previous significant problems with rats and pigeons and evidence of squatting.
- That the regeneration of the building would provide a structurally sound space a large area of the building having been irreparably damaged by fire.
- That they will only play low level background noise with a noise limiting device fitted to the music system to control noise levels as recommended by their acoustic consultant. For events which cannot be controlled using the sound system such as performances there would be a strict finishing time of 22.00.

In an operational sense the applicants have submitted an Operating Policy which includes measures relating to the prevention of public nuisance and crime and disorder. The measures proposed by these would include the following:

- That they will encourage customers to leave the premises in a quiet and orderly manner to respect residents and will display clear notices requesting that customers leave as quietly as possible in order to respect nearby residents.
- That the toilet facilities would be made available for non customers use Signs will be displayed at all exists asking customers to `go before the go, and use toilets before they leave to help reduce low level crime and disorder in the area such as street urination.
- That they will play an active role in keeping the local area tidy including staff clearing / cleaning the street around the bar on a regular basis, this will include removing rubbish, cleaning urine and vomit.
- No deliveries or refuse collections would take place between 20.00 and 08.00.
- Customers will be directed to the taxi rank on High Street and local taxi numbers will be provided to and called for customers as a call back service for those who do want to walk to the taxi rank.
- Meetings will be arranged between the applicants and the local community at least 3 times a year so that they work together to resolve any concerns/ issues that may arise. The applicant will also make his mobile number available to facilitate more efficient lines of communication.
- On Friday and Saturday SIA (Security Industry Authority) registered door staff will be on duty at the premises from 20.00 until close and a risk assessment would be carried out in conjunction with GMP in respect of other times.

- No opened drinks or empty drink containers will be allowed to be taken out of licensed areas at any time.
- A high resolution CCTV system will be installed at the premises with an anti tamper proof hard disc recorder and cameras would monitor all entry and exist points and cash activity on the premises. Plans indicating the position of these will be submitted to the City Safe Team for feedback prior to installation.
- Customers would be given adequate time to finish their drinks and leave at will and not rushed into the street in one go.
- Between 08.00 and 20.00 bottles and glass would be emptied into bins but stored in the cellar.

The building lies within an area of the City Centre known as the Northern Quarter which contains a variety of uses including wholesale rag trade companies, creative businesses, niche and alternative retail, offices, café bars, public houses, restaurants, galleries, residential and hotel uses.

The nearest residential property to the application site is Agecroft House at the junction of Edge Street and Hare Street .

Relevant Site History

Members will recall that planning permission was previously sought by the same applicants for a change of use of vacant A1 premises to A4 (Drinking Establishment) use, and associated elevational alterations to the Thomas Street and Edge Street elevations and the first floor roof area which included a rooftop terrace area (application ref no 093441/FO/2010/C2) this was refused by the Planning and Highways Committee in December 2010 for the following reasons:

Reason 1

The proposed A4 (Drinking Establishment) Use would constitute a potential noise nuisance and source of disamenity to the residential accommodation at Agecroft House and in the vicinity of the proposed development particularly late at night, by virtue of the inadequacy of the proposed acoustic insulation measures, the potential increased noise and movements associated with the comings and goings of customers from the site in combination with customers from other existing night-time uses in this part of the Northern Quarter and therefore this proposal is contrary to Unitary Development Plan Policies E1.4 Environmental Improvement and Protection - Fostering a Cleaner and Less Polluted City ` H2.2 'Housing', RC20 (Area 4) Small Area Proposals, DC10.1. Food and Drink Uses, DC26.1 and 26.5 Development and Noise.

Reason 2

By virtue of its location , the proposed development would create potential for an increase in incidences of crime and disorder in relation to people using this and adjacent premises and is therefore contrary to Unitary Development Plan Policy E3.5 and to section 17 of the Crime and Disorder Act 1998, section 2 of the Local Government Act 2000.

