

Planning

Growth & Development

Delegated officer report for planning application

Application no.	136719/JO/2023	
Date registered valid:	11 April 2023	
Proposal:	Variation of Condition 4 (Hours) attached to Planning Permission 136056/FO/2023	
Address:	50 Red Bank, Manchester, M4 4HF	
Ward(s):	Cheetham	Ward
Applicant:	Mr Jason Bailey GRUB	
Agent (if any):	Paul Shuker Lambert Smith Hampton	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	23 May 2023	

Application details

Type of application: Variation or Removal of Condition

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 3 May 2023 Expired: 24 May 2023

Neighbour notifications

Printed: 3 May 2023 Expired: 24 May 2023

Site notice

Posted: Expired:

Press advert

Published: 9 May 2023 Expired: 30 May 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The proposed development site comprises a two-storey former industrial building and a service yard area with access to Red Bank. The building sits within the Red Bank area of Manchester, on the edge of the City Centre. To the south-west of the site is the Green Quarter and to the immediate south-west are residential apartments. To the west is a training centre and low-rise industrial/commercial buildings. To the north and the north-west are largely industrial uses between Red Bank and Cheetham Hill Road. The south-eastern boundary of the site is marked by the Red Bank Viaduct, which was formerly a railway viaduct but is no longer operational and now has a significant tree cover (mainly self-seeded).

Description of development

The application seeks a variation of Condition 4 (Hours) attached to Planning Permission 136056/FO/2023. The proposed new hours are 12.00-23.00 daily.

Consultations & Notification Responses

Publicity - a notice was displayed on site informing passers-by of the development. Letters were sent to surrounding occupiers to notify them of the application:

- One representation was received from a local resident on the grounds that the proposed hours could increase anti-social behaviour, refuse and noise associated with GRUB.

Highways - required confirmation that deliveries and servicing would take place outside of operating hours. No further comment once this was confirmed

Greater Manchester Police - no objections

Environmental Health - no objections

Issues

The application seeks to vary the opening hours of GRUB to 12.00-23.00 daily. The hours given permission under 136056/FO/2023 comprise 16:00-22:00 Monday to Friday, 12:00-22:00 Saturday and 12:00-18:00 Sunday/Bank Holiday.

An error on the application form for 136056/FO/2023 meant that the approved hours were not in line with the applicants desired operating hours. A section 73 was submitted by the applicant to ensure their current operating hours continued to have planning permission.

The proposed hours are not significantly different from those the application seeks to vary, in particular the closing time. The proposed hours are not considered excessive and reflect those for the majority of food and drink and entertainment establishments in Manchester.

The proposed hours are same as the hours approved in 2019 under 125636/FO/2019, which have temporary approval until 24/07/2023.

It is acknowledged that one objection has been received from a nearby resident, objecting to the application on the grounds that the proposed hours would lead to increased noise, refuse and anti-social behaviour in the area.

However, the hours proposed under this application are the same as the business currently operates under and has since 2019. It is noted that no objections were received related to 136056/FO/2023 which gives temporary approval to GRUB to operate until 2026. Therefore, the objection is not considered sufficient to warrant a refusal.

Environmental Health, Highways Services and Greater Manchester Police and no concerns or objections were raised. Highways sought clarification that deliveries and servicing would take place outside of opening hours. This was confirmed via email by the agent and no further comment was received from Highways.

Given the above, the proposed hours are considered acceptable.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

1) The permission hereby granted is for 3 years only, expiring on 24 July 2026, and the use comprising the development for which permission is hereby temporarily granted is required to be discontinued on that date.

Reason - The site and wider area are expected to undergo significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the use of this site following this temporary period. This temporary permission will allow the City Council to reconsider the consequences of development on the site which are not foreseeable beyond the expiry of this temporary permission, pursuant to the Manchester Core Strategy policies SP1, CC1, CC10, CC8 and DM1.

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

- Noise assessment or information - NOISE IMPACT ASSESSMENT
- Waste Management - SITE WASTE MANAGEMENT PLAN
- Transport or Travel information - TRANSPORT ASSESSMENT
- Transport or Travel information - TRAVEL PLAN
- Environmental Statement - ENVIRONMENTAL STATEMENT
- Environmental Statement - ENVIRONMENTAL STATEMENT
- Supporting Information - REVISED OPERATION & EVENTS STRATEGY

received by the city council, as LPA, on 24/01/2023

- Supporting Information - PHASE 1 SURVEY LETTER ISSUE

received by the city council, as LPA, on 08/02/2023

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 for the City of Manchester.

