

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
090205/FO/2009/N1	5th Aug 2009	19 <sup>th</sup> Nov 2009	Miles Platting and Newton Heath Ward
<b>Proposal</b>	Change of use of Corpus Christi Basilica to banqueting facilities with associated parking and boundary treatment		
<b>Location</b>	Corpus Christi Basilica, 39 Varley Street, Miles Platting, Manchester, M40 8EE,		
<b>Applicant</b>	Eastern Palace, 39 Varley Street, Miles Platting, Manchester, M40 8EE,		
<b>Agent</b>	Mr David Ormesher, Holborow & Ormesher, Station House, Adams Hill, Knutsford, Cheshire, WA16 6DN,		

### **Description**

This application relates to a Grade II Listed building, known as Corpus Christi Basilica at 39 Varley Street. Miles Platting There is one other associated application on this agenda, namely:

090199/LO/2009/N1- Listed building consent for alterations to interior in conjunction with change of use to banqueting facilities (use class Sui Generis)

The existing Corpus Christie Basilica was constructed in 1906 and was opened in December 1907. It was occupied by the order of English Norbertines up until 2007 when the building was closed as the community decided to look for a new home. It remained in the ownership of the order until purchased by the present owner in 2008. In the intervening period, the building suffered from fire damage, vandalism and theft.

Corpus Christi Basilica is an ornate grand red brick Italian Romanesque style building. The building fronts onto Varley Street with Sawley Road running alongside the south -eastern elevation. The priory and the hall abut the basilica to the north, these buildings do not form part of the listing, with this covering the main Basilica building only. The hall has been very badly fire damaged, and does not form part of this change of use application. Once it has been decided what will happen to the hall, an additional application will be submitted. Adjacent to the site (north) on Varley Street are the Age Concern premises. To the east along Sawley Road is the Carriocca business park and further along to the east are residential properties in the form of Kilsby Walk, Bednall Avenue leading onto Silvine Walk and Edinburgh Square. The area to the west comprises of a residential care home, and a site that is currently occupied by the vacant Apollo public house, which, is a two- storey building. To the northwest of the site is a thirteen- storey local authority residential tower block known as Nelson Court.

The Basilica's main frontage is onto Varley Street, with a small walled garden to this frontage, apart from this strip there is currently no additional soft-scape to any of the three buildings. There is a large yard area to the rear of the Basilica, which is

accessed from Sawley Road, with this perimeter being secured by chain link fencing and metal railings of approximately 2 metres in height. There are 2 metal gates within this fencing to the Sawley Road elevation. There is a passageway that runs alongside the rear yard that separates the Basilica from the L Shaped configuration of residential properties (namely Kilsby Walk and Bednal Avenue).

The City Council as local planning authority has in its possession 2 reports that are made reference to in this planning application, but were commissioned by Father Allen formerly of the Basilica and produced by Lloyd Evans Prichard. The first is the Quinquennial Inspection report, which was carried out in October 2006, and the second is the closure report. These reports give the background into how and why the building was vacated and became the subject of this planning application. The summary of these reports which are comprehensive structural reports into the physical condition of the building itself and the fixtures and fittings, is that the building had been a cause for concern for some time, and a number of professional surveys had concluded that work was needed to the masonry, roofs and rainwater goods to arrest the evident deterioration to the fabric of the building. It was at this point that the Norbertine Order decided that it was not viable to continue at Corpus Christi trying to maintain buildings that were rapidly becoming a dangerous liability.

The closure report also contains a gazetteer of artefacts. It also lists the future location of these artefacts, with most of these being relocated to St Chad's in Cheetham Hill.

The proposals involve the change of use of the building to a large function facility, including the restoration of the building in its setting by reorganising the access and car parking within the site, and the introduction of a comprehensive landscaping scheme to complement the setting of the Basilica. The proposal would see the conversion of the main hall of the basilica to a function room for approximately 300 people, with the attached building and adjacent rooms being converted to offices, toilets (including disabled facilities) and kitchen facilities to serve the function room. There would be no cooking of food on the premises with this being brought in and reheated for serving only. As such there will be no additional flue proposed with the existing fume extraction being retained. The car park is proposed to the rear of the building and would provide 130 car parking spaces. It is proposed to retain the existing access off Sawley Road for emergency access only, with a link roadway to the existing entrance from Varley Street. This access is currently shared with the adjacent Age Concern unit this would remain the case. There is also a covered cycle storage area with space for 10 bikes proposed within the service yard area.

