

Planning,
Manchester City Council,
P O Box 532,
MANCHESTER,
M60 2LA

Our ref: 031-041
Planning Portal ref: PP-13271881

Date: 08 August 2024

Dear Sir or Madam,

The Oast House, Crown Square, Manchester, M3 3AY

Application to vary condition on permission reference 134833/FO/2022

On behalf of our client, New World Trading Company (NWTC), we are submitting an application under Section 73 of the Town and Country Planning Act 1990 to vary planning condition 2 attached to the above permission (plans list).

The application relates to the approved Tipi that is erected each winter to provide sheltered customer space in the beer garden of the Oast House, in Spinningfields between 12 October and 31 March.

The applicant has invested in a new Tipi that provides additional shelter and improved noise mitigation and the objective of the application is to secure approval for these updated plans as a replacement for the existing approved plans, to reflect the new Tipi.

Specifically, the original permission secured was for a structure which covered circa 390m² of the beer garden. This has proved popular, and the applicant has invested in a larger Tipi on the existing beer garden which will allow more patrons to enjoy the sheltered space created during the winter months.

The scope of this submission comprises the following documents:

- Application form
- Application fee
- This cover letter
- Location Plan and Existing Site Plan

- Proposed Site Plan 2024 (ref. NW-TOH-Tipi2024-001)
- Proposed Elevations 2024 (ref. NW-TOH-Tipi2024-002)
- Proposed Floor Plan (ref. NW-TOH-Tipi2024-003)
- Fire tests according to BS 7837:1996 (ref. 27/05972/09/22)
- Weather Management Plan

This letter sets out the background and planning context, the relevant planning policies and summarises the main planning considerations relating to the proposed larger Tipi.

Context

NWTC is an established operator of popular leisure venues, founded in 2011. Their venues comprise a variety of brands including 'The Botanist,' 'The Florist' and 'The Club House' now trading from over 30 sites across the UK.

The Oast House has been open since 2011 and has provided a popular restaurant / bar throughout the expansion and successful growth of the Spinningfields part of the City Centre. The bar itself has grown in this time having originally received temporary planning permission as a pop-up bar in 2011 (ref. 096539/FO/2011/C1). Full consent was granted in 2013 (ref. 100927/FO/2012/C1).

In 2015 permission was granted for the original Tipi (ref. 108655/FO/2015/C1), which was relocated from Urbis and then, in 2020 around the time of the pandemic, consent was granted for a larger Tipi to be erected from mid October to the end of January. This timeframe was subsequently extended to 12 October to 31 March, reflecting the unsettled weather over this period, when the Tipi proved most beneficial and popular (ref. 125975/FO/2020 and 134833/FO/2022).

The latest approved Tipi structure is controlled by condition 2 of consent reference 134833/FO/2022 and was for a 'three-point' tipi with associated tunnelling and screening. This structure was constructed with a high-quality woven cotton / polyester mix material, which is fire-retardant and has high water repellent properties. Storm wires have been used within the structure's design to significantly increase its storm-rating.

As acknowledged in the officer's report, the Tipi secured through the 2022 permission had a higher-quality appearance than the previous iteration and had an acceptable impact on visual amenity on a temporary basis.

The winterisation of outside spaces has been a critical factor in the economic success of many bars and pubs since the covid pandemic and the Oast House Tipi has proved

no exception. It is a critical feature that help ensure consistence of trading through the winter months and has proved very popular with its customers, such that the applicant is seeking to further enhance the Tipi from this winter with a new design that covers a larger part of the outdoor space.

Relevant Policy

The statutory Development Plan comprises the Manchester Core Strategy (July 2012) and the saved polices of the Manchester Unitary Development Plan (1995). The National Planning Policy Framework (NPPF, 2023) is also a material consideration that carries significant weight.

Spatial Policy SP1 sets out that the regional centre will be the focus for economic and commercial development, including leisure uses.

Policy CC1 relates to economic development in the city centre, stating that it 'is a strategic economic location and focus of employment growth in the city and city region.' Policy CC4 states that the city centre will be the focus for culture and leisure in the region. Proposals that seek to improve facilities for visitors and residents within the city centre will be promoted.

Policy C10 supports development relating to leisure and the evening economy. The policy states that development will be permitted subject to the following considerations:

1. 'Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area'.

Policy DM1 considers development management principles, stating that all development should have regard to:

- *'Appropriate siting, layout, scale, form, massing, materials and detail. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.'*

- *Development should have regard to the character of the surrounding area.*
- *Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.'*

Paragraph 85 of the NPPF notes decisions should 'create the conditions in which businesses can invest, expand and adapt.' The paragraph goes on to place significant weight on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.

The proposal

This application seeks approval for a larger Tipi, increasing from three to four pitches, using the same high-quality materials along with enhanced curtains to improve noise mitigation.