Reason 3

As a consequence of the increasing concerns being raised by local residents and enforcement and other agencies that operate in the part of the Northern Quarter where the application premises is located, it is considered that an additional A4 use is not compatible with the character of the Thomas Street area and would have a detrimental impact on the mix of uses in the area. The proposal therefore has the potential to be detrimental to the attractiveness of the area to future investment and as a consequence to its regeneration and to plans for further housing developments in the area. The proposal would therefore be contrary to policies R1.1 (Regeneration), RC3 (Mixed Uses), RC20 (Area 4) (Small Area Proposals) and DC18.1 of the Unitary Development Plan for the City of Manchester.

The applicants subsequently appealed against this decision and the appeal was dismissed in September 2011 (PLANNING INSPECTORATE REF NO APP/B4215/A/11/2150873/NWF)

In dismissing the appeal the inspector concluded that

That in terms of the Council's reason for refusal relating to increasing concerns being raised about a change in the character of this part of the Northern Quarter because of the high number of food and drink uses, he felt that there was no particular evidence that allowing this proposal would tip the balance of uses beyond an acceptable limit. Overall on this issue and given the particular circumstances of this case, he found that allowing this one more proposed café/bar type use would be unlikely to significantly change or erode the present character of this part of the Northern Quarter.

However notwithstanding his considerations relating to the effect on the character of the area, he found that the determining factors in the appeal were the harm that would be caused to the occupiers of nearby residential accommodation by virtue of increased noise and disturbance and the likelihood of increased crime and disorder arising from the proposed use.

Following the appeal decision the applicant has engaged with the City Council to put together a revised scheme which they believe would not have a detrimental impact on the amenity of nearby residents, or potential to impact on levels of crime and disorder.

This revised application seeks to address the Inspector and the City Council's concerns.

The key differences between the current and previous application are as follows:

- This is a mixed use scheme not a purely Class A4 (Bar and Drinking establishment use).
- The outside terrace area previously proposed at 1st floor level has been removed from the scheme.
- The outside seating on the street has been omitted.

- A much larger area within the premises would be given over to food and drink use and the size of the bar itself is significantly reduced.
- The proposed hours of operation have been reduced (previously Sunday to Monday 11.00 to 00.30, Thursday 11.00 to 01.30 and Saturday and Sunday 11.00 to 02.30).
- The applicants have indicated that they are willing to accept a personal consent which would mean that only the applicants would be able to operate the premises and they would not be able to not sell or lease the business to another operator without that operator having to apply for a new permission or to have the personal consent condition removed.

Consultations

Publicity - The application was advertised as a public interest development and the occupiers of neighbouring properties were notified about the application. A site notice was placed adjacent to the property. No representations have been received.

Head of Regulatory and Enforcement Services (Pollution Section) - Have no objections but have recommended that conditions relation to the acoustic insulation of the premises and associated plant and equipment, the hours of operation, the hours during which deliveries can take place, the storage and disposal of refuse and the extraction of fumes be attached to any consent granted.

Greater Manchester Police (Architectural Liaison Officers) - Has no objections but have made a number of recommendations about things that should be included within the operating policy should consent be granted.

Greater Manchester Policy (City Safe Team) - Has no objections based on the proposed hours of operation (and a condition restricting these being attached to any consent granted) and the removal of the outside terrace which was part of the previous application at these premises.

City Centre Regeneration Team - Are supportive of the application as it would bring a derelict building back into use on Thomas Street. They state that the building is currently an eyesore and redevelopment will improve the local environment on Thomas Street. In addition the mix of uses in the building should bring new cultural/community facilities to the area.

Issues

Relevant National Policy

Planning Policy Statement No. 1 : Creating Sustainable Communities - PPS1 states that planning should facilitate and promote sustainable and inclusive patterns or urban development, promote prudent use of natural resources including land and identify good design as an essential aspect of sustainability which can ensure attractive, useable, durable and adaptable places.

The proposed development would be in a highly accessible City Centre location, would lead to the effective and sustainable re-use of a previously developed building and in view of the above the proposals would be consistent with PPS1

Planning Policy Statement No. 4 - Planning For Sustainable Economic Growth - sets out the Government's comprehensive policy framework for planning for sustainable economic development and advocates a 'town centre first' approach encouraging local planning authorities to adopt a positive and constructive approach towards planning application for economic development.

The proposed development would contribute towards the delivery of more sustainable patterns of development through the efficient re-use of a previously developed site, create permanent employment opportunities in a highly accessible location and in view of the above the proposals would be consistent with PPS4.