A two bedroom flat for residential use by an on site caretaker/ security officer is proposed on the first floor, it is hoped that having this presence will reduce the instances of vandalism that the Basilica has been victim to in the past. There is also a crèche facility for young children attending the functions.

The impact of the external and internal alterations on the character and appearance of the listed building are considered elsewhere on the agenda under application 090199/LO/2009/N1.

Internally, the proposals involve addressing the rising damp, which will be assessed upon the drying out of the lower walls. There has been fire damage historically to the rear smaller building, which together with the theft of all the ground floor ducted heating pipe has resulted in areas of damp to the bottom 1.5 metre high sections of external walls, emergency repairs have been carried out with the applicant using renovating plaster, and using breathable paint. A specialist company has inspected the Basilica and has recommended that the moisture penetration is as a result of defects within the external masonry the applicants will therefore ensure that this be removed, thoroughly dried out and re plastered using only lime based materials.

Externally, the works involve roof repairs, including replacement flashing, re roofing the small rear building in green slate with matching replacement to windows and glazing. The stain glass windows will be repaired on a like for like basis, and future protection of them will be by a method to be agreed with the City Council as local planning authority.

Boundary treatment include 2.4 metre high timber close boarded fencing with matching gates, this being along the elevation with the Age Concern building and also along the boundary with the residential properties to the eastern boundary, with decorative railing proposed to the south eastern boundaries replacing the existing chain link fence. The low wall to the Varley Street elevation will be repaired on a like for like basis including replacing coping- stones where necessary.

The applicant's propose to undertake the following uses within the building:

#### Ground Floor

Main Hall- (accessed from main entrance) function room

Side rooms - Food preparation and waste collection.

Linked administration building- WC facilities, offices and prayer room.

#### First Floor

Linked administration building- security officers 2 bedroom flat and crèche facilities.

### **Consultations**

Local residents and Businesses were informed - there have been 14 objections received, the main points of concern being as follows:

- a) The proposal will increase noise and disturbance, with additional parking and there is already a banqueting hall within the area.
- b) It would result in increased traffic. The application is not sympathetic to a Grade II listed building.
- c) The applicants carried out works without permission. The proposal will result in noise, vermin, burglaries and a loss of privacy.
- d) The proposed use is not sympathetic to the former use of the Basilica. There will be noise and nuisance from people attending the building with a possibility of approximately 300 people 7 nights a week this noise would be considerable.
- e) I have concerns over the number of fire escapes, and need assurances that the building will not be damaged or altered in any way to facilitate others.
- f) A covenant was placed on the premises clearly stating that the property could not be used for any religious / civil purpose. Would the jobs go to local people?

- g) Artefacts have been removed from the Basilica without consent. This building should be available to all the citizens of Manchester. Manchester City Council should look after this building as it does its own listed buildings.
- h) Occupant of the Leaf Centre, Varley Street - Staff have to park on the street because we do not have enough room in our car park, add to this all the vehicles that would be parked on the street for an event and there will be traffic blockages and issues.

**Ward Members-** Councillor Damien O'Connor has objected to the proposal on the grounds of increased traffic flow and insufficient parking spaces.

**Highway Services** - No objections to the principle of the development. The car park access from Varley Street is gated and appears to be off set from the back of footway. This needs to be a minimum of 5.5m to allow a refuse vehicle to wait off highway whilst the gates open. Revised drawings have now been received that address the issues raised by the Head of Highway Services.

The parking provision for the use is generous and will prevent parking on the surrounding streets. The access road is wide enough for two-way movement of traffic. Pedestrian access is limited from Varley Street to the rear of the site; a footway on the access road would be an improvement. Cycle parking has been provided for, and is of a high quality.

**Environmental Health** - No objection to the proposed development, but have requested conditions relating to the following be attached to any consent granted.

