

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130192/JO/2021

Date registered valid: 26 April 2021

Proposal: Variation of conditions 2 (Specified Plans), 3 (Secure by Design), 4 (plant equipment) to change wording and include additional information and 5 (opening hours) to allow opening hours from 11.00-1.30 Sunday to Wednesday and Bank Holidays 11.00-3.30 Thursdays 11.00-04.30 Friday and Saturday attached to planning permission referenced 087316/FO/2008/C2

Address: Basement , 11A Stevenson Square, Manchester, M1 1DB

Ward(s): Piccadilly Ward

Applicant: Mr Andrew Blackburn Northern Hospitality MCR Ltd C/O Agent

Agent (if any): Miss Victoria Welch WSP WSP, 8 First Street, Manchester, M15 4RP

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 August 2021

Application details

Type of application: Variation or Removal of Condition

Development type: Change of use

Date of site visit: 15 May 2021

Standard consultations:

Printed: 12 May 2021 Expired: 2 June 2021

Neighbour notifications

Printed: 25 June 2021 Expired: 2 July 2021

Site notice

Posted: 15 May 2021 Expired: 5 June 2021

Press advert

Published: 18 May 2021 Expired: 8 June 2021

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area: Stevenson Square Conservation Area 1987

Tree Preservation Order:

Description of Site/Area

The application site relates to an existing bar located at basement level with a restaurant at ground floor and bar (Sui Generis) on the upper floors. The adjoining unit, 9 Stevenson Square, comprises commercial offices. To the rear is a photo studio and recording studio. The surrounding area is mixed commercial and residential, the closest residential units being the apartments above the bike shop at 23 Hilton Street which is directly adjacent to the east of the use.

Description of Development

The application is for the variation of conditions 2 (Specified Plans), 3 (Secure by Design), 4 (plant equipment) to change wording and include additional information and 5 (opening hours) to allow opening hours from 11.00-1.30 Sunday to Wednesday and Bank Holidays 11.00-3.30 Thursdays 11.00-04.30 Friday and Saturday attached to planning permission referenced 087316/FO/2008/C2.

Consultations & Notification Responses

Local residents were notified for 21 days and a total of 3 objections were received. Comments made can be summarised as follows:

Summary of local resident comments:

- Hula bar have been good neighbours in general as you cannot live in the city without some noise, and we rarely experience noise from within the venue.
 - There is frequent disturbance by shouting and screaming in the early hours.
 - The later the licence, the drunker the customers become, and the more noise experienced, despite the claims that the door staff try to ensure people leave quietly.
 - Then main concern is the use of the resident's doorway as toilet by drunken customers of the bars. Resident requests that Hula also work with them to help keep the local area clean.
 - Resident objects to the extended hours on the basis that the venue is reliant on door staff to disperse customers.
- Resident suggests the venue should employ a team of Drink Aware staff ensure that customers get home safely and orderly. Drink Aware are known by the police and ambulance services as being a good mechanism for reducing antisocial behaviour and ensuring the safety both inside and outside of the venue.
- It would also be advisable for the Drink Aware staff to all be trained in first aid so that the need for ambulance services is reduced as access is currently difficult for vehicles.
- Concerns regarding antisocial behaviour and urination on resident's door, the extended hours will only increase his further.
- Resident states unless there are further measures in place to minimise noise, antisocial behaviour and ensure the safety of customers, they object to these proposed hours.
- Stevenson square has become extremely noisy causing sleep disturbance during the week and weekends.
- The music emanating from the area causes and noise of drunk people high levels of noise nuisance and issues with sleep.
- Disturbance causes in stress level is having an effect health and mental well-being.

A further 7-day neighbour consultation was carried out following receipt of further information. No further responses were received.

Environmental Health:

Condition 4 - external plant

I have reviewed the AEC Noise Impact Assessment, and the noise from the plant operating has been measured and calculated to meet our criteria during the night-time period.

Condition 5 - Hours

I have reviewed the AEC Noise Impact Assessment and based on internal noise levels operating at 90 dB(A) the predicted noise at the NSR will meet and criteria and this is acceptable.

Design for Security Greater Manchester Police:

Having looked at the documents provided and taking into consideration the previous comments from my colleague, we would be satisfied with the proposals.

Policy

The main issues for consideration relate to the impact of the proposals on crime and disorder and residential amenity. The main policies that relate to the proposal are Section 12 (Achieving well designed places) of the National Planning Policy Framework, Policies SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas), DM1 (Development Management), CC10 (A Place for Everyone), T1 (Sustainable Transport) and T2 (Accessible Areas of Opportunity and Need) of the Adopted Core Strategy for the City of Manchester and saved policies DC10 (Food and Drink Uses) and DC26 (Noise and Development) of the Unitary Development Plan (UDP) for the City of Manchester.