Planning Policy Statement 5 :Planning for the Historic Environment - sets out the Government's overarching aims in relation to the historic environment. Assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

PPS5 states that Local Planning Authorities should take into account the desirability of new developments making a positive contribution to the character and local distinctiveness of the historic environment. It is considered that the proposed scheme would make a positive contribution to the character of the Smithfield Conservation Area and that the elevational alterations been designed to reflect the character and setting of the Smithfield Conservation Area and in view of the above the proposals would be consistent with PPS4

Regional Spatial Strategy for the North West (RSS) - this provides planning guidance for the North West region. Since 2004, the RSS has formed part of the development plans; as such the weight to be attached to its policies has increased. It contains policies that address core principles of development including the following:

DP2: Enhancing the Quality of Life - Ensuring development provides a high quality of life for this and future generations;

DP3: Quality in New Development - Ensuring that new development demonstrates good design and respect for its setting;

DP4: Promoting sustainable economic growth and competitiveness and social inclusion.

For the reasons outlined below in the issues section the proposals would be consistent with the above policies.

The Unitary Development Plan for Manchester - The following UDP Policies are of relevance to this application:

R1.1 'Regeneration' which encourages regeneration of the Regional Centre;

H2.2 (Housing) which states that the Council will not allow development which will have an unacceptable impact on residential areas

E1.4 `Environmental Improvement and Protection which states that the Council will control noise levels by ensuring that new developments involving high noise levels are not permitted where it would be likely to cause a nuisance to occupiers or nearby properties.

E3.5 'Environmental Improvement and Protection' - which promotes safe environments for all people living in and using the City.

RC 3 'Mixed Uses' - which encourages compatible mixed uses within the City Centre;

RC4 `Environment` - which encourages the increasing of the attractiveness of and thereby the activity within important or currently neglected areas including conservation areas within the City Centre.

RC20 (Area 4) 'Small Area Proposals' - which states that the need to build upon the substantial residential component (both existing and planned) and improve its surroundings will be the principle and critical reference point against which all proposals in the areas adjoining the north of Thomas Street will be evaluated. In parallel with this action needs to be taken to make the environmental quality more conducive to housing. In addition it identifies a need for an emphasis within this area is on retaining the existing activities and their scale and character;#

DC9.1 New Commercial and Industrial Development - Access for Disabled People - Which requires development involving the erection of new buildings or adaptation of existing buildings to meet high standards of accessibility.

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.

DC14 `Shop Fronts and Related Signs - which states that shopfronts should be in keeping with the character of the building and should allow full access for disabled people.

DC18.1 `Conservation Areas - which states that the Council will seek to preserve and enhance the character and setting of its designated conservation areas.

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.

For the reasons outlined below in the issues section the proposals would be consistent with the above policies.

Other Material policy considerations

Emerging Core Strategy

On the 18th July 2011 Manchester City Council submitted its Core Strategy Development Plan Document to the Secretary of State for independent examination, following the Publication consultation stage in February and March this year. A hearing to examine the Core Strategy was held in November 2011.

It is considered that the policies contained within the submitted Core Strategy have undergone significant consultation and give a clear indication of the Councils future planning policy intentions, they therefore have some weight in the consideration of this planning application.

Policy CC4 - Visitors, tourist, culture and Leisure

Which identifies the City Centre as a focus for culture and leisure.

Policy CC9 -Design and Heritage

Which seeks to protect or enhance heritage assets, including listed buildings and conservation areas and states that the design of new buildings needs to be of the highest standard in terms of appearance and function and pay attention to the City Centre character and context.

For the reasons outlined below in the issues section the proposals would be consistent with the above policies.

Principle of the Use and Contribution to Regeneration - The Northern Quarter is an important part of the City Centre and its distinctive mix of uses form part of Manchester's global offer. The area has seen continuous change since the early 1990's. As its identity has become established, this has resulted in ongoing investment in the area. As well as there being a marked growth in the residential community, there has been incremental growth around creative industries such as fashion designers, art galleries and media related businesses and of a largely independent sector of retailers including shops, restaurants and bars which has had a positive impact on the regeneration of the area with many disused and dilapidated buildings being refurbished and reused. As a result the Northern Quarter has developed a strong local brand and was awarded the Best Neighbourhood in Britain Award by the Academy of Urbanism in 2010.