- i. A scheme for the storage and disposal of waste and recyclable material;
- ii. A scheme for appropriate noise insulation to any externally mounted equipment;
- iii. A scheme for the extraction of fumes or vapours;
- iv. Agreement regarding the permitted hours of opening / working;
- v. Restrictions to the times when deliveries can be made to the site.

**Environment & Operations** (Green Space Team) - No objection to the proposed works subject to compliance with the undertaking of works to the appropriate British Standard 5837 'Trees in relation to construction'.

**Greater Manchester Police** Design for Security- no objections to the proposal subject to the applicant following the recommendations in the Crime Impact Statement. It is noted that changes have been made to the car park from the plans upon which the crime impact statement were made which is supported, however it is requested that if possible the developer should demonstrate that an entrance can be provided at the rear of the building to allow customers to enter the building without having to walk out of the car park onto Varley Street and then enter the building at the main entrance.

**New East Manchester-** no objection to the proposed use, however, more detail is required to understand the future window treatments to the car park elevation and the access egress arrangements. (This was reported to the agent and further information has now been submitted). The proposals are supported, as it will assist in bringing an historic asset back into use.

**Manchester Conservation Areas and Historic Building Panel** - The Panel was supportive of the proposal and the re-use of the listed building. The panel considered that the use of the historic volume as a function room would be a suitable use for the building as it would not result in the space being sub-divided. However, they wanted to ensure that the works such as the re-hanging of the doors were executed in the correct manner. A condition requiring the submission and approval of full technical specifications of the works to be carried out would be attached to any consent granted.

### **Issues**

The site sits within the Miles Platting PFI, and whilst there are no plans for the Basilica under this initiative, consideration has to be given to the possible impact upon the future redevelopment within the area. The area to the north, south and south-west of the site have consent at outline stage for new build residential developments

**Unitary Development Plan** - The following policies are relevant.

E2.7 - The Council wishes to ensure that buildings and areas of special architectural or historic interest are retained, maintained and, where necessary, restored. It will seek to preserve and enhance the setting of such buildings and areas by appropriate control over the design of new development in their vicinity, control over the use of adjacent land and, where appropriate, by the preservation of trees and landscape features.

E3.3 - The Council will upgrade the appearance of the City's major radial and orbital roads and rail routes. This will include improvements to the appearance of adjacent premises; encouraging new development of the highest quality; and ensuring that landscape schemes are designed to minimise litter problems.

E3.5 - The Council will promote measures, which will lead to a safer environment for all people living in and using the City. These measures will include:

- a) ensuring that the layout of new development is designed with safety in mind and does not lead to the creation of isolated areas;
- b) designing landscaping schemes so as to minimise the risk of attack;
- c) that community facilities are located where they are easy and safe to get to;
- d) providing safe places for children to play;
- e) improving road safety.

H1.2 - relates to the provision of varied housing stock, including the accommodation for disabled people.

H2.1 - The Council will encourage environmental improvements to make residential areas safer and more attractive.

H2.2 - States that the Council will not allow development, which will have an unacceptable impact on residential areas. The matters that the Council will consider,

amongst other things, the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

T2.6 - The Council will expect adequate car parking provision to be made for disabled people so that they can get easy access both to existing and new facilities in the City.

DC19.1 - In determining applications for listed building consent or planning applications for development involving or having an impact on buildings of Special Architectural or Historic Interest, the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. In giving effect to this policy, the Council will:

- a. not grant Listed building consent for the demolition of a listed building other than in the most exceptional circumstances, and in any case, not unless it is satisfied that every possible effort has been made to continue the present use or to find a suitable alternative use;
- b. not permit a change of use of a listed building, where it would have a detrimental effect on the character or appearance of the building;
- c. not permit any external or internal alteration or addition to a Listed building where, in its opinion, there would be an adverse effect on its architectural or historic character;
- d. seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity, control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features;
- e. permit demolition only where there are approved detailed plans for redevelopment and where there is evidence of a firm building contract;
- f. not permit alterations to a listed building which would prevent the future use of any part of the building, in particular upper floors or basements, or where poor maintenance is likely to result.

