

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140819/JO/2024

Date registered valid: 20 August 2024

Proposal: Variation of Condition 3 (Opening Hours) attached to Planning Permission 140319/FO/2024 to extended opening hours on Friday and Saturday evenings to 10:00 to 00:30.

Address: 4 Oldham Road, Manchester, M4 5AD

Ward(s): Ancoats & Beswick Ward

Applicant: Future Cultures Limited

Agent (if any): Mr James Ketley Euan Kellie Property Solutions Limited

Case officer: Danielle Cooper
Tel: 0161 234 1658
Email: danielle.cooper@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 25.09.2024

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit: 28 August 2024

Standard consultations:

Printed: 28 August 2024 Expired: 18 September 2024

Neighbour notifications

Printed: 28 August 2024 Expired: 18 September 2024

Site notice

Posted: 28 August 2024 Expired: 18 September 2024

Press advert

Published: 3 September 2024 Expired: 24 September 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Ancoats Conservation Area 1989

Tree Preservation Order: N/A

Description of site/building

The application site is situated on Oldham Road (A62) in Ancoats, in between a modern six-storey building (with commercial units at street level and apartments above) and the Crown and Kettle Public House. The pub is Grade II listed and also occupies the street corner with the A665 – Great Ancoats Street.

The application site consists of a narrow, three storey building. The upper floors are of a buff brick construction with the ground floor characterised by a traditional shop frontage.

The building at ground floor has been granted permission for the use as a drinking establishment (sui generis) under planning application ref: 140319/FO/2024.

Description of area

The site is located in the Ancoats conservation area and is considered to be part of the city centre. The site also falls within the Regional Centre. The area is a mixture of commercial uses (café, bars and retail) alongside upper floor residential uses.

Description of development

Planning permission is sought to vary condition 3 (opening hours) of approved application ref: 140319/FO/2024.

The proposed extended hours are 10:00am to 00:30am on Friday and Saturdays.

Planning history

140319/FO/2024 - Proposed use of the ground floor as a drinking establishment (sui generis), together with external alterations including new shopfront and retractable awning – Approved 14.08.2024

Consultations & Notification Responses

Environmental Health – No objection

The application was advertised by site notice, the press and neighbour notification letters. No representations have been received.

Policy

In relation to the relevance of policies for this development, in respect of food and drink uses, the following policies remain applicable.

Core Strategy

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

Policy SP1 Spatial Principles outlines that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. The development would be highly sustainable and introduce new activity to this vacant building. It would provide good access to sustainable transport and maximise the potential of the City's transport infrastructure.

Policy CC1 Primary Economic Development Focus: City Centre and Fringe outlines that the City Centre is a strategic economic location and focus of employment growth in the City and City Region. The Council encourages the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities in

the City Centre, to create a vibrant employment location attractive to businesses, employees and visitors.

Policy CC4 Visitors - Tourism, Culture and Leisure sets out that the City Centre is a focus for culture and leisure within the City Region. Proposals such as this that improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported and would further generate a significant number of visitors to the area.

Policy C10 Leisure and the Evening Economy states that development and redevelopment such as this, which supports the evening economy, contributes to the vitality of centres and supports a balanced and socially inclusive evening/night-time economy will be permitted.

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

Policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Policy DM 1 Development Management outlines a range of general issues that all development should have regard to. Of these, the following are of relevance to this proposal:

appropriate siting, layout, scale, form, massing, materials and detail;

- * Design for health;

- * Adequacy of internal accommodation and amenity space.

- * impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;

- * that development should have regard to the character of the surrounding area;

- * effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;

- * accessibility to buildings, neighbourhoods and sustainable transport modes;

- * impact on safety, crime prevention and health; adequacy of internal accommodation , external amenity space, refuse storage and collection, vehicular access and car parking; and

- * impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

Saved Unitary Development Plan for Manchester

Policy DC18.1 (Conservation Areas) advises that the council will give careful consideration to development proposals within conservation areas, and will seek to preserve and enhance the character of its designated conservation areas.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent 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. The City Council will:

- 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.

Policy DC26.1 Development and Noise - This policy details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

Policy DC26.4 explains that where the Council believe that a new proposal will generate potentially unacceptable levels of noise, the applicant will need to provide a noise assessment to define any such impacts and any measures to deal with that noise.

