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Manchester City Council
Town Hall Extension
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Dear Sir / Madam

Section 73 Application to vary Condition 2 attached to planning application reference 096484/FU/2011/C2 (Planning Portal Reference PP-15040149)

SITE – Unit 1 The Hive, 47 Lever Street, Manchester, M1 1FN

Introduction

Broadgrove Planning and Development Ltd ('Broadgrove') has been instructed by Want Hospitality Ltd ('the Applicant') to prepare and submit an application pursuant to Section 73 of the Town and Country Planning Act 1990. This Section 73 application seeks to vary Condition 2 (Approved Hours) attached to planning permission 096484/FU/2011/C2 to extend the approved operating hours by one hour, from 00:00 until 01:00 daily.

The application reference 096484/FU/2011/C2 was approved on 17 August 2011 for the following description of development:

'Change of use to Wine Bar, Restaurant, Deli and venue for food and drink related classes and literary and arts related events. (Sui Generis)'

The application was approved, subject to the imposition of 6 planning conditions. Condition 2 relates to the operating hours and states:

'The premises shall not be open to the public outside the following hours: 08.00 - 00.00 Monday to Sunday'

This Section 73 application seeks to vary Condition 2 to permit the following operating hours:

'The premises shall not be open to the public outside the following hours: 08.00 - 01.00 Monday to Sunday'

No changes are proposed to the approved use of the premises or to the physical form of the development. The application relates solely to an amendment to the approved operating hours.

This covering letter provides the planning justification in support of the proposed variation to Condition 2 attached to planning permission 096484/FU/2011/C2 and should be read alongside the accompanying application documents.

This covering letter first describes the site and its surrounding area before reviewing the relevant planning history. It then considers the applicable planning policy framework and material considerations before assessing the proposal against this context in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. Finally, it concludes by demonstrating why the proposed variation is acceptable in planning terms.

The application site comprises Units 1 and 2, which have previously been amalgamated under planning permissions 096484/FU/2011/C2 and 101474/FO/2013/C2 to operate as a single premises. Notwithstanding this, each planning permission contains a separate condition controlling the approved operating hours for the respective units. Accordingly, a concurrent Section 73 application has also been submitted to vary Condition 4 attached to planning permission 101474/FO/2013/C2, ensuring a consistent operating hours condition applies across the entirety of the premises.

Site and Surrounding Area

The Site

The application site comprises Unit 1 at The Hive, 47 Lever Street, Manchester. The premises are located at ground floor level and comprise Units 1 and 2, fronting Faraday Street and Spear Street respectively. The premises form an established wine bar, restaurant and drinking establishment (Sui Generis) operating across both units following their amalgamation under planning permissions 096484/FU/2011/C2 and 101474/FO/2013/C2. Whilst the premises now operate as a single venue, each planning permission contains a separate condition controlling the approved operating hours for the respective units. Accordingly, a concurrent Section 73 application has also been submitted to vary Condition 4 attached to planning permission 101474/FO/2013/C2, ensuring consistent operating hours apply across the entirety of the premises.

The premises benefit from planning permission for use as a wine bar, restaurant and drinking establishment (Sui Generis) and have operated in this capacity for a number of years. This application seeks only to extend the approved operating hours and does not propose any change to the approved use of the premises, customer capacity or the physical form of the development.

The site also includes part of the internal pedestrian walkway located to the southeast of the premises. This area recently received planning permission under application reference 144171/FO/2025 for use as an outdoor seating area associated with the premises. For the avoidance of doubt, this Section 73 application does not seek to vary the approved operating hours for the outdoor seating area, which will continue to operate in accordance with the existing planning permission between 08:00 and 23:00 daily.

The site is located within the Stevensons Square Conservation Area. As no physical alterations are proposed, the application would preserve the character and appearance of the Conservation Area and would not affect the significance of nearby designated heritage assets.

Surrounding Area

The site occupies a highly sustainable location within Manchester's Northern Quarter, an established mixed-use area characterised by a diverse range of commercial, leisure, office, educational and residential uses. The area is widely recognised as one of Manchester City Centre's principal destination for food and drink, leisure and cultural activities, supporting a vibrant evening and night-time economy with a significant concentration of restaurants, bars, cafés, public houses and other leisure uses operating throughout the day and into the evening.

Residential accommodation is present within the surrounding area, predominantly occupying upper floors above ground floor commercial premises, reflecting the mixed-use character of the Northern Quarter. The coexistence of residential and commercial uses is therefore an established characteristic of the locality.

The site benefits from excellent accessibility by sustainable modes of transport, being within easy walking distance of Manchester Piccadilly Railway Station, several Metrolink stops and numerous bus services operating throughout the city. Accordingly, the site occupies a highly sustainable city centre location that is well suited to an established food and drink use and its proposed extended operating hours.

Planning History

The Site

A search of Manchester City Council's online planning applications register has yielded the following results relevant to the application site:

- 066709/FO/CITY2/02 - Mixed use development comprising retail and office units (ground floor) with 61 residential units above, ancillary basement car parking and associated works. Withdrawn 23 March 2003.
- 072411/FO/2004/C2 - New mixed-use development to include 75 no. apartments on upper floors, Use Class B1 (office) and Use Class A1 (shop) at ground floor and basement car parking. Withdrawn 08 November 2005.
- 081291/FO/2006/C2 – Seven storey new building plus basement parking, incorporating retail (Class A1), financial/professional services (Class A2), restaurant/cafe (Class A3) and offices (Class B1) on ground floor and offices (Class B1) on upper floors. Approved 16 April 2007.
- 088039/FO/2008/C2 - Erection of 7 storey building with A1 (Shop), A2 (Financial and Professional services), A3 (Restaurant/Cafe) or B1 (Business) use at ground floor and B1 (Office) use above. Approved 06 February 2009.
- 091490/JO/2009/C2 - Variation of conditions 2, 3, 11 and 18 attached to application reference number 088039 as follows: Condition 2- to amend approved drawings; Condition 3- to amend approved materials condition in relation to ground floor doors; Condition 11- to amend opening hours from 7.30-19.30 to 00.00- 00.00 (24 hrs); Condition 18- to amend proposed material for solar shading from stainless steel to mild steel aluminium. Approved 18 December 2009.
- 096484/FU/2011/C2 - Change of use to Wine Bar, Restaurant, Deli and venue for food and drink related classes and literary and arts related events (Sui Generis). Approved 17 August 2011. Hours of operation approved under Condition 2 for 08.00 - 00.00 Monday to Sunday.
- 101474/FO/2013/C2 – Extension of existing Wine Bar, Restaurant, Deli and venue for food and drink related classes and literary and arts related events. (Sui Generis) granted under application 096484 into adjacent unit. Approved 27 March 2013. Hours of operation approved under Condition 4 for 08.00 - 00.00 Monday to Sunday.
- 144171/FO/2025 - : Use of passageway for outdoor seating (Sui Generis) and installation of louvre. Approved 7 April 2026. Hours of operation for the outdoor seating area approved under Condition 3 for 08.00 - 23.00 Monday to Sunday.
- 144172/AO/2025 - Installation of 1no. internally illuminated projecting sign and, 1no. internally illuminated hanging high level sign. Approved on 2 April 2026

The planning history demonstrates that the lawful use of the premises as a wine bar, restaurant and drinking establishment (Sui Generis) has been established since the grant of planning permission 096484/FU/2011/C2, with planning permission subsequently granted under reference 101474/FO/2013/C2 to extend the operation into the adjoining unit. More recently, planning permission has also been granted for ancillary alterations, including the provision of an outdoor seating area and associated signage. Collectively, the planning history demonstrates that the principle of the existing use and subsequent alterations to the premises have been accepted by Manchester City Council. This application seeks only a modest amendment to the approved operating hours and does not alter the established use or physical form of the development.

Relevant Surrounding Applications

The comparable planning history of food and drink uses in the Northern Quarter and surrounding neighbourhoods within Manchester City Council is set out below:

Site address	Proximity to Hive	Proximity to nearest residential property	Application number	Decision date	Use	Approved hours of operation
43 Thomas Street, Ancoats, M4 1NA	245m	12m	111048/JO/2016/C2	17.03.2016	Rooftop bar- 'Terrace NQ'	07:00 to **01:30** on Friday and Saturday 07:00 to **00:30** on Sunday to Thursday
Unit 2 Jewel House, 10 Thomas Street, Manchester, M4 1DH	340m	Floor directly above bar	078576/FO/2006/C1	27.07.2006	Bar- 'Pixel Bar'	11:00 to **01:00** on Friday and Saturday 11:00 to 00:00 on Sunday to Thursday
Unit 2A, The	510m	142m SE of	141752/JO/2024	06.02.2025	Bar- 'Boom:	10:00 to **02:00** on Monday