**Guide to Development in Manchester 2:** Supplementary Planning Document and Planning Guidance- The Guide aims to support and enhance the on going shaping of the City by providing a set of reasoned principles which will guide developers, designers and residents to the sort of development we all want to see in Manchester.

Of particular relevance:

2.54 - Encourages the retention of buildings to accommodate new uses, particularly where they contribute to the character and appearance of an area and reinforce its sense of place. Accommodation accessibility is also emphasised.

Policies 4.11 - Relates to the appropriate provision of arrangements to manage waste.

Policies 6.6 and 6.8 - Highlights the need to adequately accommodate car and cycle parking for all both within and outside development sites.

Policy 7.2 - Requires that the design and layout of developments are informed by the wider context.

Policy 8 - Community Safety and Crime Prevention

Policy10 - Internal Design Principles and the Provision of space within housing.

**Design For Access 2 (DfA2)** - The City Council's best practice guidance of inclusive design standards. Whilst the full weight of the Guide can only be applied to land in which the City has an interest, it can be generally related to the consideration of the internal layouts arrangements of access and manoeuvrability and the design of car parking spaces. DfA2 is related to Guide to Development in Manchester Supplementary Planning Document and Planning Guidance

**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. Relevant policies include:

Policy DP 1 - Spatial Principles - Identifies the principles underpinning RSS (incorporating RTS). All may be applicable to development management in particular circumstances: promote sustainable communities; promote sustainable economic development; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; marry opportunity and need; promote environmental quality; mainstreaming rural issues; reduce emissions and adapt to climate change.

The following policies are considered to be relevant to the proposals:

Policy DP 2 - Promote Sustainable Communities - Building sustainable communities - places where people want to live and work - is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Policy DP 3 - Promote Sustainable Economic Development - Sustainable economic growth should be supported and promoted, and so should reductions of economic, environmental, education, health and other social inequalities between different parts of the North West, within the sub-regions, and at local level.

Policy DP 5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility - Development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally.

Policy DP 7- Promote Environmental Quality - Environmental quality (including air, coastal and inland waters), should be protected and enhanced, especially by: understanding and respecting the character and distinctiveness of places and landscapes; the protection and enhancement of the historic environment; promoting good quality design in new development and ensuring that development respects its setting taking into account relevant design requirements.

**Planning Policy Statement 1: Delivering Sustainable Development (PPS1)** - Encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. In addition to this PPS1 clearly outlines the importance of creating sustainable communities.

**Planning Policy Guidance 15:** Planning and the historic environment - Provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. The full requirements of PPG15 have been applied to the consideration of the accompanying listed building consent application (090199/LO/2009/N1). However, this planning application has been considered with specific reference to the following:

2.18 - New uses may often be the key to a building's or area's preservation, and controls over land use, density, plot ratio, day-lighting and other planning matters should be exercised sympathetically where this would enable a historic building to gain a sustainable use.

3.3 - Local planning authorities should 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. This reflects the great importance of protecting listed buildings from unnecessary demolition and unsuitable and insensitive alteration.

3.8 - Generally the best way of securing the upkeep of historic buildings and areas is to keep them in active use. For the great majority this must mean economically viable uses if they are to survive, and new, and even continuing, uses will often necessitate some degree of adaptation. The range and acceptability of possible uses must therefore usually be a major consideration when the future of listed buildings or buildings in conservation areas in question.

**Principle** – These types of uses would normally be found in District Centres. However, the proposed development presents an opportunity to secure an active and sustainable use for an important listed building within its historic context. The retention of the building accords with the policies within the UDP relating to listed and historic buildings and policies contained within Guide to Development in Manchester 2 relating to secure active uses for existing buildings. The following analysis assesses the proposals against the above policies and considers the impact of the proposed use of the surrounding area and the amenity of neighbouring residents.

The introduction of a commercial use provides an opportunity to generate an income to secure the on-going maintenance of the building. The office and residential (caretakers) accommodation ensures the full use of the upper floors and ancillary buildings. It is also considered that provision of caretaker's accommodation demonstrates the applicants' commitment to on-site security and the future maintenance of the buildings and surrounding grounds. These aspects of the proposal relate positively to City Council policy as expressed in the UDP and SPD, in that it secures an active and sustainable use for the building, with the long- term benefits outweighing the possible residential disamenity, which it is considered can be controlled by the attachment of planning conditions to any consent granted.

