

Application Number	Date of Appln	Committee Date	Ward
091319/FU/2009/C2	13th Nov 2009	11 th February 2010	Ancoats And Clayton Ward

Proposal Change of use from showroom to Class A4 (drinking establishment)

Location 5 Stevenson Square, Manchester, M1 1DN,

Applicant Mr Michael Hayes , Finemeal II Ltd, 2 Halfmoon Street, Manchester, M2 7PB

Agent None

Description

The application relates to a property known as 5 Stevenson Square which is located at the junction of Stevenson Square and Lever Street . The building comprises 3 storeys above a basement level and is located within the Stevenson Square Conservation Area. The basement and ground floor of the building are currently vacant and the 1st and 2nd floors are occupied by a language school.

Planning Permission is sought for a change of use of the ground floor and basement to a Class A4 (drinking establishment). The A4 use would be located within the ground floor of the unit whilst the ancillary facilities such as the toilets, storage areas and an office would occupy the basement. Whilst there would be no cooking on the premises, the operation would include the provision of cold food such as salads, cheese, pate and bread.

The opening hours applied for are 10.00-02.00 Monday to Sunday and Bank Holidays.

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

- That there will be no live music within the premises only background music.
- That they will only play low level background noise.
- 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 prevention of crime and disorder will be aided by the use of CCTV, via trained door staff and on going staff training.

The building lies within an area of the City Centre known as the Northern Quarter which contains a variety of uses including bars, restaurants, commercial, residential and hotel uses. However the main concentration of bars within this wider area is within an area roughly bounded by Church Street, High Street, Oldham Street and Swan Street. There are currently comparatively few bars located around the Stevenson Square area. The nearest residential property to the application site is Bradley Court at 23-25 Hilton Street but there is also residential accommodation at the Sorting House at 77 - 89 Newton Street.

Servicing of the property is proposed to take place from the loading bay outside 3 Stevenson Square with one weekly brewery delivery.

No elevational alterations are proposed.

Consultations

Publicity - The application was advertised as a public interest development and no representations have been received.

Head of Environmental Health - Has no objection in principle to the use subject to any plant and equipment and proposed extract equipment having an adequate level of acoustic insulation and the scheme being implemented in accordance with the information about acoustic insulation submitted with the application. Conditions relating to these requirements should be attached to any consent granted. They have also recommended conditions about the hours of operation and the hours during which servicing can take place.

Greater Manchester Police (Architectural Liaison Officers) - Have no objections subject to the recommendations within the Crime Impact Statement being implemented.

Greater Manchester Police (City Safe Team -Bootle Street) - No objections received.

City Centre Regeneration Team - Have no objections in principle to the proposed use provided that it is not just another vertical drinking establishment and there are appropriate conditions attached to any consent granted that control the way in which the premises operate so as to mitigate its potential impact on the area.

Licensing Unit - Have confirmed that no licence has been applied for to date.

Issues

The Unitary Development Plan for Manchester - For the reasons outlined below, the proposed A4 (Drinking Establishment) Use is considered to be consistent with the relevant UDP Policies as follows:

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

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

RC20 (Area 10) 'Small Area Proposals' - which states that there is a general assumption that some degree of non-retail or quasi-retail uses needs to be accepted or encouraged and the aim will be both to retain existing activity and encourage further additions to the mixture of uses.

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

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

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.

DC26.6 Development and Noise - which states that the development control process will be used to reduce the impact of noise on people living and working in the City and that developments likely to result in unacceptably high levels of noise will not be permitted in residential areas.

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. For the reasons outlined below the proposal would be consistent with RSS policies DP2 Promote Sustainable Communities and DP4 Make the Best Use of Existing Resources and Infrastructure.

Principle of the Proposed Use - The unit that is the subject of this application is located within a part of the City where this type of mixed use would normally be acceptable in principle. The proposals would reuse vacant floorspace with a viable use which, it is felt would have a positive impact on the regeneration of the wider area and contribute to increasing activity in the Stevenson Square area during the day and at night. Regeneration is an important planning consideration and there is a need to build on the regeneration that has already taken place within the Northern Quarter and the continuing investment and environmental improvements which are continuing there.

In addition it is noted that the applicant is an independent operator and it is believed that this type of operator has the potential to add positively to the character of the Northern Quarter.

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 proposal is therefore consistent with policies for, appropriate uses in this part of the city centre, mixed uses, food and drink uses and regeneration.

Residential Amenity / Hours of Operation - Whilst the principle of the proposed use is considered to be acceptable, the impact that it may have on nearby residents needs to be considered carefully. There is an aspiration to create a diverse mix of uses within the Northern Quarter. However, a mixed-use environment inevitably involves the location of uses such as restaurants, bars and clubs in close proximity to residential accommodation, and indeed this 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 these need to be assessed in the context of the City Centre as a mixed use area which generally absorbs a greater level of activity during both the daytime and evening than in other locations outside of the centre and the aspirations for the area to develop as more of a mixed use destination with more activity in the evening.

The applicant has demonstrated that the premises can be adequately acoustically insulated such that there will be no break out of noise from the premises and the carrying out of appropriate works to ensure this appropriate level of insulation is implemented is capable of being the subject of a condition of any consent granted.

Given the nature of the proposed use it could result in an increase in comings and goings during the evening and there is a possibility of some disturbance associated with this. However it is felt that the relationship with the closest residential property is such that this disturbance from comings and goings from patrons of the bar should not be a significant issue.

Notwithstanding the above, it is considered there should be some consideration of the appropriateness of the hours of operation for which permission is sought in this location. Permission is sought for the premises to operate between 10.00 and 02.00 Monday's to Sunday's but the Head of Environmental Health has recommended that in the interests of residential amenity these are limited to 10.00 to 00.00 Sunday to Thursday's. This is not considered to be unreasonable and reflects the approved hours on other similar approvals that have recently been granted within this part of the City Centre (11a Stevenson Square (application ref no 089908) and Unit 16 Sevendale House (application ref no 087463))

The applicants have, as noted previously, provided details of how they will seek to control noise and anti social behaviour from people leaving the premises, this includes the placing of notices asking people to leave quietly and in an orderly manner out of consideration for neighbours.

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

In view of the above the proposal is considered to be consistent with the relevant policies relating to residential amenity and development and noise.

Disabled Access - Level access will be provided from street level into the building and a toilet for disabled people would be located at ground floor level also with level access.

All of the activities that the operation of this bar offers will be available at ground floor level where there is full access.

Crime and Disorder - A condition requiring that the scheme complies with the recommendations on Physical Security and Management and Maintenance contained in the Crime Impact Assessment submitted with the application is recommended to be attached to any permission granted by Committee. Provided that

this is achieved the development would be consistent with policy on crime and disorder.

It is also felt that the use of the current vacant property, particularly during the evening has the potential to increase the level of natural surveillance. The change in the nature of the area that the use of the premises would bring, subject to the aforementioned conditions, is in this instance seen as a positive one and is consistent with the Council's regeneration objectives for this part of the City.

Impact on Character of Conservation Area - The proposed use would not have an adverse impact on the character of the Stevenson Square Conservation Area. Indeed by bringing the whole building back into a sympathetic active use, the proposal would contribute to the character of the area.

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 proposals subject to compliance with the conditions below, generally accord with the policies contained within the Development Plan specifically the Unitary Development Plan Policies Policy R1.1 (Regeneration), RC3 (Mixed Uses) Policy H2.2 (Housing), E3.5 (Environmental Improvement and Protection), DC 9.1 New Commercial and Industrial Development - Access for Disabled People, DC10 (Food and Drink Uses), DC18.1 (Conservation Areas), DC26.6 (Development and Noise) and RC20 (Area 10) (Small Area Proposals) in that the use would contribute to the regeneration of the Northern Quarter, would be in a City Centre location, would be compatible with the mix of uses in the area, would increase activity in the area during the day and night, would not subject to conditions relating to the acoustic insulation of the premises and the hours of operation cause disamenity to nearby residents, would be fully accessible and would not have an adverse impact on the character of the conservation area.

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:

(a) Site plan dated stamped as received on 22-09-09 and drawings numbered 10005-104 and 105 stamped as received on 04-11-09

(b) Recommendations contained in Physical Security and Management and Maintenance sections of the Crime Impact Assessment stamped as received on 13-11-09;

(c) Waste Management Strategy stamped as received on 22-09-09;

(d) Michael Hayes letters dated 07-10-09 and 04-11-09.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and DC26.6 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 H2.2 of the Unitary Development Plan for the City of Manchester.

4) No loading or unloading shall be carried out on the site outside the hours of 07.30-20.00 Mon to Sat 10.00-18.00 Sun and Bank Hols.

Reason - In order to protect the amenity of local residents and in accordance with Policy H2.2 in accordance with the Unitary Development plan for the City of Manchester.

5) The development hereby approved shall be carried out in accordance with recommendations contained in Hann Tucker Associates Noise Impact Assessment stamped as received on 04-11-09 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 H2.2 and DC26.6 of the Manchester Unitary Development Plan.

