



Mr J Hobbs
Manchester City Council
Floor 6, Town Hall Extension
Albert Square
PO Box 532
M60 2LA

Our Ref: let-001-VW-MCC-70068286

26 April 2021

BY PLANNING PORTAL:

PP-09718239

Dear Joseph,

Application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment to planning permission 087316/FO/2008/C2 relating to Hula, 11A Stevenson Square

Under Section 73 of the Town and Country Planning Act 1990, WSP has submitted an application on behalf of Northern Hospitality Ltd for a minor material amendment to approved application 087316/FO/2008/C2 which was for:

Change of use of basement to a bar (A4 use) and erection of 4 x airconditioning units to Stevenson Place elevation.

The application has been submitted via the Planning Portal today (Planning Portal ref: PP-09718239). The requisite application fee of £262 (inclusive of the £28 administration fee) has been paid by the applicant.

Alongside this covering letter, the application submission documents include:

- Planning application forms and certificate;
- Acoustic report prepared by AEC dated April 2021;
- Secure by Design letter;
- Door Security invoices;
- Two temporary events notices (TENS) covering 04:00-05:00 on 03/11/2019 and 09/11/2019-10/11/2019;
- Licence (no. 118952); and
- Updated Operating statement, dispersal, queuing and smoking policies.

Proposal

Hula has recently changed ownership and the new owners, Northern Hospitality Ltd, are in the process of reviewing their planning, licencing and operating arrangements. Through this process the applicant has identified that the unit has been operating to the licencing hours which are later than permitted through planning consent 087316/FO/2008/C2.

Hula has been operating under this period for a continuous eleven year period between April 2009 and March 2020.

Condition 5 of the consent allows the premises to be open until **00:30 Sunday-Thursdays and Bank Holidays and 02:30 Friday-Saturday**.

However, from 2009 to March 2020 (up until the premises was required to close due to Covid-19 restrictions), Hula had been operating under the later licencing hours of **11:00 to 3:30 Monday-Thursdays, 11:00 to 04:30 Friday to Saturday, and Sunday 11:00 to 02:30**. Hula had been operating successfully under these longer opening hours for over ten years, without any noise complaints or enforcement action.

Hula was also issued temporary events notices for several weekends during 2019 which allowed the premises to open until 05:00. The later opening hours during the temporary events were successful and did not result in any noise complaints, or adverse outcomes such as disturbance. The applicant would therefore now like to extend their permitted opening hours to allow them the flexibility to operate until 5:30am at the weekends.

The amendments have been discussed with yourself in March 2020, prior to submitting the application, and it was agreed that the changes could be dealt with via a Section 73 application. You had identified at this time that the pre-commencement conditions may not have been discharged. This application therefore also provides the requisite information for Secure by Design accreditation (condition 3) and an acoustic assessment of plant (condition 4).

This application therefore seeks to vary conditions 2, 3, 4 and 5. The changes proposed, and suggested wording is set out under the headers below.

Condition 2 (plans and documents)

Condition 2 states:

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.

This application seeks to amend the approved plans and drawings, as written in **bold** below.

(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, and **the AEC acoustic Report dated 12 April 2021;***

*(d) 11 Stevenson Square Operating Schedule and Dispersal Procedure received by the City Council **updated April 2021;** and*

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

Condition 3 (Secure by Design)

Condition 3 states:

3) No development shall commence until details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

We understand from the planning history records available to view on the Council's online system that this condition was not discharged prior to the use commencing.

Secure by Design Accreditation has been submitted as part of this application. This application therefore seeks a variation to the condition wording to state:

"3 – Secure by Design

Secure by Design Accreditation presented to Manchester City Council Planning officers dated April 2021".

Condition 4 (plant equipment)

Condition 4 states:

4) 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.

We understand from the planning history records available to view on the Council's online system that this condition was not discharged prior to the use commencing.

The submitted acoustic report prepared by AEC has assessed the installed plant equipment and concludes that noise from the existing plant would be significantly below the requirements of the Local Authority, as such acoustic insulation is not required.

This application therefore seeks a variation to the condition wording to state:

4 – The externally mounted ancillary plant, equipment shall be installed and acoustically insulated in accordance with the following:

*Specifications and recommendations on noise levels set out within AEC Acoustic Report Dated **12 April 2021**.*

Condition 5 (opening hours)

Condition 5 states:

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

00.12 -00.30 Sunday to Thursday and Bank Holidays

00.12 -02.30 Friday and Saturday

This application seeks consent to vary the wording of condition 5 to allow for longer opening hours:

Monday-Thursday - 11:00 – 03:30

Friday-Saturday and bank holidays - 11:00 – 05:30

Sunday - 11:00 – 02:30

The bar currently has a license to operate between:

Monday – Thursday: 11:00 – 03:30

Friday and Saturday and bank holidays: 11:00 – 04:30

Sunday: 11:00 – 02:30

A new licence will be applied for to reflect the proposed hours once planning permission has been granted.

Evidence of later operating hours

Evidence has been submitted with this application which demonstrates that the site has been regularly operating to the later licencing hours as set out above. Three invoices from the security supplier (dated 2015 and 2016) have been provided which show security staff working hours. On Friday and Saturday evenings, security staff were on duty until after the doors closed to customers at 4:00am.

A copy of two TENs licences are also provided with this application which permitted Hula to open until 5:00am over three nights. We understand there have been no instances of noise nuisance or complaints whilst operating at these later times.

Local precedents

There are several nearby late-night drinking establishments which operate under similar opening hours as proposed through this S73 application. Four examples are included below which have been taken from the business' website and/or planning consent where this information has been publicly available.

Aatma

- Planning consent (110101/FO/2015/C2) lists the approved opening hours as:
 - Monday to Wednesday - Mid-day to 01.30
 - Thursday to Saturday - Midday to 4.00
 - Sundays and Bank Holidays - Mid-day to 1.30.

Crazy Pedro's

- Planning consent (114213/FO/2016) lists the approved opening hours as:
 - Sunday to Monday - 12.00 to 04.00
 - Saturday - 12.00 to 05.00.

Blackdog Ballroom

- Planning consent (103315/FO/2013/C2) lists the approved opening hours as:
 - Monday to Sunday - 12:00 to 04:00
 - Saturday - 12.00 to 05.00

Dive NQ

- Sunday to Thursday – 17:00 to 00:00
- Friday to Saturday – 17:00 to 05:00

Within the Northern Quarter there is already activity within the opening hours sought through this Section 73 application. Local premises are operating until 5:00am on Fridays and Saturday and 4:00am during the week as set out above, which is part of the character of the area. The opening hours sought for Hula are in keeping with this environment and is in line with the local precedents identified.

The hospitality sector has needed to respond and adapt to the challenges arising from Covid-19 and it is expected that social distancing and reduced building capacity will continue in some form. There has been Governmental support for the sector through funding and the introduction of pavement licences to quickly expand the outdoor trading areas of food and drinks businesses.

Due to the nature of the business, outdoor seating is not proposed for Hula, and so the area of trading would not be extended. Instead, the later opening hours proposed will help to support the business in this challenging time by extending the period of trading. It will also allow Hula to compete with local businesses already operating under longer hours.

Assessment of amenity

Hula is located at basement level with Quarter House at ground floor and Fitzgerald on the upper floors. The adjoining unit, 9 Stevenson Square, comprises commercial offices. To the rear is a photostudio and recording studio. There are no immediate residential neighbours above or adjacent, the closest being the apartments above the bike shop at 23 Hilton Street which is separated by Little Lever Street.

This application seeks consent to operate until 05:30 on Friday-Saturday and bank holidays, 03:30 Monday-Thursday and 02:30 on Sundays. In accordance with core strategy policy DM 1 (Development Management) and saved policy DC26 (Development and Noise), a Noise Impact Assessment has been prepared to assess the potential impacts on amenity through operating at these later hours.

The report concludes that the opening hours proposed would not result in an adverse impact on nearby receptors. Noise breakout would be below the overall noise level limit without the requirement for acoustic mitigation. The proposal therefore accords with core strategy policy DM1 and saved policy DC26 (Development and Noise).

An operational statement is submitted with this application which sets out the proposed operating hours and procedures which will continue to be in place at the premises.

The hours proposed are not uncommon within the Northern Quarter, as demonstrated by the local precedents identified which already operate under the later hours requested through this application.

Conclusion

This Section 73 is being sought to vary the approved opening hours to allow operation to 5:30am Monday-Sunday, and to provide the necessary information to discharge conditions 3 (Secure by Design) and condition 4 (plant).

As set out within this supporting statement and technical documents submitted, Hula has been operating at the later licencing hours for 11 years, with occasional later opening hours of 5:00am permitted through TENs issued in 2019. Importantly, Hula has been operating within these later opening hours without any noise complaints or disturbance caused. As demonstrated within the



submitted acoustic report, the opening hours proposed will accord with requisite noise levels and would not impact on the amenity of nearby sensitive receptors. The proposal therefore accords with local and national planning policy.

The noise impact assessment has also undertaken an assessment of the plant equipment installed, in accordance with condition 4. The assessment concludes that the plant operates within reasonable limits and in this instance acoustic attenuation is not required.

Secure by design accreditation has been submitted with the application to satisfy condition 3.

We trust the submitted information is sufficient to validate this S73 planning application. However, should you require any further information please do not hesitate to contact me

Yours faithfully

A handwritten signature in black ink, appearing to read 'V Welch'.

Victoria Welch
Planner