**Impact on the Listed Building** - Detailed analysis is given to the suitability of the proposed internal and external works within the accompanying listed building consent report (090199/LO/2009/N1). Notwithstanding the above, it is considered that that the works will restore the internal character of the building and allow the retention of the existing features. The arrangement of the car park is considered to be the most significant impact on the character of the building. However this impact has been

reduced by the submission of a detailed and sympathetic landscaping scheme. The setting of the building is maintained and enhanced by the utilisation of existing access points and hard surfaced areas and the incorporation of additional landscaping. Car parking and servicing areas are located to the east and north of the building and behind the forward building line. The proposed car parking is situated to the rear of the building and to the perimeter of the site thereby maximising the contribution of the principal elevations to the street-scene.

**Disabled Access** – It should be emphasised that the provision of disabled access is physically constrained by the entrance into the building. It is important that disabled access is given careful consideration to be sensitive to the character of the listed building but also allowing inclusive access. At the present the applicant is suggesting a portable ramp. Given the physical constraints of the building the applicant sought to make the building as accessible as possible, whilst having the minimal impact upon the character and setting of the listed building. To enable access in the short term a condition requiring the detail of the ramp including gradients would be attached to any consent granted. However an additional condition requiring the applicants to investigate alternative methods to provide for a more permanent solution to disabled access shall be attached to any consent granted. Once within the building the remaining areas including WC facilities would be fully accessible.

**Residential Amenity-** Whilst it is acknowledged that the proposal will introduce greater activity onto the site than has been experienced over the last two years, the use is not a restaurant use, and would be booked for a particular function, which would not entail the same comings and goings as associated with a higher customer turnover use. In addition there has historically been an active social club that operated from the adjoining building, which functioned without the benefit of controlled measures relating to such issues as noise, car park management and hours of operation / servicing. It is considered that with the attachment of relevant planning conditions any potential disamenity on existing and future residential properties could be kept to a minimum.

Within the current Use Class of D1, the premises could also be used for religious purposes on a twenty four hours a day basis, without the benefit of controls by the City Council as local planning authority, and, could potentially cater for a large number of worshipers that could visit the site from outside of the area, with the City Council having no control over the numbers of people frequenting the building, nor the number of vehicles visiting the site. Detailed specific conditions can be attached to the proposed new use, which would be enforced should there be any breaches, thus providing greater protection for local residents from potential residential disamenity. As a banqueting facility the food for the functions would not be prepared on the premises, but would merely be brought in re heated and served to the guests, as such, there would be no cooking smells that are often associated with a restaurant use. The frequency of comings and goings would also be much reduced to that of some other uses. Guests would be attending a particular function, and once there would be likely to stay for the duration, as such, there would not be the same nuisance related to frequent movement uses such as a restaurant.

**Materials** - The nature of the works require detailed material specifications. However, given the importance of the building it is considered that a condition is

appropriate to ensure the utilisation of appropriate materials including plaster and paint finishes.

**Landscaping/ Boundary Treatments** - A condition has been recommended which requires the submission and approval of a more detailed landscaping scheme, incorporating measures such as mounding and acoustic fencing to mitigate noise emanating from the car park and to reduce any disamenity to nearby residential accommodation as a result of lights from the vehicles. Separate conditions are recommended to ensure the submission and approval of a scheme for tree protection measures during construction and the future maintenance of hard and soft landscaping around the site.

**Trees** - The proposed development promotes the retention of the trees on site. However the proposal would see the loss of three Horse Chestnut trees and two common Beech trees unfortunately due to the degree of infection/ disease and extensive vandal damage, they are beyond remedial tree surgery or management. The proposal has been assessed by the City Arboriculturalist, and confirmed that the proposed works are acceptable. The required landscaping scheme will be providing suitable supplementary tree planting. A condition has been recommended which requires the submission and approval of a scheme for the implementation of tree protection measure around the base of retained trees both in relation to hard surfacing and the construction of boundary treatments.