The application seeks approval for this different Tipi through a simple variation to Condition 2 attached to planning permission ref: 134833/FO/2022 to reflect the replacement plans. The proposed amended condition would therefore read:

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

The site location plan received by the City Council as local planning authority on 31 August 2022; The drawings referenced:

~~TOH Tipi (Side Elevation)~~

~~TOH Tipi (Floor Plan)~~

~~001-Rev A~~

~~TQRQM22215120052428~~

Proposed Site Plan 2024 (ref. NW-TOH-Tipi2024-001)

Proposed Elevations 2024 (ref. NW-TOH-Tipi2024-002)

Proposed Floor Plans 2024 (ref. NW-TOH-Tipi2024-003)

*all received by the City Council as local planning authority on ~~31 August 2022~~
[add new date];*

The Main Pole Constructed drawing received by the City Council as local planning authority on 31 August 2022;

The drawing showing the footprint of the tipi received by the City Council as local planning authority on 15 October 2022;

*Smoking & Al Fresco Dining Policy, the Tentipi Safety Manual, the Opening Up Checklist, the Operating Schedule, the Dispersal Policy, the report by High Street Textile Testing Services Limited, the Fire Risk Assessment - The Curious Teepee all received by the City Council as local planning authority on 31 August 2022 and Fire tests according to BS 7837:1996 (ref. 27/05972/09/22) and Weather Management Plan received by the City Council as local planning authority on **[add new date]**;*

*The letter from P4 Planning dated 15th August 2022 and received by the City Council as local planning authority on 31 August 2022 and further S.73 letter received by the City Council as local planning authority on **[add new date]**;*

Apart from updating the drawing references within condition 2 (approved drawings), the wording as previously approved for these conditions does not need to be varied.

Planning rationale and considerations

The principle of the winterisation of the Oast House beer garden has long been accepted through repeated planning permissions and this application proposes an enhanced new Tipi that will provide additional shelter.

The larger structure is of a high-quality design and will provide shelter for more customers but remains contained within the existing beer garden area of the Oast House. The new facility will help support the continued success of the Spinningfields part of the City Centre, which has grown significantly over the last nine years since the first Tipi was approved at the Oast House. This is in line with Manchester Core Strategy Policy CC1 and CC4 as well as Policy C10 as the proposal will help further balance within the office centric area of Spinningfields.

This evolution of growth is in line with p85 of the NPPF which sets out that decisions should help create the conditions in which businesses can invest, expand and adapt. The larger Tipi will help the applicant maintain and enhance winter trade thereby support economic growth in this part of the City, with more jobs and helping provide a popular daytime and nighttime facility in the heart of the business district.

The new Tipi will have no impact on the existing use and there are only minor material changes to the proposed physical aspect of the Tipi structure when viewed from the

public highway and pedestrian vantage points and no changes to the nature of the use.

The new Tipi will ensure trade levels can be maintained and increased through the winter, having a positive impact on serving more customers and employing more staff. However, the new shelter simply covers a larger proportion of the existing outdoor element of the Oast House which is used in its entirety during the summer months.

As such, the proposal will lead to no additional patrons than currently visit the site throughout the summer months and therefore have no additional impact on amenity. Indeed, the new design introduces an additional curtain within the walls of the Tipi that will further mitigate any noise escape and improve the existing position. In accordance with Manchester Core Strategy policy C10 the proposal will not create unacceptable impact on neighbouring uses, in terms of noise or increased traffic as the number of patrons will stay largely the same.

As set out in the original application's cover letter, 'since the tipi was first introduced in 2015, the concept has proved to be popular and has attracted no complaints from neighbours, demonstrating that NWTC's staff and operational policies are very successful in effectively and safely managing the site.'

The external navigation and fire escape from the Oast House building and the Tipi structure will not be affected and will remain intact. Nor will this amended Tipi affect access and egress from the Tipi or main Oast House Building.

Conclusion

Overall, the proposal accords with the adopted development plan. As set above the proposal supports Manchester Core Strategy policy CC1, CC4, C10, DM1 and NPPF paragraph 85.

It seeks approval for a new and improved Tipi that will provide shelter for a greater number of patrons using the existing outdoor space at the Oast House.

As set out on the plans, the new structure is similar in design to the previous Tipi but includes improved curtain walling to reduce noise escape. It is also larger and so should enable higher trading levels to be maintained throughout the winter months, maintaining and increasing job numbers and supporting the daytime and nighttime economies in this part of the City Centre.

Overall, this replacement Tipi will allow the Oast House to continue to deliver a high-quality venue and service for its patrons throughout the winter months in an enhanced environment.

For the reasons set out above, we would be grateful if the plans could be substituted in the way indicated above through the approval of this application to vary Condition 2 of permission ref. 134833/FO/2022.

The proposal is in accordance with the relevant development plan policies, and we see no material considerations that weigh against an approval and, in accordance with paragraph 11 of the NPPF, we would therefore be grateful if the application could be approved without delay.

We look forward to receiving confirmation of a valid application in due course and would be happy to discuss any aspect of this submission. As winter will soon be arriving, we would be grateful if the amendment could be processed as efficiently as possible to enable the new Tipi to be installed for 12th October.

Yours sincerely,

A handwritten signature in black ink that reads 'Alex Snow'.

Alex Snow

cc: NWTC
enc: as above