6) Before first occupation of the development any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City 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 residential accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan

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

Sunday to Thursday and Bank Holidays 10.00 to 12.00

Friday and Saturday 10.00 to 02.30

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: 091319/FU/2009/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:

City Centre Regeneration
Environmental Health
Environment & Operations (Refuse & Sustainability)
Northern Quarter Residents Forum
City Safe Team
Greater Manchester Police
25 Dale Street, Manchester, M1 1EY
Savage Designs, 22 Lever Street, Manchester, M1 1EA
United Textiles, 22 Lever Street, Manchester, M1 1EA
Corporation Pop, 22 Lever Street, Manchester, M1 1EA
Interstyle, 22 Lever Street, Manchester, M1 1EA
Henleys Clothing Ltd, 24-26, Lever Street, Manchester, M1 1DW
Sidewalk Ltd, 24 Lever Street, Manchester, M1 1DZ
Henleys, 24 Lever Street, Manchester, M1 1DZ
Paris Wholesale, 26a, Lever Street, Manchester, M1 1DW
8 Stevenson Square, Manchester, M1 1FB
Grand Central Records Ltd, 9 Stevenson Square, Manchester, M1 1DB
Gray & Co, Habib House, 9 Stevenson Square, Manchester, M1 1DB
Casual Choice, Habib House, 9 Stevenson Square, Manchester, M1 1DB

Mozaic Pannels Ltd, 32 Lever Street, Manchester, M1 1DE
Alm Traders, 62-64, Oldham Street, Manchester, M4 1LE
62a, Oldham Street, Manchester, M4 1LE
United Footwear Ltd, 68 Oldham Street, Manchester, M4 1LE
Phoenix House, 61 Spear Street, Manchester, M1 1DF
The Real Camera Co, Sevendale House, 7 Dale Street, Manchester, M1 1JA
Aspecto Clothing Co, Sevendale House, 7 Dale Street, Manchester, M1 1JA
Fred Aldous Ltd, 37 Lever Street, Manchester, M1 1LW
Business Training Ltd, Sevendale House, 7 Dale Street, Manchester, M1 1JB
Pronuptia Bridal & Menswear, Unit 12, Sevendale House, Lever Street, Manchester,
M1 1WD
Soup Kitchen, 31-33, Spear Street, Manchester, M1 1DF
5a, Stevenson Square, Manchester, M1 1DN
Glorious Creative, 5 Stevenson Square, Manchester, M1 1DN
Radio Regen, 12 Hilton Street, Manchester, M1 1JF
Elvis Jesus & Co Couture, 12 Hilton Street, Manchester, M1 1JF
Educational & Technical International Ltd, 12 Hilton Street, Manchester, M1 1JF
Hafeez Kiosk, 3a, Stevenson Square, Manchester, M1 1DN
Northside School Of Sports, 1-3, Stevenson Square, Manchester, M1 1DN
S K F International Ltd, 1-3, Stevenson Square, Manchester, M1 1DN
Urban Canyons Ltd, 1-3, Stevenson Square, Manchester, M1 1DN
H Blyth & Co Ltd, 1-3, Stevenson Square, Manchester, M1 1DN
H Blyth & Co Ltd, 1 Stevenson Square, Manchester, M1 1DN
New Cult Associates Ltd, 1 Stevenson Square, Manchester, M1 1DN
Coffee Pot, 21 Hilton Street, Manchester, M1 1JJ
19 Hilton Street, Manchester, M1 1JJ
42-44, Oldham Street, Manchester, M4 1LE
Hilton Chambers, 15 Hilton Street, Manchester, M1 1JJ
13 Hilton Street, Manchester, M4 1LP
Community Arts North West, 46-50, Oldham Street, Manchester, M4 1LE
City Centre Project, 52 Oldham Street, Manchester, M4 1LE
Private Shop, 54 Oldham Street, Manchester, M4 1LE
56 Oldham Street, Manchester, M4 1LE
Chase Music Shop, 58 Oldham Street, Manchester, M4 1LE
60 Oldham Street, Manchester, M4 1LE
Night & Day Cafe Bar, 26 Oldham Street, Manchester, M1 1JN
Dry Bar Ltd, 28 Oldham Street, Manchester, M1 1JN
Cafe Pop, 34-36, Oldham Street, Manchester, M1 1JN
Oliver San Hairdressing, 32 Oldham Street, Manchester, M1 1JN
Finesse Tanning & Beauty, 10-14, Hilton Street, Manchester, M1 1JF
Marida Ltd, 12 Hilton Street, Manchester, M1 1JF
Bermona Ltd, 12 Hilton Street, Manchester, M1 1JF
14 Hilton Street, Manchester, M1 1JF
Vinyl Exchange, 18 Oldham Street, Manchester, M1 1JN
Flat 6, 1 Dale Street, Manchester, M1 1JA
Flat 3, 1 Dale Street, Manchester, M1 1JA
Flat 4, 1 Dale Street, Manchester, M1 1JA
Flat 5, 1 Dale Street, Manchester, M1 1JA
Flat 1, 1 Dale Street, Manchester, M1 1JA
Flat 2, 1 Dale Street, Manchester, M1 1JA