Printworks, 27 Withy Grove, Manchester, M4 2BS		site			Battle Bar'	to Saturday 11:00 to 23:30 on Sundays and Bank Holidays
46-50 Oldham Street, Ancoats, M4 1LE	60m	Hotel in 2nd and 3rd floors of building next door	105108/FO/2014/C2	11.12.2014	Bar/restaurant- 'Turtle Bay'	08:00 to **01:30** on Friday and Saturday 08:00 to **00:30** on Sunday to Thursday
35-37 Thomas Street, Manchester, M4 1NA	270m	6 storey residential building to rear of pub	16594/FO/2017	22.08.2017	Pub- 'The Bay Horse Tavern'	11:00 to **02:00** on Thursday to Saturday 11:00 to **01:00** on Sunday to Wednesday
26B Lever Street, Manchester, M1 1DW	125m	60m	109954/FU/2015/C2	25.11.2015	Bar/club- 'Lost in Tokyo'	12:00 to **00:30** on Monday to Wednesday 12:00 to **01:30** on Thursday 12:00 to **03:00** on Friday and Saturday 12:00 to **01:00** on Sunday
4 Oldham Road, Ancoats, M4 5AD	215m	7 storey residential building 10m NE	140819/JO/2024	03.10.2024	Ground floor pub- 'The Crown & Kettle'	10:00 to **00:30** on Friday and Saturday 10:00 to 23:00 on Sunday to Thursday
Smiths Yard, Blossom Street, Ancoats, M4 6AJ	325m	50m	121809/JO/2018	15.03.2019	Ground floor restaurant	10:00 to **00:30** on Friday and Saturday 10:00 to 23:30 on Sunday to Thursday
One Cutting Room Square, 16 Hood Street, Ancoats, M4 6WX	300m	50meters, opposite site	121808/JO/2018	08.01.2019	Bar	08:00 to **00:30** on Friday and Saturday 08:00 to 23:30 on Monday to Thursday 09:00 to 23:30 on Sunday
Fairburn Building, 55 Henry Street, Ancoats, M4 5BF	280m	Residential units in floors above	120298/JO/2018	24.08.2018	Ground floor restaurant	08:00 to **00:30** on Friday and Saturday 08:00 to 23:30 on Sunday to Thursday

The surrounding area contains a significant concentration of licensed food, drink and leisure uses operating into the late evening and early morning. The planning permissions summarised above demonstrate that Manchester City Council has consistently accepted extended operating hours for comparable premises within the Northern Quarter and surrounding neighbourhoods where the character of the area and residential amenity are appropriately balanced.

The approved operating hours range from 00:30 through to 03:00, with several premises operating until 01:30 or later on multiple evenings throughout the week. Notably, a number of these premises operate in considerably closer proximity to residential accommodation than the application site, including examples where residential units are located immediately above or adjoining the commercial premises.

Collectively, these permissions demonstrate that extended operating hours can successfully coexist with nearby residential uses where the individual characteristics of the site and its surroundings have been appropriately considered. The application site occupies a comparable position within Manchester's established evening economy and is therefore consistent with the prevailing character and function of the surrounding area.

The proposal seeks only a modest one-hour extension to the existing permitted opening hours, from midnight until 1:00am. Compared to numerous approved premises within the surrounding area operating until 01:30, 02:00 and 03:00, the proposed hours are relatively restrained and would be entirely consistent with the established character and function of the Northern Quarter. Accordingly, the surrounding planning permissions provide a strong material consideration in support of the proposed variation to Condition 2.

Planning Policy Context and Material Considerations

Adopted Development Plan

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise.

The adopted Development Plan for Manchester City Council consists of the following:

- Places for Everyone (PfE) Joint Development Plan adopted March 2024
- Core Strategy adopted July 2012
- Saved Policies of the Unitary Development Plan (UDP)

The relevant policies include the following:

Places for Everyone Joint Development Plan

- JP-Strat2: City Centre
- JP-S1: Sustainable Development
- JP-P1: Sustainable Places

Core Strategy

- DM1 – Development Management
- C10 – Leisure and the Evening Economy
- SP1 – Spatial Principles

Saved UDP Policies

- DC10.1 and 10.4 (Food and Drink Uses)
- DC26 (Development and Noise)

Despite the Core Strategy and Saved UDP Policies predating the current National Planning Policy Framework (December 2024), they remain broadly consistent with the Framework and can therefore continue to be afforded significant weight in the determination of this application.

National Planning Policy Framework (NPPF)

The principal material consideration relevant to this application is the National Planning Policy Framework (NPPF).