Issues

The proposal site relates to an existing bar within the basement of and the application seeks to vary a number of conditions. The original application as submitted sought consent to operate until 05:30 on Friday-Saturday and bank holidays, 03:30 Monday-Thursday and 02:30 on Sundays. The existing basement was granted planning permission (Ref. 087316/FO/2008/C2) for a change of use to a bar and the erection of 4 x air-conditioning units to Stevenson Place elevation.

The original change of use application was granted on the basis that the unit operated with the following hours: 12.00 -00.30 Sunday to Thursday and Bank Holidays and 12.00 -02.30 Friday and Saturday.

The original application received 4 objections and a petition signed by 13 local residents and was decided by the Planning Committee. The hours were limited as there were concerns the proposal could result in an increase in comings and goings during the evening and there could be some disturbance associated with this. Whilst it is not possible to control such disturbance through the imposition of conditions it was felt reasonable, given the proximity of residential accommodation to limit the potential for people congregating near to that accommodation at an unreasonable hour by limiting the hours of operation of the premises. However in doing so, the City Centre location where late night opening is considered to be more acceptable than in some more largely residential areas of the City needs to be considered along with the aspirations for the area to develop as more of a mixed use night time destination.

There were concerns with the original opening hours as applied to as proposed extension of opening hours as this would potentially lead to additional late night disturbance to residents, and was therefore in its current form considered to be contrary to policies SP1, CC4 and DM1 of the Adopted Core Strategy for the City of Manchester and saved policies DC10.1 and 10.4 (Food and Drink) and DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

There is an objective to create a diverse mix of uses within the City Centre and the Northern Quarter and this inevitably involves the location of uses such as restaurants, bars and clubs in close proximity to residential accommodation as is the case with this application. Whilst the acoustic report demonstrates there will not be an issue in terms of internal noise breakout from the longer operating hours, it is necessary whilst considering these in the context of the mixed-use area, to consider what other impacts the extended hours might create. In such circumstances, it is necessary to ensure that measures are introduced to mitigate the worse effects that noise generating uses might have on nearby residents. The hours of operation were limited on the grant of the original permissions for this reason.

The proposal may result in an increase in comings and goings later into the evening and early morning which could cause disturbance to residents as well as anti-social behaviour and it is not possible to control such disturbance through the imposition of conditions. Concerns with the

opening hours and the potential impact on amenity have been raised by local residents in close to the application premises.

Furthermore, there is a concentration of late night uses including bars in Stevenson Square which have increased over the past ten years since the approval of the application premises. It is noted that no other use within the Square and immediate surrounding has opening hours later than 1.30 Monday to Wednesday.

In terms of managing impacts, it could be beneficial to have staggered operating hours within the immediate area to ensure this limits the number of people leaving bars within the area at once, and some increase in operating hours could facilitate this. However notwithstanding this, the proposed extension of the opening hours is not considered to be compatible with the character and mix of uses and general operating hours found within Stevenson Square and nearby and therefore has the potential to be detrimental to the attractiveness of the area to future investment and as a consequence to its regeneration as well as the amenity of residents.

The applicant has stated that the premises has been operating later than the permitted opening hours for the past 10 years however evidence of this has not been provided. It is noted that the latest planning opening hours within the immediate area are until 4am on Thursdays, Friday and Saturdays.

It was therefore suggested to the applicant that the opening hours be limited to:

11.00 -1.30 Sunday to Wednesday and Bank Holidays

11.00 - 3.30 Thursday

12.00 -04.30 Friday and Saturday

The applicant has agreed to these conditions and therefore it is possible to approve the application on the basis of these amended hours.

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 a right to a fair hearing and to this end the local planning authority 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 Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing 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. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance this involved negotiation with regards to the operating hours and appropriate conditions have

been included in the decision, with the mutual agreement of the applicant, to ensure the development is acceptable.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings and documents approved as part of application referenced 087316/FO/2008/C2

(a) Drawings numbered 08/562, Doc No 101, 103 and 104,

(b) Recommendations contained in the Crime Impact Statement stamped as received in 15-09-2008;

(c) Recommendations of AB Acoustics Report dated 28-05-08 as augmented and amended by AB acoustics letters dated 28-10-08 and 12-11-08;

(d) 11 Stevenson Square Operating Schedule and Dispersal Procedure received by the City Council on 06-11-08; and

(e) Section 6.7 of Paul Butler Associates Planning Statement stamped as received on 29-07-2008.

Further information submitted with application referenced 130192/JO/2021

- Letter from Design for Security at Greater Manchester Police referenced 2008/0896/CIS/01
- Dispersal Policy
- Measures outlined in letter referenced let.003.70068286
- Noise Impact Assessment referenced: P4134/L01a/RDC

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

2) The development shall only be carried out in accordance with the Crime Impact Statement received in 15 September 2008 and Secure by Design Accreditation received 21 April 2021.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework (2018).

3) Any external equipment, insulation, externally mounted ancillary plant, equipment and servicing shall be installed in accordance with the Noise Impact Assessment referenced: P4134/L01a/RDC received by the City Council as Local Planning Authority 26 April 2021.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around, pursuant to policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy.

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

-11.00-1.30 Sunday to Wednesday and Bank Holidays

-11.00-3.30 Thursdays

-11.00-04.30 Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

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

07.30 to 20.00 Monday to Saturday and 10.00 to 18.00 Sundays and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police

Second Floor, 26 Lever Street, Manchester, M1 1DW
Third Floor, 26 Lever Street, Manchester, M1 1DW
12 Faraday Street, Manchester, M1 1BE
First Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
GLORIOUS CREATIVE, 10A Stevenson Square, Manchester, M1 1FB
Ground Floor, 8 Stevenson Square, Manchester, M1 1FB
Ground Floor Offices 1 And 2, 8 Stevenson Square, Manchester, M1 1FB
First Floor, 8 Stevenson Square, Manchester, M1 1FB
Basement, 26A Lever Street, Manchester, M1 1DW
Studio 6, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 5, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 4, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 3, 14 - 16 Faraday Street, Manchester, M1 1BE
Basement, 14 - 16 Faraday Street, Manchester, M1 1BE
Second Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 2, 14 - 16 Faraday Street, Manchester, M1 1BE
Studio 1, 14 - 16 Faraday Street, Manchester, M1 1BE
Third Floor, 14 - 16 Faraday Street, Manchester, M1 1BE
14 - 16 Faraday Street, Manchester, M1 1BE
32 Lever Street, Manchester, M1 1DE
First Floor, 26 Lever Street, Manchester, M1 1DW
Second Floor Room C3, 18 Hilton Street, Manchester, M1 1FT
Third Floor Unit 3B, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C5, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C4, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C1, 18 Hilton Street, Manchester, M1 1FT
Fred Aldous Ltd, 37 Lever Street, Manchester, M1 1LW
55 Newton Street, Manchester, M1 1ET
First Floor Unit 2, 18 Hilton Street, Manchester, M1 1FT
Fourth Floor Unit A1, 18 Hilton Street, Manchester, M1 1FT
Third Floor Unit A3, 18 Hilton Street, Manchester, M1 1FT
Second Floor Room C2, 18 Hilton Street, Manchester, M1 1FT
Ground Floor, 18 Hilton Street, Manchester, M1 1FT
First Floor Unit 1, 18 Hilton Street, Manchester, M1 1FT
Ground Floor, 26 Lever Street, Manchester, M1 1DW
Basement And Ground Floor, 25 Hilton Street, Manchester, M1 1ET
18 Hilton Street, Manchester, M1 1FT
25 Hilton Street, Manchester, M1 1ET
Flat 15, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 14, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 13, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 12, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 11, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 10, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 9, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 8, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 7, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 6, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 5, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL

Flat 4, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 3, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 2, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Flat 1, The Bradley, 23 - 25 Hilton Street, Manchester, M1 1EL
Basement And Ground Floor, 23 Hilton Street, Manchester, M1 1EL
Fourth Floor, 18 Hilton Street, Manchester, M1 1FR
11A Stevenson Square, Manchester, M1 1DB
Second Floor, 11 Stevenson Square, Manchester, M1 1DB
9 Stevenson Square, Manchester, M1 1DB
11 Stevenson Square, Manchester, M1 1DB
Third Floor, 11 Stevenson Square, Manchester, M1 1DB
Third Floor, 8 Stevenson Square, Manchester, M1 1FB
Greater Manchester Police Museum, Newton Street, Manchester, M1 1ET
10 Stevenson Square, Manchester, M1 1FB
25A Hilton Street, Manchester, M1 1ET
57 Newton Street, Manchester, M1 1ET
Ground Floor And First Floor, 11 Stevenson Square, Manchester, M1 1DB
Ground Floor, 10 Stevenson Square, Manchester, M1 1HR
8 Stevenson Square, Manchester, M1 1FB
22 Little Lever Street, Manchester, M1 1HR

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Stevenson Square Conservation Area 1987
Area Team Boundary - Name: CITY2