The premises that are the subject of this application are located within a part of the City where the type of use proposed could be acceptable in principle, as such uses can add to the vibrancy of an area and enhance its attractiveness. The proposal would redevelop vacant floorspace with a viable use in a prominent location within a Conservation Area and in these terms could have a positive impact on the

regeneration of the wider area and contribute to increasing activity in the Northern Quarter particularly on the Edge Street elevation where there are currently a large number of vacant and underused buildings fronting this side of the street.

However whilst the current UDP policies would appear to be supportive of the principle of the proposed use, marked changes in the nature of the mix of uses within some parts of the Northern Quarter have taken place in the 15 years since those policies were adopted. In view of this other factors need to be taken into consideration in evaluating the appropriateness of the proposed use.

The City Centre Strategic Plan points to the Northern Quarter's unique identity and the need to preserve it in a way that enables independent businesses to flourish, while at the same time allowing new complementary uses to be introduced.

One of the main growth areas within the Northern Quarter in recent years has been the bar / cafe bar sector and this has led to the growth of the night-time economy. As with the majority of other businesses operating within the area this has largely been the opening of previously vacant premises by independent operators. Whilst up to this point this has largely been seen as positive (particularly in terms of the type of operator which is in keeping with the ethos of City Council policies relating to the Northern Quarter), there is however a growing body of evidence from residents and enforcement and other agencies that deal with this area that suggests that the activities associated with the night-time economy are beginning to change the character and nature of the area especially in relation to anti-social behaviour and crime and disorder. There is also perception that as well as resulting in an increase in anti-social behaviour and issues in relation to crime and disorder the emphasis on the night-time economy means that the area is lacking in much needed daytime activity. This is a cause for concern amongst some local residents and enforcement agencies and as a consequence there is a growing perception that in parts of the Northern Quarter the mix of uses is becoming over dominated by this sector. It was within this changing context that the previous proposals were considered and refused and within that same context that this revised application needs to be considered.

In view of the above the key issue to consider in relation to the revised application relate to what would be different about the impact of the current proposals compared with the previous application. As stated above the proposal would be for a mix of uses which would add something rather than just another bar to the area and clearly has the potential to be a widely used facility by the creative community that operate and live within the Northern Quarter and by local residents. In addition it is clear that the applicants have every intention of operating the application premises as something which, compared with the previous application would bring something else to the Northern Quarter rather than just another bar and which clearly has the potential to offer facilities to both local residents and visitors to the area. It is clear from the submitted operating policy and proposed hours of operating that the intention is for the premises to be fully operational not just as part of the night-time economy but also during the day.

Regeneration is an important planning consideration and there is a need to continue to build on the regeneration that has already taken place within the Northern Quarter and the continuing investment in the area. However, whilst the reuse of vacant ,

derelict and dilapidated premises is a key objective this needs to be balanced against the need to maintain a complementary balance of uses which is not detrimental to the character of the area, its attractiveness to potential investors and the amenity of residents living within the area, particularly those that may be adversely affected by the activities associated by a marked concentration of venues that operate as part of the night time economy. It is considered that this revised proposal would add to and complement the character of the area and would not purely be aimed at the night-time economy.

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 character of the Northern Quarter. The proposals are therefore considered to be in accordance with policies R1.1 (Regeneration), RC3 (Mixed Uses), RC4 (Environment), RC20 (Area 10) and DC10.1, 10.2 10.3 and 10.4 (Food and Drink Uses) contained in the UDP.

Residential Amenity / Hours of Operation - The impact that the proposed use may have on nearby residents needs to be considered carefully. Whilst there is an aspiration to create a diverse mix of uses within the Northern Quarter, a mixed-use environment inevitably involves the location of uses such as restaurants, bars and clubs in close proximity to residential accommodation, as is the case with this application. In such circumstances it is necessary to ensure that measures are introduced to mitigate the worse effects that the relative proximity of uses with the potential to generate noise to residential accommodation might have. However, in evaluating the potential impact there is a balance to be made which weighs up carefully the reasonable expectations of residents, the City Centre context and the aspirations for the area to develop as more of a mixed use destination with more activity in the evening. The Head of Environmental Health has stated that provided that the proposed acoustic insulation measures to the building and associated plant and equipment are implemented and that the proposed hours of operation are adhered to that the proposed use of the building is acceptable.

