



Paul Butler Associates

Planning, Development & Heritage Consultants

7 September 2023

Mrs Julie Roscoe
Head of Planning
Manchester City Council
Town Hall
Albert Square
Manchester
M60 2LA

23.1928

Dear Mrs Roscoe

Luck, Lust, Liquor & Burn, 100-102 High Street, Manchester, M4 1HP
Application for variation of Condition 3 (Opening Hours) of Planning Permission
100001/FU/2012/C2

On behalf of my client, Bigger Boat Leisure, please find attached an application made under Section 73 of the Town and Country Planning Act to vary Condition 3 of planning permission 100001/FU/2012/C2. The proposed extended opening hours will enable Luck, Lust, Liquor & Burn, a Mexican themed restaurant, to successfully operate and compete with other premises in the City Centre which are able to operate late into the evening. This has increased importance given some of the challenges being experienced within the hospitality sector in recent times linked to increased costs and staffing challenges.

Planning permission 100001/FU/2012/C2 granted approval for the first and second floors of 100-102 High Street to operate as a restaurant. Condition 3 restricts the current opening hours to the following times:

- Sunday to Thursday 12:00 – 24:00
- Friday and Saturday 12:00 – 02:00

This planning application seeks to vary condition 3 of planning permission 100001/FU/2012/C2 to allow permitted opening hours of:

- 12:00 – 03:00 seven days a week.

Luck, Lust, Liquor & Burn also operates under planning permission 42762 which was approved 18 January 1983 for 'Change of use from shop to a coffee bar/restaurant'. There were no restrictions relating to hours of use placed on this planning permission. On this basis opening from 12:00 - 03:00 seven days a week is able to proceed in relation to the ground floor of the building without specific planning control.

In terms of planning considerations, the key issue relates to residential amenity in terms of noise. This is considered within the Noise Assessment prepared by AEC Ltd submitted as part of the application.

As part of the assessment attended noise measurements were carried out on the night of Thursday 30 June 2023 at a location representative of the nearest residential properties, in order to assess the potential noise impact resulting from the extended opening hours. An assessment of noise associated with the premises was carried out based the measured noise levels and

observations made onsite. These are supported by calculated noise levels breaking out of the premises at the nearest noise sensitive properties. The observations made onsite and the noise breakout calculations demonstrate that noise from the premises was not audible at the closest residential properties.

The Noise Assessment also highlights that existing licensed premises at 'Terrace NQ' (43 Thomas Street) have permitted opening until 03.00am on Friday and Saturday, as confirmed by Condition 4a of planning permission 126496/FO/2020.

The premises will be operated in accordance with the measures set out within the premises license (attached at Appendix 1). The following provisions of this are of particular note and compliance with these will ensure no adverse amenity impacts are associated with the premises during the proposed extended opening hours:

- Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against: - (a) Unauthorised access or occupation (e.g. through door supervision), (b) Outbreaks of disorder, or (c) Damage.
- On a Friday and Saturday, SIA registered door staff shall be employed at the entrance of the bar at Luck, Lust, Liquor & Burn at a ratio of 1:100 from 2100 hours until 30 minutes after closing to assist with the safe and orderly dispersal of customers. At all other times, SIA door staff shall be employed at the premises in such numbers and in such locations as in accordance with a risk assessment to be carried out by the DPS.
- A full CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. Recorded CCTV images shall be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
- Any person who appears to be intoxicated or who is behaving in a disorderly manner shall not be allowed entry to the venue. Any person within the venue who appears to be intoxicated or who is behaving in a disorderly manner shall be given care and consideration when being asked to leave the venue.
- Noise from amplified music or voices shall not be such as to cause noise nuisance to the occupants of nearby premises.
- Customers wishing to smoke outside shall be supervised.
- Open containers of alcohol shall not be removed from the premises,
- Notices shall be positioned at the exits to the building requesting customers to leave in a quiet manner having regard to the needs of local residents.
- Staff Members shall advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
- Notices shall be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention shall be drawn to these notices by members of staff.
- We shall actively discourage our customers from assembling outside the premises at the end of the evening.
- The operator will have an arrangement with a private hire taxi firm whose telephone number shall be provided to customers to use on the basis that such company shall operate a ring back system and not sound horns when collecting their fare. Any patrons awaiting the arrival of a taxi shall be encouraged to wait inside the premises.

- Consideration shall also be given to staff departures. Staff shall be instructed to leave the premises quietly and to request that any waiting taxis do not leave their engines running or sound their horns whilst waiting.
- A noise limiter shall be installed and noise levels shall be set by a qualified sound engineer at a level agreed by Manchester City Council. The noise limiter shall be made tamper proof by the sound engineer in the presence of MCC officers at the time it is set. Noise levels shall not at any time exceed the level agreed.
- All doors and windows shall remain closed when regulated entertainment is taking place.
- All doors and windows shall remain closed after 2300 irrespective of whether regulated entertainment is taking place.
- No noise nuisance shall be caused to nearby noise sensitive premises.
- Doormen employed at the premises will remain at the premises for 30 minutes after it has closed to assist with dispersal.
- The extended operating hours applied for will include a 30 minute 'drinking up' period, during which time no alcohol will be served, lighting levels increased, music amplification lowered and ambient 'walkout' music played to encourage the gradual dispersal of patrons.

Based on the above management measures and conclusions of the Noise Assessment by AEC Ltd, it is confirmed that the operation of the premises during the extended opening hours will not be associated with any adverse impacts by reason of noise or other disruption. On this basis relevant national and local planning policy provisions are complied with.

The application includes the following information which has been submitted by the Planning Portal today:

1. Covering Letter (23.1928) prepared by Paul Butler Associates.
2. Completed and signed Planning Application Form and Certificates.
3. Noise Assessment prepared by AEC Ltd.

The application fee (£234) will be paid by the applicant electronically via the Planning Portal upon submission.

We trust that this information is sufficient to enable the positive determination of this planning application, but please do not hesitate to get in touch if you do require anything further. We look forward to working with you in progressing the application through to determination.

Yours Sincerely



Ralph Taylor BSc MPLAN MRTPI
Associate Director

Appendix 1: Premises License