**Hours** - It is considered that the hours applied for are acceptable (12 noon to 11:00 pm). Conditions would be attached to any consent granted requiring the submission of noise attenuation measures to reduce the noise breakout from the building, from noise associated with the comings and goings from the car park, and in relation to hours of operation and servicing of the site.

**Waste Management** - The applicants have submitted a waste management strategy, which is related to the development by condition. The proposed bin storage areas are located within the service yard, which provides neat and unobtrusive storage facilities.

**Car Parking** - As a general guide, a figure of 1 parking space per 4 covers (maximum) is used to determine if the number of spaces proposed are considered adequate. On this basis the applicant is proposing a maximum of 300 covers, and 130 parking spaces, all of which would be in curtilage. This equates to 1 parking space per 2.3 customers. On the basis of the potential number of end users of the facility, it is considered that the number of parking spaces is acceptable, and is in line with the parking guidelines. The general traffic impacts are likely to fall outside of the network peak hours due to the hours of operation. Some of the commercial uses within the area will be relocated as part of the overall regeneration of the area, and will be replaced with housing, which will have allocated in curtilage parking, this would therefore remove some of the on street parking problems that are currently experienced. All patrons of the banqueting facility will be encouraged to park within the site curtilage, which will minimize local highway impacts. In order to address any potential difficulties, a condition has been recommended which seeks to maximise the effective use of the car parking spaces and minimise the effect of on-street car

parking. This condition requires the submission of a traffic management programme, and details of a signage strategy to further support the use of the car park.

**Travel Plan** - A condition has been recommended, to ensure the provision of travel information to potential visitors, this should provide details of how to reach the venue using public transport.

**Vehicular/ Pedestrian Access** - Vehicular access would be taken from the existing shared access off Varley Street. The applicant owns this land, with his brother having a 50 year lease on the building. The access is shared with the adjacent Age Concern unit, and this situation would remain the same, but with the introduction of an internal link road that would service the car park to the rear of the Basilica. Pedestrian access is limited from Varley Street to the rear of the site. Revised drawings have now been received that address the issues raised by the Head of Highway Services. The plans now show the provision of a footpath leading from the car park at the rear of the building linking to the footpath on Varley Street, therefore providing pedestrian refuge. It is now proposed that the vehicular access gates leading to the car park are set back 5.5 metres from the vehicular entrance to the site, allowing for vehicle waiting off Varley Street whilst the gates are opened.

**Conclusion** - It is considered, that the implementation of the development in accordance with the recommended conditions and the associated listed building consent application, would provide an active and sustainable use for an important listed building. It is considered that the granting of planning permission would secure the restoration of a listed building, which is currently in a state of disrepair. There are not many alternative uses that could be introduced that would not seek to subdivide / carve up a building of this mass, and it is therefore considered that this proposal would introduce a use that would safeguard the integrity of this important historic building, with minimum impact upon the fabric of the building.

**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**

### 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: location plan stamped as received 6th July 2009, 3028/08/01 27th May 2009, 3028/08/02 Rev A 6th July 2009, 3028/08/03 Rev A 6th July 2009, Formby Surveys internal survey 7037B-GF 6th July 2009, 7037C-E 6th July 2009. Acoustic design and control report 27th May 2009, Tree Age and Condition Survey 27th May 2009. Crime Impact Statement 27th May 2009 Timberwise Report 27th May 2009, PPG15 Statement stamped as received 6th July 2009.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy H2.2 and DC19 of the Manchester Unitary Development Plan.

3) Construction of the works hereby approved by this permission shall not take place until samples and specifications of the materials to be used on all proposed external boundary and surface treatments have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority.

Reason

To safeguard the character and appearance of the listed building, pursuant to policy DC19 of the Unitary Development Plan for the City of Manchester (adopted 1995).

4) The consent hereby granted does not grant or imply a grant of consent for any new signage at the premises as this would need to be the subject of separate applications for Advertisement Consent and associated Listed Building Consent.

Reason - For the avoidance of doubt and pursuant to UDP policy DC19.1

5) The development is to be undertaken in accordance with the waste management strategy received on 14th July 2008 and 1st August 2008 and referenced 2124/11/C and 2124/12/B unless otherwise agreed in writing by the City Council as local planning authority.