The principle concerns of the Head of Environmental Health in relation to the previous application related to the potential disamenity to adjacent residents particularly in Agecroft House from noise from the associated plant and equipment and the outside terrace area and disturbance from people coming and going from the premises. Given that the terrace area is now omitted from the proposals, that the hours at which the operation of the premises would cease to be open are earlier, and that adequate information has been provided to demonstrate that the premises and associated plant and equipment can be adequately acoustically insulated, it is considered that these concerns have been alleviated.

The applicants have, as noted previously, 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.

Given the above it is considered that on balance and subject to conditions, controlling the acoustic insulation of the premises and associated plant and equipment, the hours of operation, the hours during which deliveries can take place, the storage and disposal of refuse and the extraction of fumes, the proposals would be consistent

with policy on residential amenity and development and noise in accordance with policies H2.2 (Housing), E1.4 (Environmental Improvement and Protection), (DC10.1, 10.2 10.3 and 10.4 (Food and Drink Uses), DC26.2 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

Crime and Disorder - There is some evidence that parts of the Northern Quarter are beginning to be dominated by bar and café bar type uses and the night-time economy and that this has led to an increase in antisocial behaviour and incidents of crime and disorder and a poor perception of the area. It is in this context that the acceptability of any further licensed premises in some locations could be questioned.

Taking on board these concerns the applicants have through this revised application sought to bring forward a scheme which would offer something more than just another establishment where drinking is the primary activity and propose a mixed use proposal which would be of benefit to the daytime as well as night-time economy bringing more activity and hence increasing natural surveillance during both the day and night and bring a variety of alternative activities to this part of the Northern Quarter which will offer an alternative attraction for users of the area during the evening.

The primary concerns in relation to crime and disorder with the previous application related to the use of the outside terrace area, the proposed hours of operation and the consequential increase in comings and goings late into the night. Since the terrace has been omitted from the proposals and the time at which the premises would cease to operate brought forward these concerns have now been alleviated.

Subject to conditions about the nature of the operation of the premises both Greater Manchester Police (Design for Security) and the City Safe Team are supportive of the proposals.

In view of the above it is that the proposals are consistent with policy E3.5 (Environmental Improvement and Protection) of the Unitary Development Plan for the City of Manchester.

Design Issues and Visual Amenity - The proposed external alterations would represent a significant improvement to the external appearance of the building as they would involve the repair of the historic windows and would involve the removal of the unsightly roller shutters that currently mask the window head creating a blank elevation outside of opening hours.

The proposed alterations are considered to be acceptable in relation to visual amenity as they would allow for additional visibility and interaction between the premises and the street and would relate well to the existing character and appearance of the building.

In view of the above the proposals are considered to be in accordance with policies E3.5 (Environmental Improvement and Protection), RC4 (Environment) and DC18.1 (Conservation Areas) of the Unitary Development Plan for the City.

Impact on Character of Conservation Area - It is considered that in bringing these long vacant buildings back into active use along with the proposed external works, the proposals would have a positive physical impact and enhance the character of the Smithfield Conservation Area as such in this respect the proposals are considered to be in accordance with policy DC18.1 (Conservation Areas)

Members should note that there is a legal requirement is to pay special attention to the desirability or preserving or enhancing the character or appearance of a conservation area. In light of this it should be noted that the proposal will bring a building which has been vacant for a long period of time back into use and enhance its appearance by restoring historic features.

Disabled Access - The proposals are considered to be in accordance with policy DC9.1 (Access for Disabled People) and DC14 (Shop Fronts and Related Signs) of the Unitary Development Plan for the City of Manchester.