The NPPF sets out the Government's planning policies for England and is a material consideration in the determination of planning applications. The following paragraphs are considered particularly relevant to this proposal:

“187. Planning policies and decisions should contribute to and enhance the natural and local environment by (inter alia): preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”.

“198. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (inter alia): mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

Planning Assessment

The principal planning considerations associated with this Section 73 application are whether the proposed extension to the

approved operating hours would preserve the amenity of neighbouring occupiers whilst continuing to support the vitality and viability of Manchester's evening economy. These matters have been assessed against the relevant policies of the Development Plan, namely Policies JP-Strat2, JP-S1 and JP-P1 of Places for Everyone, Policies SP1, DM1 and C10 of the Manchester Core Strategy, Saved UDP Policies DC10.1, DC10.4 and DC26, together with the relevant provisions of the National Planning Policy Framework.

The application seeks only to vary the approved hours of operation by extending the existing closing time from 00:00 to 01:00 each day. No alterations are proposed to the approved use of the premises, no physical works are proposed, and there would be no increase in the approved floorspace or customer capacity. The proposal therefore represents a modest amendment to the existing planning permission rather than an intensification of the approved use.

The site occupies a highly sustainable location within Manchester's Northern Quarter, an area characterised by a vibrant mix of commercial, leisure, food and drink, and residential uses. The Northern Quarter has an established evening and night-time economy, with numerous restaurants, bars and licensed premises operating into the early hours of the morning. The proposal would therefore be consistent with the established character and function of the surrounding area and would contribute positively to the continued vitality and viability of Manchester City Centre, in accordance with Core Strategy Policy C10.

As demonstrated by the planning history of surrounding premises, Manchester City Council has consistently approved operating hours extending beyond those proposed by this application, with a number of nearby premises benefiting from permissions allowing operation until 01:30, 02:00 and, in some instances, 03:00. Several of these premises are situated in closer proximity to residential accommodation than the application site. These permissions demonstrate that extended operating hours can successfully coexist with nearby residential uses where the operation of the premises does not give rise to unacceptable impacts on residential amenity.

The proposed extension amounts to only one additional hour beyond the currently approved operating hours and, given the established mixed-use nature of the locality and the existing concentration of late-night commercial uses, is not considered to materially alter the existing pattern of activity within the area. The proposal would continue to operate within an environment where pedestrian activity and late-night commercial and leisure uses are already established characteristics of the Northern Quarter. Consequently, it is not considered that the additional hour of operation would result in unacceptable harm to neighbouring occupiers or conflict with Policies DM1, C10, DC10.1, DC10.4 or DC26, which seek to safeguard residential amenity whilst supporting an appropriate evening economy.

Having regard to the above, the proposed variation represents a modest and appropriate amendment to the existing planning permission. The proposal would support the continued operation of an established business within Manchester City Centre and contribute positively to the vitality and viability of the Northern Quarter's evening economy, whilst preserving the amenity of neighbouring occupiers.

Accordingly, it is considered that the proposal accords with Policies JP-Strat2, JP-S1 and JP-P1 of Places for Everyone, Policies SP1, DM1 and C10 of the Manchester Core Strategy, together with Saved UDP Policies DC10.1, DC10.4 and DC26. The proposal is also consistent with the objectives of the National Planning Policy Framework by supporting sustainable economic growth in an appropriate city centre location whilst ensuring there would be no unacceptable impacts on the amenity of neighbouring occupiers.

Conclusion

This Section 73 application seeks only a modest variation to the approved operating hours, extending the permitted opening time by one hour from 00:00 until 01:00 daily. No changes are proposed to the approved use, scale or physical form of the development.

The application site occupies a highly sustainable city centre location within Manchester's established evening economy where extended operating hours form an established characteristic of the surrounding area. Numerous comparable premises within the Northern Quarter benefit from planning permissions allowing operation beyond the hours now sought, including several located in closer proximity to residential accommodation.

For the reasons set out above, the proposal would preserve residential amenity, support the vitality and viability of the city centre, and accord with the Development Plan as a whole together with the relevant provisions of the National Planning Policy Framework. There are no material considerations which indicate that planning permission should be withheld. The proposed variation therefore represents sustainable development.

Accordingly, it is respectfully requested that Manchester City Council approve this application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 attached to planning permission 096484/FU/2011/C2.

We trust that the enclosed information is sufficient to enable the Council to validate the application, but should you require any further information, then do not hesitate to contact me.

Yours sincerely,

