

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
087160/FO/2008/C3	26th Aug 2008	20th Nov 2008	City Centre Ward

**Proposal** Change of use from vacant unit to (A3) Restaurant and Cafe, with elevational alterations to create new entrance

**Location** Unit 3, Vicus Building, 73-83 Liverpool Road, Manchester, M3 4JN,

**Applicant** Mr Ali Raza, Salt And Pepper, 4 Vicus Building, Liverpool Road, Manchester, M3 4NQ

**Agent** Whitebox Architecture 2 Swilton Square, Kiln Street, Knutsford, WA16 6HH

### **Description**

The application relates to the ground floor of a four-storey building located on Liverpool Road at the corner with Wellington Place and Rice Street within the Castlefield area of Manchester. The upper floors are used as residential. The area is characterised by a mixture of differing uses in close proximity including other residential, restaurants, offices and retail and uses associated with the night time economy. The property is located within the Castlefield Conservation Area.

Planning permission was granted for change of use of the ground floor unit to A2 (Estate Agent) in 2006. The original planning consent for the four storey building granted ground floor A1 (Retail) and A3 (Restaurant and Cafe) use in 1999 although the A3 (Restaurant) use was never implemented. The ground floor unit is currently vacant.

Planning consent is sought for the change of use of the ground floor to restaurant (Use Class A3). The ground floor would contain the main restaurant seating area, ancillary bar and kitchen. External alterations include the creation of a new door entrance fronting Wellington Place.

The proposed opening hours are Sunday -Thursday - 8am - 11.30pm and Friday - Saturday - 8am - 12 Midnight.

The applicant has confirmed that the premises would operate as an eating venue taking reservations for dining. There would be no dedicated drinking only area.

Level access is available into the ground floor with an accessible toilet located at entrance level. An acoustic report has been submitted as well as details of refuse storage and servicing.

### **Consultations**

Head of Environmental Health - Environmental health have no objection to the proposal as the hours of operation, noise attenuation, deliveries, fume extraction and refuse strategy are considered to be acceptable.

Traffic and Transportation - No objections received

Neighbours - Occupiers of adjacent properties were notified of the application. Nine responses have been received objecting to the application.

The objectors' concerns are summarised as follows:

- \_ Increase in pedestrian and car traffic causing congestion in the area
- \_ Noise and disturbance from people entering and leaving the premises, people outside and noise inside the property
- \_ Fumes and odour control
- \_ Litter
- \_ The proposal does not accord with the development plan for the area
- \_ Further restaurants and bars may significantly alter the area
- \_ Insufficient parking in the area
- \_ Insufficient refuse storage capacity

### **Issues**

The Regional Spatial Strategy (RSS) for North West England

The RSS was adopted in September 2008 and replaces the previously published Regional Planning Guidance. The RSS provides a framework for development and investment in the region over the next fifteen to twenty years.

Policy DP2 (Enhancing the Quality of Life) seeks to ensure that developments provide a high quality of life for this and future generations.

Policy DP4 (Making the Best Use of Existing Resources and Infrastructure) seeks to use existing buildings.

Unitary Development Plan

Policy R1.1 (Regeneration) states that the Council will promote regeneration within the City Centre, the Council will ensure that regeneration programmes maintain and create sustainable communities, and improve the quality of the range of facilities in the City Centre.

Small Area Framework RC20 Area 27 encourages uses to stimulate environmental improvements that will enhance the character of the area.

RC 3 (Mixed Uses) states that mixed-use schemes will be preferred to single use schemes, whether a redevelopment or using existing property.

DC18' Conservation Areas' states that the Council will seek to preserve to character of its conservation areas by carefully considering the changes of appearance of existing buildings.

Policy H2.2 states that the Council will not allow development that will have a negative impact on residential areas. Matters, which the Council will consider

when determining such applications, are the scale and appearance of the development and its impact in terms of noise, and vibration.

In terms of specific policy, which regulates food and drink uses. Policy DC10.1 states that in considering planning applications for development involving the sale of food the Council will have regard to the effect on the amenity of neighbouring residents.

Policy DC10.2 states further that the Council will normally accept the principle of development of this kind in the City Centre, at ground level.

Policy DC10.4 states that where the Council considers food and drink premises to be acceptable in principle conditions may be imposed in order to protect the amenity of nearby residents. Such conditions include limitations in terms of the hours of opening and the need to deal adequately with the storage of refuse and collection of litter.

Policy DC26.1 (Development and Noise) states that the Council intends to use the Development Control process to reduce the impact of noise of people living and working, or visiting the City. In giving effect to this intention, the Council will consider the effect of new development proposal, which are likely to be generators of noise.

#### Principle

It is considered that the principle of the use in this location is acceptable that the use will make a positive contribution to the evening economy and the re-use of a vacant unit, in accordance with UDP Policies RC20, RC3 and DC1.

#### Fumes and Odour

It is the applicant's intention to install a flue in an existing service riser within the building. All manufacturers specifications and a full noise assessment have been provided to ensure that odours are properly dispersed and do not have an unacceptable impact on residential amenity. Whilst the resident's concerns regarding the extraction of fumes from the premises are acknowledged it is considered that the level of information provided and the proposed extraction system are sufficient.

#### Noise and Disturbance

Policy DC10.2 requires the careful scrutiny of development proposals, which are likely to be noise generators. As the proposal is for a restaurant, it is likely that there will be noise from people movement, both staff and patrons, and from the cooking process. However, given the hours of operations and on the basis of the acoustic information submitted such noise levels are considered acceptable and would not cause an unacceptable level of disturbance to neighbouring residents.

It is the applicant's intention to open Sunday to Thursday 8am to 11.30pm and Friday to Saturday 8am to 12 Midnight. The Head of Environmental Health have no objections to these opening hours.

#### Refuse and Litter

The bin storage area of the proposal will be located within the basement of the building. The applicant has provided a waste management strategy and bin capacity details in line with Environmental Health requests.

#### Car Parking

Concerns have been raised regarding the impact of the proposal on street parking. Given the location of site it is considered that there is sufficient public car parking for the proposal within the surrounding area. Given that the majority of visitors to the premises will be outside of peak hours, it is considered that there will be sufficient parking in the vicinity. The site is well served by public transport.

#### Appearance

The application includes the creation of a new entrance door on the Wellington Place elevation. The new door is similar in appearance to the existing door on the Liverpool Road elevation and is considered not to have a detrimental impact on the architecture of the building. As such, the proposal would not have an unacceptable detrimental impact on the appearance of the property, or the Castlefield Conservation Area and is therefore considered to be consistent with DC18 'Conservations Areas'

#### Other Issues

It is noted that there are real concerns from occupiers within the area regarding the number of drinking establishments that are operating in the Castlefield Area and the impact that their popularity is having in terms of nuisance and disturbance. This proposal, however, is for a restaurant as opposed to a bar and it is considered that the re-use of the vacant unit will make an important contribution to the regeneration of the area and add to the area's vitality.

#### Conclusion

The application site falls within the City Centre of Manchester. The proposal will see the occupation of a vacant unit, which will improve the vitality of the centre. The premises will operate under acceptable opening hours and the building together with external equipment will be adequately insulated to prevent outbreak of noise.

**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**

On the basis that the proposal accords with the development plan, in particular policies (R1.1 as amended by ALT1) Small Area Framework (Policy RC20 Area 27) DC10.1, DC10.1, DC10.2, DC10.4 'Food and Drink Uses', DC18.1 'Conservation Areas' and RC3 'Mixed Uses.' DC26.1 'Development and Noise' and H2.2 'Housing' of the City Council's Unitary Development Plan, and the proposal is in accordance with the Regional Spatial Strategy in that the proposal would be acceptable in terms of regeneration, visual amenity and amenity 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 numbered 102, 103, stamped as received 18 August 2008, PLG (03) 005, 10, 11, stamped as received 10 July 2008, and the e-mail from White Box Architecture, dated 4 November 2008, and the e-mail from White Box Architecture, dated 20 October 2008, the e-mail from White Box Architecture, dated 22 October 2008, the e-mail from White Box Architecture, dated 6 October 2008, the letter from White Box Architecture, stamped as received 1 August 2008, the e-mail from White Box Architecture, dated 15 July 2008, The Extraction and Ventilations Report from White Box Architecture and the document titled ' Planning Strategy Document' and the location plan numbered 01, stamped as received 10 July 2008, unless otherwise agreed in writing by the City Council as Local Planning Authority:

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DC10.1 of the Manchester Unitary Development Plan.

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

Sunday - Thursday 8am- 11.30pm and Friday - Saturday 8am - 12 Midnight.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and 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: 087160/FO/2008/C3 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:**

Environmental Health

S J M Concerts, St. Matthews, Liverpool Road, Manchester, M3 4NQ

Apartment 306, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 215, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 114, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 304, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 117, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 209, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 301, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 113, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 103, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 309, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 112, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 107, 73 Liverpool Road, Manchester, M3 4AQ  
Service Point, Liverpool Road, Manchester, M3 4AQ  
Apartment 116, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 214, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 111, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 303, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 315, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 104, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 319, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 211, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 308, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 102, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 213, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 216, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 101, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 307, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 204, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 210, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 115, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 108, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 205, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 313, 73 Liverpool Road, Manchester, M3 4AQ  
Akbars, Liverpool Road, Manchester, M3 4JN  
Apartment 212, 73 Liverpool Road, Manchester, M3 4AQ

Apartment 305, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 310, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 105, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 207, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 311, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 317, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 110, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 302, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 206, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 312, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 106, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 203, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 109, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 314, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 316, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 202, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 201, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 318, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 208, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 217, 73 Liverpool Road, Manchester, M3 4AQ  
Apartment 1, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 26, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 2, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 23, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 7, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 6, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 3, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 20, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 11, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 21, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 10, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 27, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 22, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 5, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 15, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 17, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 12, 91 Liverpool Road, Manchester, M3 4JN  
93 Liverpool Road, Manchester, M3 4JN  
Apartment 24, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 14, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 8, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 13, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 28, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 30, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 19, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 16, 91 Liverpool Road, Manchester, M3 4JN  
Sapporo, Liverpool Road, Manchester, M3 4JN  
Apartment 9, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 25, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 4, 91 Liverpool Road, Manchester, M3 4JN  
Apartment 18, 91 Liverpool Road, Manchester, M3 4JN

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

G.Hough, 301 vicus, 73 liverpool road  
Francis Thomas Carr, Apt 315 Vicus Building , 73-83 Liverpool Rd, Manchester  
Michelle Richardson, 114 Vicus, 73 Liverpool Road, Manchester  
Carol Middleton, 319 Vicus, 73 - 83 Liverpool Road, Manchester  
Jamie Marriott, Apartment 308, 73 Liverpool Road, Manchester, M3 4AQ  
Janine Ruth, Apartment 314, 73 Liverpool Road, Manchester, M3 4AQ  
A Rimmer, Apartment 23, 91 Liverpool Road, Manchester, M3 4JN  
Joan Davies, Apartment 19, 91 Liverpool Road, Manchester, M3 4JN  
ANNON, VICUS BUILDING  
Personal details withheld at the request of individual

**Relevant Contact Officer :** Janine Renshaw-Livesey  
**Telephone number :** 0161 234 4557  
**Email :** j.renshaw-livesey@manchester.gov.uk