Level access would be provided from street level from Edge Street. Full disabled access is not possible from Thomas Street due to the change in level from street level a toilet for disabled people would be located at ground floor level also with level access. Whilst it would have been preferable to have full disabled access to the building this needs to be considered in the context of the physical difficulties in achieving this due to the buildings size and layout, as well as the implications to the viability of the business in terms of space and operational requirements. All of the activities that the operation of the development would be available at ground floor level where there is full access for disabled people.

Conclusion

The regeneration of the Northern Quarter has brought many benefits to this part of the City Centre. Whilst the proposed re-use and refurbishment of this vacant building would be welcomed, this has to be balanced against the potential adverse impact that any use within the application premises might have on residential amenity and issues relating to crime and disorder within this part of the Northern Quarter as reflected by the Inspectors decision detailed above.

In submitting this revised scheme the applicants have clearly sought to alleviate the previous concerns which lead to the refusal of their previous application.

On this basis and on balance it is believed that this proposal would have a positive impact both in regeneration terms and physically in terms of impact on the character of the conservation area. Given the proposed nature of the use, the operations policy put forward by the applicant along with the undertaking to accept a personal consent and the proposed hours of operation (all of which are capable of being conditions of any consent granted) it is considered that the proposed development would not have an adverse impact on the character of this part of the Northern Quarter, on the amenity of adjoining residents, on incidents relating to issues of crime and disorder and is subject to conditions therefore considered to be acceptable.

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

Reason for recommendation

on the basis that the proposals subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan specifically the Unitary Development Plan Policies R1.1 (Regeneration), E1.4 `Environmental Improvement and Protection, E3.5 (Environmental Improvement and Protection), H2.2 (Housing), RC3 (Mixed Uses), RC4 (Environment), RC20 (Area 4), DC10.1, DC10.2, DC10.3 and DC10.4 (Food and Drink Uses), DC18.1 (Conservation Areas), DC26.1 and DC26.5 (Development and Noise) in that the proposal would contribute to the regeneration of the Northern Quarter, would be compatible with the mix of uses in the area, would be acceptable in relation crime and disorder, would not have an adverse impact on the character of the conservation area and would not subject to compliance with conditions cause disamenity to nearby residents and there are no material planning considerations to indicate otherwise.

Conditions to be attached to the decision

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:

(a) Site Plan P L (- -)000 stamped as received on 15th December 2012;

(b) P_L (- -)011, 021, 031, 032 and 041 stamped as received on 15th December 2012;

(c) P_L (10) 011, 021, 031; and

(d) P_L (20) 011, 021;

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy R1.1, RC3, RC4, RC20 (Area 4), E3.5, DC9.1 DC10, H2.2, DC26.1 and DC26.5; of the Manchester Unitary Development Plan.

3) The permission granted shall be personal to the applicants only namely Andrew McCallum and Martin Gibson and on the applicants ceasing to occupy the premises the use for which the permission is hereby granted shall be discontinued.

In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant and the operation of the use in terms of safeguarding the amenities of the occupiers of nearby residential accommodation, pursuant to policy H2.2, E1.4, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester

4) The premises shall not be open to the public outside the following hours:-

07.00 to 00.00 Sunday to Wednesday

07.00 to 00.30 Thursday; and

07.00 to 01.00 Friday and Saturday.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester.

5) 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 E1.4, H2.2, DC26.2 and DC26.5 of the Unitary Development Plan for the City of Manchester.

6) The development hereby approved shall be carried out in accordance with the following documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

(a) Mitigation measures contained in Section 5 of Braiden Acoustics Acoustic Report dated 12th December 2011 and specification of external plant and kitchen extract as specified in Appendix 5 of the Report; and

(b) Point 2 of Andrew McCallums E-mail dated 06-02-12

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy E1.4, H2.2, DC26.1 and DC26.5 of the Manchester Unitary Development Plan.

7) The development hereby approved shall be carried out in accordance with the following documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

(a) Operating Policy dated 27-01-12;

(b) Andrew McCallum's e-mail dated 30-01-12; and

(c) Point 4 of Andrew McCallum's e-mail dated 06-02-12

Reason - In the interests of the amenities of the occupiers nearby properties and to reduce the risk of crime pursuant to Policy E1.4, E3.5, Policy H2.2, DC26.2 and DC26.5 of the Unitary Development Plan for the City of Manchester and to reflect the guidance contained in Planning Policy Statement "Delivering Sustainable Development"..