Reason

In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policy 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

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

Seven days a week: 12 noon to 11pm.

No part of the premises shall open outside these hours without the prior written agreement of the City Council as local planning authority.

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.

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

8) Before any use hereby approved commences, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

9) No loading or unloading shall be carried out on the site outside the hours of 7:30 am to 20:00 pm daily.

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.

10) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

11) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with Policies 2.4 and 2.6 of the Unitary Development Plan for the City of Manchester.

12) No development shall take place until there has been submitted to and approved in writing by the local planning authority further information indicating the positions, design, materials and type of boundary treatment to be erected including details of noise attenuation measures. The boundary treatment shall be completed before the use hereby approved is implemented. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

13) The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the building hereby approved being occupied. The car park shall then be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester.

14) Details of a Travel Plan with the objective of reducing car borne journeys; and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and

approved in writing by the City Council as local planning authority prior to occupation of the premises; For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - In accordance with the provisions contained within Planning Policy Guidance 13. Pursuant to policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

15) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved drawings. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with Policies T3.1, T3.6 and T3.7 of the Unitary Development Plan for the City of Manchester.

16) Details of the permeable finish proposed for the car park shall be submitted to and approved in writing by the City Council as local planning authority and the approved surface material implemented prior to the consent hereby approved being brought into use.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with Policy T2.6 of the Unitary Development Plan for the City of Manchester.

17) Full details of a signage strategy for considerate use of the building and car park shall be submitted to and approved in writing by the City Council as local planning authority. The approved signage shall then be displayed in prominent positions on the site.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

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

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of

government guidance in Planning Policy Statement 1 and Policies H2.2, E3.3 and E3.5 of the Unitary Development Plan for the City of Manchester.

19) No part of the site outside of the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority. No amplified sound or any music shall be produced or played in any part of the site outside of the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

20) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason

In the interests of residential amenity pursuant to policy H2.2 of the Unitary Development Plan and policy 4.11 of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance.

21) The use hereby approved shall only be for the use as a banqueting facility (use class Sui Generis), and no other use such as A1, A3, A4 or A5 without prior consent being obtained from Manchester City Council as local authority.

Reason - Other uses may have a detrimental effect on the neighbourhood, and highway safety at the site, and the restriction of the use proposed will enable the Local Planning Authority to consider any further change of use on its merits, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

22) Alternative methods of disabled access provision to provide a long- term solution shall be researched, and the findings of this research submitted to the City Council as local planning authority. If suitable alternatives can be achieved they shall be implemented in accordance with the scheme to be approved in writing by the City Council and thereafter remain en situ whilst the use hereby approved operates from the building.

Reason – to enable satisfactory access and inclusiveness for all. Pursuant to policy DC9.1 of the Unitary Development Plan for the City of Manchester.

23) Details of the temporary portable ramp including materials and gradient shall be submitted to and approved in writing by the City Council as local planning authority.

Reason- To enable satisfactory access and inclusiveness for all pursuant to policy DC9.1 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: 090205/FO/2009/N1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services  
Environmental Health  
Licensing Unit  
Greater Manchester Police  
New East Manchester  
Cen Bottling Co Ltd, Unit 46, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
David Pritchard & Associates, Unit 24, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Deep Blue Light Blue, Unit 51, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Dominion Worship Centre, Unit 65, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
E A C (business Systems) Group Ltd, Unit 72, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
E B Communications, Unit 52, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Equipment & Adaptation Service, Sensory Resource Centre, Varley Street, Manchester, M40 8EE  
Five Star Travel Services, Unit 33, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
George Ellis & Sons Stationers Ltd, Unit 15, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Greater Manchester Probation & After Care Service, Varley Street, Manchester, M40 8EE  
J Dale, Unit 36, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
1 Bednal Avenue, Manchester, M40 8DW  
10 Edinburgh Square, Manchester, M40 8DN  
10 Kilsby Walk, Manchester, M40 8DP  
11 Bednal Avenue, Manchester, M40 8DW  
11 Brooklands Road, Crumpsall, Manchester  
13 Bednal Avenue, Manchester, M40 8DW  
14 Ridgeway Street, Ancoats, Manchester  
15 Bednal Avenue, Manchester, M40 8DW  
18 Ashbury Place  
18 Norbury Close, Miles Platting, Manchester  
2 Edinburgh Square, Manchester, M40 8DN  
2 Kilsby Walk, Manchester, M40 8DP  
2 Silvine Walk, Manchester, M40 8DT