2) The premises shall not be open outside the following hours:
- 12.00-23.00 daily

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.

3) The use hereby permitted shall be discontinued no later than the 24 July 2026 and the buildings and works comprising the development are required to be removed no later than one month from the use ceasing.

Reason - The use and buildings are required to cease and be removed from site within a specified timescale in order to allow reinstatement of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

5) Three months prior to the expiration of the temporary period, a scheme to restore the land shall be submitted for approval in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the land is reinstated to an appropriate standard in the interest of visual amenity and to restore the recreational value of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

6) The outside area of the development hereby approved shall not operate outside the following hours:

12:00pm to 21:00pm Sunday to Thursday

12:00pm to 22:00pm Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

7) The development is to be undertaken in accordance with the waste management strategy comprising documents referenced:

-Waste Management - SITE WASTE MANAGEMENT PLAN received by the city council, as local planning authority, on 24/01/2023

The agreed arrangement including the associated bin storage structures shall be prior to the first use of the premises and thereafter retained for as long as the development remains in use.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

8) The outside area of the development hereby approved shall not exceed a capacity 150 persons at any one time

Reason - To secure a reduction in noise from noise generating uses in order to protect surrounding residents from noise nuisance, pursuant to policies SP1 and DM1 of the Core Strategy

9) The development hereby approved shall operate according to the management strategy comprising documents referenced:

-Supporting Information - REVISED OPERATION & EVENTS STRATEGY, prepared by Lambert Smith Hampton, received by the city council, as LPA, on 24/01/2023

The approved details shall be fully implemented upon approval and remain in place whilst it remains in operation.

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

10) Prior to the installation of any externally mounted ancillary equipment, a scheme to secure a reduction in the level of noise emanating for the equipment shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Externally mounted plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5 db (L_{aeq}) below the typical background (L_{a90}) level at the nearest noise sensitive location.

(b) Prior to the first use of the equipment, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. A verification report and measures shall be agreed until such a time as the development complies with part (a) of this planning condition.

Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority. Any measures shall thereafter retained and maintained in situ.

Reason - To minimise the impact of plant on the occupants of the development pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

11) Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policy DM1 of the Manchester Core Strategy.

12) There will be no playing of background, live or amplified music in the external area of the development at any time.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with policies SP1, C10 and DM1 of the Core Strategy and saved Unitary Development Plan policies DC10 and DC26.

13) The development hereby approved shall operate according to the travel plan (Supporting Information - TRAVEL PLAN (ref.J324663) received by the city council, as LPA, on 24/08/2020) approved under app. ref CDN/20/0548, as per the document referenced:

-Transport or Travel information - TRANSPORT ASSESSMENT, prepared by mode transport planning, received by the city council, as LPA, on 24/01/2023

The approved details shall be fully implemented upon approval and remain in place whilst it remains in operation.

Reason - To minimise the level of vehicular traffic generated by the development, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester and the provisions contained within Planning Policy Guidance 13.

14) The development hereby approved shall provide cycle parking according to the document (Supporting Information - TECHNICAL NOTE received by the city council, as LPA, on 24/08/2020) approved under app. ref. CDN/20/0548. The approved cycle storage shall continue to be available at all times whilst the site is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the building is occupied in order to comply with policy DM1 of the Manchester Core Strategy.

15) Notwithstanding the details submitted and before any free wall or street art is installed, final details of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

-The design of any street art/free wall including the extent of the area.

The works shall then be carried out in accordance with the approved details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies EN1, EN3, CC9, SP1 and DM1 of the Core Strategy and saved policies DC14.1, DC18.1 and DC19.1 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Apartment 214, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 314, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 102, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 101, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 703, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 705, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 701, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
43 Red Bank, Manchester, M4 4HF
Apartment 602, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 511, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 406, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 610, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 311, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 303, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 14, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 11, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 108, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 2, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 113, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 9, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 804, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 706, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 702, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 611, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 608, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 603, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 6, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 505, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 414, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 403, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 209, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 204, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 15, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 609, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 607, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 413, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 707, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 7, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 512, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 504, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 412, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 313, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 304, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 210, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 803, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 107, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 806, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD

[illegible]

Apartment 405, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 3, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 212, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 206, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 802, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 709, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 1, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 704, Lincoln Gate, 39 Red Bank, Manchester, M4 4AD
Apartment 201, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB
Apartment 112, Lincoln Gate, 39 Red Bank, Manchester, M4 4AB

Appendix 2 – Planning constraints

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(a) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL