This is The Space
68 Quay Street
Manchester
M3 3EJ
tel: +44 (0)20 3640 8508
fax: +44 (0)20 3435 4228
email: info@iceniprojects.com
web: www.iceniprojects.com

Manchester City Council
Planning Department
PO Box 532
Town Hall
Manchester
M60 2LA

11 October 2018

BY PLANNING PORTAL REF: PP- 07347560

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

VARIATION OF CONDITION

CORD BAR, DORSEY HOUSE, 8 DORSEY HOUSE, MANCHESTER M4 1LU

We write on behalf of DANT Property Group Ltd to vary two conditions attached to the grant of permission dated 18 October 2017, in order to extend the period of consent for the bar's operation, and allow opening until 1am on Fridays and Saturdays for an additional year beyond 13 December 2018.

The description of development is as follows:

> *"Variation of conditions 2 and 3 attached to previously approved planning permission 117761/JO/2017 to allow the bar within the ground floor and basement of the building to be used until 1am on Friday and Saturday nights for a further temporary period of 12 months"*

The premises have successfully operated as a bar for over 15 years. The current owner is willing to retain the personal condition which restricts operation to himself, for a further year. He has a robust operating statement for the premises and has demonstrated himself to be a responsible owner.

a. The Site and Surroundings

Cord Bar is located on the ground and basement floors of a five-storey building on the southern side of Dorsey Street, off Tib Street, in the Northern Quarter of Manchester city centre. Its established use is as a bar (A4 use). The area is characterised by a mix of uses including leisure, entertainment and residential. It is a highly accessible city-centre location, within walking distance of Piccadilly train station, and bus and Metrolink services at Piccadilly Gardens which provide access within the city centre and across the wider region.

Allocations / Designations

The site is located within the Smithfield Conservation Area and the city centre.

There are no other relevant known designations / allocations.

b. Planning History

Planning applications relating to the premises are summarised below.

Table 1. Relevant Planning History for Dorsey House

Planning Ref.	Description	Decision Date	Decision
035872	Refurbishment and conversion of vacant premises into a retail unit on ground floor with 6 self contained flats over	22.02.90	Approved
046531/FO/CITY1/94	Change of use from a shop to a cafe bar	02.03.95	Approved
060262/FO/CITY1/00	Change of use from retail premises to A3 use, installation of new shop front and alteration at rear	03.03.00	Approved
064061/FO/CITY1/02	Existing licenced premises trading on ground floor applying for change of use to basement area to A3 and building works	21.03.02	Approved
064059/JO/CITY1/02	Variation of condition no.9 attached to planning permission 060262/FO/CITY1/00 to extend trading hours until 2.00am Mon to Sat	22.08.02	Refused
065823/JO/CITY1/02	Modification to existing approval of 064061/FO/CITY1/02 to amend trading hours of licensed premises	23.09.02	Withdrawn
076853/JO/2005/C1	Variation of condition no 7 attached to permission 064061/FO/CITY/02 to permit opening on Friday and Saturday until 1am	14.12.05	Approved
085788/FO/2008/C1	Elevational alterations to shopfront and construction of new roof above courtyard at rear	27.06.08	Approved
107563/JO/2014/C2	Removal of condition 1 (personal consent for Directors of Cord Bar Ltd) attached to condition ref no 076853 which varied condition no 7 attached to permission 064061/FO/CITY/02 to permit opening until 01.00 on Friday and Saturday	09.03.15	Withdrawn
111996/JO/2016/C2	Variation of condition 1 (personal consent) attached to previously approved application 076853/JO/2005/C1 to amend name of operator to allow trading on Friday and Saturday until 1am	26.08.16	6-month temporary approval until 28.02.17
114891/JO/2016	Variation of conditions 2 and 3 attached to previously approved planning permission granted under application 111996/JO/2016/C2 to allow trading until 1am on Friday and Saturday nights for a further 6 months	25.04.17	6-month temporary approval until 25.10.17
117761/JO/2017	Variation of conditions 1, 2 and 3 attached to previously approved planning permission 114891/JO/2016 to allow the bar within the ground floor and basement of the building to be used until 1am on Friday and Saturday nights for a further temporary period of 12 months and a change in the personal permission name	13.12.17	12-month temporary approval until 13.12.18

Consent for a cafe bar was granted in March 1995 (ref 046531/FO/CITY1/94). In August 2016, a temporary six-month personal consent was granted to Mssrs Ward and Hogg to extend the opening hours to 1am on a Friday and Saturday (111996/JO/2016/C2). This was renewed to the same

operators for a further 6 months in April 2017 (114891/JO/2016). In granting this consent, the Council recognised the successful operation of the business including management of patrons and the positive coexistence of the bar with the nearby residential units.

Our client subsequently purchased the site and sought to alter the personal consent whilst retaining the 1am opening hours on Fridays and Saturdays. Consent was granted for a 12-month period in December 2017 (ref 117761/JO/2017), reflecting both the successful operation of the premises to date and the fact that granting a personal consent to a landlord, rather than an operator, can be very effective in achieving ongoing high standards of operations and management.

c. Planning Policy Framework

Section 73 of the Town and Country Planning Act 1990 enables an application to be made to vary or remove conditions associated with a planning permission.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. This section sets out the key national, regional and local planning policy considerations for this application.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF, 2018) sets out the Government's planning policies for England and how these are expected to be applied. The presumption in favour of sustainable development is at the heart of the NPPF (para 11). Development proposals that accord with the development plan should be approved without delay unless adverse impacts would significantly and demonstrably outweigh the benefits of the proposals. Paragraph 80 requires significant weight to be placed on the need to support economic growth and productivity, taking into account the needs of local businesses. Paragraph 85 places town centres at the heart of local communities, and requires decisions to take 'a positive approach to their growth, management and adaptation'.

Development Plan

The relevant development plan policies are set out in the Manchester Core Strategy (July, 2012) and the Saved Policies of the Manchester Unitary Development Plan (UDP, 1995). Policies including Core Strategy Policy C10 recognise the benefits of uses which provide leisure opportunities and contribute to the night-time economy. Financial benefits accrue to the city and its businesses, whilst the associated activity improves safety and surveillance.

UDP Policy DC10.1 and Core Strategy Policies C10 and DM1 require development, including leisure uses, to function well in terms of accessibility and refuse collection, and to interact appropriately with neighbours, ensuring amenity is not impacted unacceptably in terms of noise, traffic and disturbance.

The city centre, and the Northern Quarter in particular, are identified as suitable locations for leisure uses, with the Core Strategy noting the 'rich mixture' of uses in the Northern Quarter including alternative retail, bars, pubs, nightclubs, residential dwellings and creative businesses (para 2.34).

d. Conditions - detail

Amendments are sought to the following conditions, as follows:

Condition number	Current text	Amendment sought
2	The permission hereby granted is for a limited period only, expiring on 13 December 2018.	The permission hereby granted is for a limited period only, expiring on 13 December 2019.

3	Until 13 December 2018 only, the bar premises shall not trade or otherwise be open to the public outside the following hours: 12.00 to 23.00 Monday to Thursday 12.00 to 01.00 on Fridays and Saturdays 12.00 to 22.30 on Sundays and Bank Holidays. On the expiration of the temporary period specified in condition 2, the premises shall not trade or otherwise be open to the public outside the following hours without the express permission of the local planning authority: 12.00 to 23.00 Monday to Saturday 12.00 to 22.30 on Sundays and Bank Holidays.	The premises shall not trade or otherwise be open to the public outside the following hours without the express permission of the local planning authority: 12.00 to 23.00 Monday to Thursday 12.00 to 01.00 on Fridays and Saturdays 12.00 to 22.30 on Sundays and Bank Holidays.

e. Planning Justification

The operation of a bar on the premises with trading hours to 1am on Fridays and Saturdays has been subject to temporary consents since August 2016. Consent has been granted on three occasions, representing an operating period of over 2 years.

The premises have operated to a high standard, with the last 12 months being under the direction of the applicant. No complaints have been made regarding the bar. The consent is currently personal to the applicant, who is pleased for this to continue. This will ensure the ongoing successful management of the premises, in line with their operating statement, which was approved as part of the previous planning application (ref 117761/JO/2017) and is resubmitted with this application.

The statement includes the following:

- use of a noise limiter to ensure appropriate music levels;
- trained door staff who disperse and manage patrons leaving the premises to avoid anti-social behaviour and undue noise;
- closing of the lobby door at all times to avoid noise breakout when patrons enter or exit the premises;
- regular internal and external checks;
- continued operation of the installed digital CCTV system which covers the whole premises and curtilage;
- access for customers and staff through the front entrance with deliveries and servicing outside operating hours;
- waste and recycling collected by a specialist contractor with none to be disposed of in outside receptacles between the hours of 10pm and 8am; and
- keeping the premises clean, tidy and in a good state of repair.

This application is accompanied by a noise assessment dated September 2017. No equipment or plant at the premises has been altered since that time, hence its findings remain relevant. The report finds that use of an identified noise limiter achieves appropriate noise levels which uphold neighbour amenity. This limiter is installed and used as per the bar's operating statement.

It has therefore been demonstrated that the operation of the bar in this location gives rise to no negative impacts in terms of the material planning considerations including safeguarding residential amenity, traffic and waste management.

f. Conclusion

The granting of consent for the proposal is in line with local Policies DC10.1 and DM1 because residential amenity is demonstrably upheld; the use is appropriate in character for this mixed-use Northern Quarter location; and the practical matters of servicing, access and refuse collection have been satisfactorily addressed.

The proposal accords with Policy C10 which undertakes to permit proposals which support the evening economy where they do not create an unacceptable impact on neighbouring uses in terms of noise, traffic or disturbance.

It aligns with national policy which states that consent should be granted for proposals that accord with the development plan, and requires significant weight to be given to economic growth.

g. Application Submission Package

This application has been submitted via the Planning Portal (ref. PP- 07347560) and comprises the following documents:

- Covering statement (this letter), prepared by Iceni Projects Limited;
- Completed application form with certificate of ownership;
- Decision notice ref 117761/JO/2017;
- Operating Statement; and
- Noise Assessment prepared by Clement Acoustics (September 2017).

The requisite planning fee of £234.00 has been paid to the Council online.

We trust that the information provided is sufficient to enable the Council to validate this application and look forward to receiving confirmation of this at the earliest opportunity.

In the meantime, please contact me on 07741 590323 / dbakerbarnett@iceniprojects.com should you have any questions.

Yours sincerely,



Deborah Baker Barnett
ASSOCIATE

cc. DANT Property Group