8) Deliveries, servicing and collections including waste collections shall not take place outside of the following hours:

07.30 to 20.00, Monday to Saturday, and
no deliveries Sundays and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy E1.4, H2.2, DC26.1 and DC26.5 of the Unitary Development Plan for the City of Manchester.

9) The premises shall operate and be managed only in the following way;

The entrance on Edge Street shall not be operational for access or egress (including for the purposes of allowing people to go outside to smoke) unless as a means of escape between the hours of 23.00 hours and 7.00am

Reason

In the interests of the amenities of the occupiers nearby properties in order to comply with Policy E1.4, H2.2, DC26.2 and DC26.5 of the Unitary Development Plan for the City of Manchester.

10) The consent hereby approved does not allow for any external seating or for the use of amplified sound or any music to the exterior of the application premises any time.

Reason - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policy E1.4, H2.2 and DC26.6 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: 098120/FO/2011/C2 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:

Highway Services
Environmental Health
Environment & Operations (Refuse & Sustainability)
City Centre Renegeration
Greater Manchester Police
Phil Appleby, Community Safety Coordinator
Greater Manchester Ecology Unit
Northern Quarter Residents Forum
46 Edge Street, Manchester, M4 1HN
11 Oak Street, Manchester, M4 5JD
26 Edge Street, Manchester, M4 1HN
9 John Street, Manchester, M4 1EQ
90 High Street, Manchester, M4 1ES
104 High Street, Manchester, M4 1HQ
58 Copperas Street, Manchester, M4 1HS
100 - 102 High Street, Manchester, M4 1HP
7 Oak Street, Manchester, M4 5JD
31 Thomas Street, Manchester, M4 1NA
34 - 36 Thomas Street, Manchester, M4 1ER
38 Thomas Street, Manchester, M4 1ER
42 - 46 Thomas Street, Manchester, M4 1ER
48 Thomas Street, Manchester, M4 1ER
52 Thomas Street, Manchester, M4 1EG
53 - 55 Thomas Street, Manchester, M4 1NA
57 Thomas Street, Manchester, M4 1NA
58 Thomas Street, Manchester, M4 1EG
54 Thomas Street, Manchester, M4 1EG
30 - 32 Thomas Street, Manchester, M4 1ER
35 - 37 Thomas Street, Manchester, M4 1NA
45 - 47 Thomas Street, Manchester, M4 1NA
49 - 51 Thomas Street, Manchester, M4 1NA
59 Thomas Street, Manchester, M4 1NA
39 - 41 Thomas Street, Manchester, M4 1NA
56 Thomas Street, Manchester, M4 1EG
Second Floor, 42 Edge Street, Manchester, M4 1HN
33 Thomas Street, Manchester, M4 1NA
43 Thomas Street, Manchester, M4 1NA