3 Bednal Avenue, Manchester, M40 8DW  
30 Ashbury Place, Miles Platting, Manchester  
Kosher Basket, Unit 12, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Lotus, Unit 48, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Manchester Action On Street Health, Unit 14, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Manchester Carers Forum, Unit 6, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Manchester City Council, Miles Platting Library, Varley Street, Manchester, M40 8EE  
Manchester City Council, Varley Street, Manchester, M40 8EE  
Miles Platting Ancoats & Collyhurst Community Network, Unit 73, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Miles Platting Housing Office, Varley Street, Manchester, M40 8EE  
Mushroom, Unit 30, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Premier Capital Resources, Unit 34, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Red Line Recruitment, Unit 67, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Securecom Ltd, Unit 19, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
The Apollo, Varley Street, Manchester, M40 8EE  
The Care Training Partnership, Unit 13, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
The Leaf Centre, Varley Street, Manchester, M40 8EE  
Traxz, Unit 63, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 11, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 16, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 17, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 18, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 20, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 21, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
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Unit 45, Cariocca Business Park Sawley Road, Manchester, M40 8BB

Unit 49, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 5, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 50, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 53, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 57, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 58, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
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Unit 64, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 66, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 68, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 69, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 70, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 71, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 8, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Unit 9, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Urban Streetz, Unit 22, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Wareworks Ltd, Unit 54, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
4 Edinburgh Square, Manchester, M40 8DN  
4 Kilsby Walk, Manchester, M40 8DP  
4 Silvine Walk, Manchester, M40 8DT  
5 Bednal Avenue, Manchester, M40 8DW  
6 Edinburgh Square, Manchester, M40 8DN  
6 Kilsby Walk, Manchester, M40 8DP  
6 Silvine Walk, Manchester, M40 8DT  
63 Ashbourne Grove, Whitefield, Manchester  
7 Bednal Avenue, Manchester, M40 8DW  
8 Edinburgh Square, Manchester, M40 8DN  
8 Kilsby Walk, Manchester, M40 8DP  
9 Bednal Avenue, Manchester, M40 8DW  
A A A Inc Ltd, Unit 56, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Age Concern, Miles Platting Day Centre, Varley Street, Manchester, M40 8EE  
Atlas Filters Co Ltd, Unit 2, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Basis, Unit 47, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Capital Care & Foster Ltd, Unit 55, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Cariocca Enterprises, Unit 1, Cariocca Business Park Sawley Road, Manchester, M40 8BB  
Casual Choice Ltd, Unit 3, Cariocca Business Park Sawley Road, Manchester, M40 8BB

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

Resource Centre, The Leaf Centre, Varley Street, Manchester, M40 8EE  
30 Ashbury Place, Miles Platting, Manchester, M40 8DX  
30 Ashbury Place, Miles Platting, Manchester, M40 8DX

18 Norbury Close, Miles Platting, Manchester, M40 8DL  
C/O 63 Ashbourne Grove, Whitefield, Manchester, M45 7NL  
63 Ashbourne Grove, Whitefield, Manchester, M45 7NL  
14 Ridgway Street, M40 7FZ  
30 Ashbury Place, Miles Platting, Manchester, M40 8DX  
11 Brooklands Road, Crumpsall, Manchester, M8 4Jh  
63 Ashbourne Grove, Whitefield, Manchester, M45 7NL  
18 Norbury Close, Miles Platting, Manchester, M40 8DL  
C/O 63 Ashbourne Grove, Whitefield, Manchester, M45 7NL  
11 Brooklands Road, Crumpsall, Manchester, M8 4JH

**Relevant Contact Officer :** Janet Lawless  
**Telephone number :** 0161 234 4535  
**Email :** [j.lawless@manchester.gov.uk](mailto:j.lawless@manchester.gov.uk)