Policy DC26.5 sets out that the Council will, where appropriate, require insulation in new development as well as noise barriers where high levels of noise are expected.

Policy DC26.5 Development and Noise - which states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development, as well as noise barriers where this is appropriate.

Policy DC26.6 outlines that exceptions to the general policy will be considered on their merits. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places

Other Legislative Requirements

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

The following policies are considered relevant to this application.

Policy JP-P1 - Sustainable Places

Policy JP-S1 - Sustainable Development

Ancoats and New Islington Neighbourhood Development Framework (December 2016)

The purpose of this document is to update the Ancoats and New Islington Neighbourhood Development Framework (NDF) approved by Manchester City Council's Executive Committee in October 2014, to reflect further detailed master plan for the area and to take into account changes in policy context and the significant progress that has been made towards delivering the original 2014 NDF proposals.

The NDF states that the mix of use within the area should create a destination of choice and should benefit the needs of the local community, with a pre-disposition against late night drink and entertainment licences. No licences will be granted after 11pm.

Planning (Listed Buildings and Conservation Areas) Act 1990

Ancoats Conservation Area declaration

The significance of the Ancoats Conservation Area is derived from the former cotton spinning mills which demonstrate the area and are principally located adjacent to the Rochdale Canal and the nearby housing. Historically throughout the area, there have always been commercial and residential buildings. This juxtaposition, and interlinking of manufacturing, transport and residential uses meant that Ancoats functioned as the first industrial estate in the world. Furthermore, the concentration of mill buildings within Ancoats has become an important landmark in the history of the Industrial Revolution. Murray Mills, McConnel and Kennedy Mill, along with others in the area, represent a clear chronology of development of cotton mill architecture from 1800 to the 1920's. Although the area is dominated by the mill buildings, the Conservation Area also contains other Listed Buildings of differing character such as the application site,

Issues

Principle of the development

The use of the site has been established under original application ref: 140819/JO/2024. It is considered that the characteristics of the operation of the bar will not be affected by the variation of the opening hours, including noise and disturbance to neighbouring residents.

Variation of condition 3 (Opening Hours)

The proposal relates to a variation of the opening hours controlled by condition under app. ref. 140819/JO/2024, which would see the hours extended to 10:00 – 00:30am on Fridays and Saturdays only.

Environmental health have confirmed that they have no objection with the increased opening hours for Friday and Saturday only. The LPA therefore consider the extended hours to be appropriate, and given its location which is within close proximity to other similar uses with similar opening hours along Oldham Street, the LPA are satisfied that the hours will not be unduly harmful to residential properties.

Conclusion

In light of the above the proposed variation of condition 3 to planning permission 140319/FO/2024 have been taken into consideration and have been determined acceptable and in accordance with sections 12 of the National Planning Policy Framework (NPPF); Core Strategy Policies SP1, CC1, CC10, EN1 and DM1; and Saved Unitary Development Plan Policies DC10 and DC26.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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/agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application

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

1) The development must be begun not later than the 14 August 2027.

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:

049/01(02)010, 049/01(02)011, 049/01(02)012, 049/01(02)020 and 049/01(02)030 received by the City Council, as Local Planning Authority, on the 19 June 2024

Design and Access Statement prepared by E3 Architecture, Smoking Policy and Completed MCC Waste Proforma received by the City Council, as Local Planning Authority, on the 19 June 2024

Proposed Operating Schedule and Completed MCC Waste Proforma received by the City Council, as Local Planning Authority, on the 31 July 2024

Noise Impact Assessment prepared by Sol Acoustics (P2417-REP01-JLS P02) received by the City Council, as Local Planning Authority, on the 30 July 2024

Operating Schedule received by the City Council, as Local Planning Authority, on the 20 August 2024

Noise Impact Assessment prepared by Sol Acoustics (P2417-REP01-CMR) received by the City Council, as Local Planning Authority, on the 20 August 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

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

Sunday to Thursday 10:00 to 23:00

Friday to Saturday 10:00 to 00:30

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the only uses permitted is a drinking establishment (Sui Generis) and for no other purpose, as set out within the Town and

Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason -In the interests of amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 08:00 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) The development shall be carried out in accordance with the Completed MCC Waste Proforma received by the City Council, as Local Planning Authority, on the 31 July 2024. 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 public health and residential amenity pursuant to policy DM1 of the Core Strategy.