Apartment 201, 34 Copperas Street, Manchester, M4 1BJ
Apartment 202, 34 Copperas Street, Manchester, M4 1BJ
Apartment 203, 34 Copperas Street, Manchester, M4 1BJ
Apartment 204, 34 Copperas Street, Manchester, M4 1BJ
Apartment 205, 34 Copperas Street, Manchester, M4 1BJ
Apartment 206, 34 Copperas Street, Manchester, M4 1BJ
Apartment 207, 34 Copperas Street, Manchester, M4 1BJ
Apartment 208, 34 Copperas Street, Manchester, M4 1BJ
Apartment 209, 34 Copperas Street, Manchester, M4 1BJ
Apartment 301, 34 Copperas Street, Manchester, M4 1BJ
Apartment 302, 34 Copperas Street, Manchester, M4 1BJ
Apartment 303, 34 Copperas Street, Manchester, M4 1BJ
Apartment 304, 34 Copperas Street, Manchester, M4 1BJ
Apartment 305, 34 Copperas Street, Manchester, M4 1BJ
Apartment 306, 34 Copperas Street, Manchester, M4 1BJ
Apartment 307, 34 Copperas Street, Manchester, M4 1BJ
Apartment 308, 34 Copperas Street, Manchester, M4 1BJ
Apartment 309, 34 Copperas Street, Manchester, M4 1BJ
Apartment 401, 34 Copperas Street, Manchester, M4 1BJ
Apartment 402, 34 Copperas Street, Manchester, M4 1BJ
Apartment 403, 34 Copperas Street, Manchester, M4 1BJ
Apartment 404, 34 Copperas Street, Manchester, M4 1BJ
Apartment 405, 34 Copperas Street, Manchester, M4 1BJ
Apartment 406, 34 Copperas Street, Manchester, M4 1BJ
Apartment 407, 34 Copperas Street, Manchester, M4 1BJ
Apartment 408, 34 Copperas Street, Manchester, M4 1BJ
Apartment 501, 34 Copperas Street, Manchester, M4 1BJ
Apartment 502, 34 Copperas Street, Manchester, M4 1BJ
20 Edge Street, Manchester, M4 1HN
First Floor And Second Floor, 102A High Street, Manchester, M4 1HP
36 - 40 Edge Street, Manchester, M4 1HN
28 Edge Street, Manchester, M4 1HN
Manchester Pride, 5 Oak Street, Manchester, M4 5JD
Creativity Culture And Education, 5 Oak Street, Manchester, M4 5JD
First Floor, 40 Thomas Street, Manchester, M4 1ER
Second Floor, 40 Thomas Street, Manchester, M4 1ER
Basement And Ground Floor, 40 Thomas Street, Manchester, M4 1ER
The Department Store, 5 Oak Street, Manchester, M4 5JD
Shisha, 5 Oak Street, Manchester, M4 5JD
Liverpool And Manchester Design, 5 Oak Street, Manchester, M4 5JD
Second Floor, 44 Edge Street, Manchester, M4 1HN
First Floor, 42 Edge Street, Manchester, M4 1HN
First Floor Front, 44 Edge Street, Manchester, M4 1HN
First Floor Rear, 44 Edge Street, Manchester, M4 1HN
Ground Floor, 49 - 51 Edge Street, Manchester, M4 1HW
Second Floor, 35 - 37 Thomas Street, Manchester, M4 1NA
Unit 26, Manchester Craft Village, Oak Street, Manchester, M4 5JE
42 Edge Street, Manchester, M4 1HN
44 Edge Street, Manchester, M4 1HN
49 - 51 Edge Street, Manchester, M4 1HW

102A High Street, Manchester, M4 1HP
78 - 88 High Street, Manchester, M4 1ES
Photographic Studio, 5 Oak Street, Manchester, M4 5JD
40 Thomas Street, Manchester, M4 1ER
Flat 1, 13 Oak Street, Manchester, M4 5JD
Flat 2, 13 Oak Street, Manchester, M4 5JD
Flat 3, 13 Oak Street, Manchester, M4 5JD
Flat 4, 13 Oak Street, Manchester, M4 5JD
Flat 5, 13 Oak Street, Manchester, M4 5JD
Flat 6, 13 Oak Street, Manchester, M4 5JD
15 Oak Street, Manchester, M4 5JD
39 Edge Street, Manchester, M4 1HW
39A Edge Street, Manchester, M4 1HW
39B Edge Street, Manchester, M4 1HW
45 Edge Street, Manchester, M4 1HW
45A Edge Street, Manchester, M4 1HW
45B Edge Street, Manchester, M4 1HW
Flat 1, 9 Oak Street, Manchester, M4 5JD
Flat 2, 9 Oak Street, Manchester, M4 5JD
Flat 3, 9 Oak Street, Manchester, M4 5JD
Flat 4, 9 Oak Street, Manchester, M4 5JD
Flat 1, 106 High Street, Manchester, M4 1HQ
Flat 2, 106 High Street, Manchester, M4 1HQ
Flat 3, 106 High Street, Manchester, M4 1HQ
50 - 56 Copperas Street, Manchester, M4 1HS
46 - 48 Copperas Street, Manchester, M4 1HS

Representations were received from the following third parties:

Relevant Contact Officer : Angela Leckie
Telephone number : 0161 234 4651
Email : a.leckie@manchester.gov.uk