Fat City Records, 20 Oldham Street, Manchester, M1 1JN
Flat 1, 24 Oldham Street, Manchester, M1 1JN
Flat 9, 24 Oldham Street, Manchester, M1 1JN
Flat 10, 24 Oldham Street, Manchester, M1 1JN
Flat 5, 24 Oldham Street, Manchester, M1 1JN
Flat 11, 24 Oldham Street, Manchester, M1 1JN
Flat 3, 24 Oldham Street, Manchester, M1 1JN
Flat 8, 24 Oldham Street, Manchester, M1 1JN
22 Oldham Street, Manchester, M1 1JN
Flat 6, 24 Oldham Street, Manchester, M1 1JN
Flat 2, 24 Oldham Street, Manchester, M1 1JN
Flat 14, 24 Oldham Street, Manchester, M1 1JN
Flat 12, 24 Oldham Street, Manchester, M1 1JN
Flat 7, 24 Oldham Street, Manchester, M1 1JN
Flat 4, 24 Oldham Street, Manchester, M1 1JN
Flat 15, 3 Dale Street, Manchester, M1 1BA
Flat 21, 3 Dale Street, Manchester, M1 1BA
Flat 7, 3 Dale Street, Manchester, M1 1BA
Flat 14, 3 Dale Street, Manchester, M1 1BA
Flat 9, 3 Dale Street, Manchester, M1 1BA
Flat 8, 3 Dale Street, Manchester, M1 1BA
Flat 17, 3 Dale Street, Manchester, M1 1BA
Flat 11, 3 Dale Street, Manchester, M1 1BA
Flat 18, 3 Dale Street, Manchester, M1 1BA
Flat 16, 3 Dale Street, Manchester, M1 1BA
19 Newton Street, Manchester, M1 1FZ
Turn On Television Ltd, 22 Lever Street, Manchester, M1 1EA
44 Media, 22 Lever Street, Manchester, M1 1EA
Ax-s Global Ltd, 22 Lever Street, Manchester, M1 1EA
55 Newton Street, Manchester, M1 1ET
Studio Clothing, 25 Hilton Street, Manchester, M1 1EL
Gilbey Electrical Wholesalers, 55-59, Spear Street, Manchester, M1 1DF
Flat 9, 60a, Oldham Street, Manchester, M4 1LE
Flat 4, 60a, Oldham Street, Manchester, M4 1LE
Flat 6, 60a, Oldham Street, Manchester, M4 1LE
Flat 3, 60a, Oldham Street, Manchester, M4 1LE
Flat 2, 60a, Oldham Street, Manchester, M4 1LE
Flat 7, 60a, Oldham Street, Manchester, M4 1LE
Flat 5, 60a, Oldham Street, Manchester, M4 1LE
Flat 8, 60a, Oldham Street, Manchester, M4 1LE
Apartment 1, 60a, Oldham Street, Manchester, M4 1LE
Castle Hotel, 66 Oldham Street, Manchester, M4 1LE
Apartment 11, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 9, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 14, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 10, 23-25, Hilton Street, Manchester, M1 1EL
23 Hilton Street, Manchester, M1 1EL
Apartment 2, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 15, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 6, 23-25, Hilton Street, Manchester, M1 1EL

Apartment 1, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 3, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 7, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 5, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 8, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 12, 23-25, Hilton Street, Manchester, M1 1EL
27 Hilton Street, Manchester, M1 1EL
Apartment 4, 23-25, Hilton Street, Manchester, M1 1EL
Apartment 13, 23-25, Hilton Street, Manchester, M1 1EL
Poetic Justice, 57 Newton Street, Manchester, M1 1ET
Unique Woman, 57 Newton Street, Manchester, M1 1ET
Ital Jeans Uk Ltd, 22 Little Lever Street, Manchester, M1 1HR
Greater Manchester Police Museum & Archives, 57a, Newton Street, Manchester,
M1 1ET
11a, Stevenson Square, Manchester, M1 1DB
Fit To Dance, 11 Stevenson Square, Manchester, M1 1DB
Habib Bank A G Zurich, Habib House, 9 Stevenson Square, Manchester, M1 1DB
12 Faraday Street, Manchester, M1 1BE
Reba Textiles Ltd, 14-16, Faraday Street, Manchester, M1 1BE
27a, Dale Street, Manchester, M1 1EY

Representations were received from the following third parties:

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