7) The development shall be carried out in accordance with the smoking policy received by the City Council, as Local Planning Authority, on the 19 June 2024

The approved policy shall be implemented and maintained upon first use of the premises and thereafter retained and maintained.

Reason - To safeguard the amenities of nearby residential occupiers as the site is located in a residential area, pursuant to policies SP1, DM1 and C10 of the City of Manchester Core Strategy and to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester.

8) (a) The development hereby approved shall be carried out in accordance with the submitted Noise Impact Assessment prepared by Sol Acoustics (P2417-REP01-JLS P02) received by the City Council, as Local Planning Authority, on the 30 July 2024. All recommended mitigation methods shall be installed as necessary.

(b) Prior to first use, a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report (part a of this condition). The report shall also undertake post completion testing to confirm that the noise criteria has been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

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

9) Prior to the first use of the premises, details of secure cycle storage arrangements shall be submitted for approval to the City Council as Local Planning Authority. The approved scheme shall be implemented and thereafter remain in-situ once the development hereby approved becomes operational.

Reason - To ensure there is adequate off street car parking provision and bicycle parking provision, pursuant to policies DM1, T1 and SP1 of the Manchester Core Strategy.

Informatives

1) An awning is proposed at the front elevation and will project over the adopted highway. If the awning projects 0.35m or greater over the adopted highway then a Projection over License will be required. This is obtainable via Contact Manchester on 0161 234 5004 and is to be funded at the applicants expense.

Manchester on 0161 234 5004 and is to be funded at the applicants expense.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

4 Swan Street, Manchester, M4 5JN
Basement And Ground Floor, 2 Swan Street, Manchester, M4 5JN
Third Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Third Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Flat 4, 7 Addington Street, Manchester, M4 5EU
Flat 5, 7 Addington Street, Manchester, M4 5EU
Flat 314, 6 Oldham Road, Manchester, M4 5DB
Flat 401, 6 Oldham Road, Manchester, M4 5DB
Flat 501, 6 Oldham Road, Manchester, M4 5DB
Flat 407, 6 Oldham Road, Manchester, M4 5DB
Flat 511, 6 Oldham Road, Manchester, M4 5DB
Flat 306, 6 Oldham Road, Manchester, M4 5DB
Flat 404, 6 Oldham Road, Manchester, M4 5DB
Flat 206, 6 Oldham Road, Manchester, M4 5DB
Flat 1, 4 Swan Street, Manchester, M4 5JN
143 - 147 Oldham Street, Manchester, M4 1LN
Fourth Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
Flat 1, 8 Cable Street, Manchester, M4 5EG
Flat 513, 6 Oldham Road, Manchester, M4 5DB
Flat 304, 6 Oldham Road, Manchester, M4 5DB
Flat 405, 6 Oldham Road, Manchester, M4 5DB
Flat 413, 6 Oldham Road, Manchester, M4 5DB
Flat 301, 6 Oldham Road, Manchester, M4 5DB
Flat 213, 6 Oldham Road, Manchester, M4 5DB
Flat 312, 6 Oldham Road, Manchester, M4 5DB
Flat 214, 6 Oldham Road, Manchester, M4 5DB
6 Swan Street, Manchester, M4 5JN
2 Swan Street, Manchester, M4 5JN
7 - 9 Swan Street, Manchester, M4 5JJ
Flat 3, 7 Addington Street, Manchester, M4 5EU
Flat 4, 8 Cable Street, Manchester, M4 5EG
Unit A And Unit B, 6 Oldham Road, Manchester, M4 5DE
Flat 308, 6 Oldham Road, Manchester, M4 5DB
Flat 512, 6 Oldham Road, Manchester, M4 5DB
Flat 411, 6 Oldham Road, Manchester, M4 5DB
Flat 210, 6 Oldham Road, Manchester, M4 5DB
Flat 502, 6 Oldham Road, Manchester, M4 5DB
Flat 408, 6 Oldham Road, Manchester, M4 5DB
Flat 505, 6 Oldham Road, Manchester, M4 5DB
Flat 402, 6 Oldham Road, Manchester, M4 5DB
Flat 302, 6 Oldham Road, Manchester, M4 5DB

Flat 204, 6 Oldham Road, Manchester, M4 5DB
CLOSE MALE GROOMING LTD, Part Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AZ
Crown And Kettle, 2 Oldham Road, Manchester, M4 5FE
Flat 1, 7 Addington Street, Manchester, M4 5EU
Flat 509, 6 Oldham Road, Manchester, M4 5DB
Flat 409, 6 Oldham Road, Manchester, M4 5DB
Flat 202, 6 Oldham Road, Manchester, M4 5DB
Flat 507, 6 Oldham Road, Manchester, M4 5DB
Flat 503, 6 Oldham Road, Manchester, M4 5DB
2 - 4 Swan Street, Manchester, M4 5JN
First Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
The Quick Brown Fox, 1 - 3 Swan Street, Manchester, M4 5JJ
Frog And Bucket, 102 Oldham Street, Manchester, M4 1LJ
Second Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Ground Floor, 9 Great Ancoats Street, Manchester, M4 5AD
9 Great Ancoats Street, Manchester, M4 5AD
First Floor, 6 Oldham Road, Manchester, M4 5DE
Flat 310, 6 Oldham Road, Manchester, M4 5DB
Flat 307, 6 Oldham Road, Manchester, M4 5DB
Ground Floor, 6 Oldham Road, Manchester, M4 5DE
Flat 212, 6 Oldham Road, Manchester, M4 5DB
First Floor And Second Floor, 2 - 4 Swan Street, Manchester, M4 5JN
Buckley Frayne Estate Agents, 6 - 14 Great Ancoats Street, Manchester, M4 5AZ
Basement, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
Basement And Ground Floor, Virginia House, 7 Great Ancoats Street, Manchester, M4 5AE
4 Oldham Road, Manchester, M4 5FE
City Warehouse Apartments, 4 Great Ancoats Street, Manchester, M4 5AZ
Flat 205, 6 Oldham Road, Manchester, M4 5DB
Flat 514, 6 Oldham Road, Manchester, M4 5DB
Flat 313, 6 Oldham Road, Manchester, M4 5DB
Flat 211, 6 Oldham Road, Manchester, M4 5DB
Flat 412, 6 Oldham Road, Manchester, M4 5DB
Flat 406, 6 Oldham Road, Manchester, M4 5DB
Flat 414, 6 Oldham Road, Manchester, M4 5DB
79 Tib Street, Manchester, M4 1LS
Second Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
Flat 2, 8 Cable Street, Manchester, M4 5EG
Flat 3, 8 Cable Street, Manchester, M4 5EG
St Vincent House, 15 Oldham Road, Manchester, M4 5EQ
Flat 2, 7 Addington Street, Manchester, M4 5EU
Flat 207, 6 Oldham Road, Manchester, M4 5DB
Flat 309, 6 Oldham Road, Manchester, M4 5DB
Flat 504, 6 Oldham Road, Manchester, M4 5DB
Flat 203, 6 Oldham Road, Manchester, M4 5DB

Flat 508, 6 Oldham Road, Manchester, M4 5DB
Flat 311, 6 Oldham Road, Manchester, M4 5DB
Flat 208, 6 Oldham Road, Manchester, M4 5DB
Flat 305, 6 Oldham Road, Manchester, M4 5DB
Flat 506, 6 Oldham Road, Manchester, M4 5DB
Basement And Ground Floor, 7 - 9 Swan Street, Manchester, M4 5JJ
5 Swan Street, Manchester, M4 5JJ
Room 15, 5 Swan Street, Manchester, M4 5JJ
CLOUDY LIMITED, First Floor, Virginia House, 7 Great Ancoats Street, Manchester,
M4 5AE
Flat 201, 6 Oldham Road, Manchester, M4 5DB
Flat 510, 6 Oldham Road, Manchester, M4 5DB
Flat 303, 6 Oldham Road, Manchester, M4 5DB
Flat 403, 6 Oldham Road, Manchester, M4 5DB
Flat 410, 6 Oldham Road, Manchester, M4 5DB
Unit C, 6 Oldham Road, Manchester, M4 5DB
Flat 209, 6 Oldham Road, Manchester, M4 5DB

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Ancoats Conservation Area 1989
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL