MANCHESTER CITY COUNCIL

Planning

Delegated Officer Report

Summary of application details

Application reference:	PLA-2026-000840
Application type:	Removal/variation of conditions
Proposal:	Variation of Condition 4 (Hours) attached to planning permission 096484/FU/2011/C2 to extend the operating hours from 00:00 to 01:00 daily.
Site address:	Unit 1 The Hive 47 Lever Street Manchester M1 1FN
Ward(s):	Piccadilly
Date application valid:	29 June 2026
Applicant name:	Andrew Marshall
Agent (if any):	Miss Charise Chumroonridhi
Case officer:	Michael Pearson
Recommendation:	Approve
Date of recommendation:	17/08/2026

Description of site, building and/or area

The application relates to the ground floor commercial unit at 47 Lever Street, known as the Hive, at the junction where Spear Street meets Faraday Street. The Hive is a contemporary seven storey building completed with concrete columns and dark engineering brick. The building also features a central walkway where the aforementioned commercial unit is accessed from. The commercial unit in question has previously functioned as a drinking establishment with ancillary food use but has been vacant since 2020.

The neighbouring area lies within Manchester City Centre and the Stevenson Square Conservation Area. Neighbouring built development is characterised by a mix of Victorian and contemporary properties, with that to the south of the site forming being comprised of a higher proportion of Victorian properties, and that to the north featuring a higher number of post-war and modern properties. Neighbouring uses are largely commercial, though residential development is present within the upper floors of many properties, including to the north of the site along Spear Street.

Description of development

The application seeks to vary condition 4 (Hours) attached to planning permission 096484/FU/2011/C2 to extend the operating hours from 00:00 to 01:00 daily.

As approved, the hours of opening on site are from 08:00 – 00:00 Monday to Sunday (Including Bank Holidays). The proposal would see this increased 01:00 daily, including Bank Holidays.

Relevant planning history

PLA-2026-000836 - Variation of Condition 4 (Hours) attached to planning permission 101474/FO/2013/C2 to extend the operating hours from 00:00 to 01:00 daily – Application under consideration.

144171/FO/2025 - Use of passageway for outdoor seating (Sui Generis) and installation of louvre – Approved April 2026.

143714/FO/2025 - External alterations to building facade including creation of new entrances, modification to existing mesh screen, installation of roof top plant and associated screen and installation of fume extraction equipment – Approved October 2025.

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 March 2013.

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 August 2011.

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 December 2009.

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 February 2009.

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 - April 2007.

Consultation, notification and publicity responses

Publicity – A site notice and press notice were published. Neighbouring properties were notified of the development by letter. No representations were received.

Environmental Health – No objection subject to acoustic condition being retained.

Greater Manchester Police – No objection received.

Relevant policies

The Places for Everyone Plan - Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:
- Policy JP-Strat1 – Core Growth Area
- Policy JP-Strat2 – City Centre

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
- Policy EC3 – The Regional Centre

- Policy CC1 – Primary Economic Development Focus (City Centre and fringe)
- Policy CC2 – Retail
- Policy CC4 – Visitors – Tourism, Culture and Leisure
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:
- Policy DC10 – Food and Drink Uses
- Policy DC26 – Noise and Development

National Planning Policy Framework (NPPF)
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 – Conserving and Enhancing the Historic Environment

Draft National Planning Policy Framework (2025)
The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. Whilst this is a draft NPPF for consultation it is considered that the development proposals are in accordance with the general thrust of policy contained within it.

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy for Waste

Assessment

Principle of the Development

The application would see the hours extended of an existing commercial unit that is currently vacant. As an alteration to the hours of opening the unit would not fundamentally alter the nature of the use on the site, but rather allow it to contribute further to the continued regeneration of the City Centre, subject to the matters assessed below, the proposal accords in principle with Places for Everyone Plan Policies JP-Strat1 and JP-Strat2, and Core Strategy Policies SP1, EC3, CC1, CC2, CC4 and DM1.

Residential Amenity

The application property, as previously stated within this report, lies within a Sui Generis drinking establishment use, with offices above. The neighbouring area, whilst featuring some residential development within the upper floors of some properties within the locality, is generally characterised by a high number of commercial uses, many of which operate late into the early hours of the morning. The submission would see a one hour long extension in the operating hours on site each day, leading to a closing time of 01:00. Environmental Health do not object to this change subject to the existing acoustic condition imposed on permission 096484/FU/2011/C2 being retained.

Under permission 096484/FU/2011/C2 fume extraction from the property was controlled by planning condition, however, this was never discharged. In light of this, it is considered necessary to reword this condition to require discharging prior to the reoccupation of the development. Subject to planning condition, the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26, and the National Planning Policy Framework.

Conclusion

In light of the above, subject to appropriate planning condition, the development would continue to assist neighbouring regeneration efforts without detriment to local amenity. Therefore, the development is in accordance with Places for Everyone Plan Policies JP-Strat1 and JP-Strat2, Core Strategy Plan Policies SP1, EC3, CC1, CC2, CC4 and DM1, Saved Unitary Development Plan Policies DC10 and DC26, the National Planning Policy Framework, and the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application is recommended for approval.

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 polices 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.

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

Recommendation: Approve

Conditions attached to this decision

1) The development must be begun not later than the 17/08/2014.

   Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The premises shall not be open to the public outside the following hours:

   08.00 - 01.00 Monday to Sunday.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy Policy DM1 and policy DC26.1 of the Unitary Development Plan for the City of Manchester.

3) Deliveries, servicing and collections including waste collections shall not take place outside of the following hours: 07.30 to 20.00, Monday to Saturday, and no deliveries Sundays and Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy Policy DM1 and policy DC26.1 of the Unitary Development Plan for the City of Manchester.

4) a) Prior to the reoccupation of the application site, fumes, vapours and odours shall be extracted and discharged from the ground floor commercial unit hereby approved in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the first use of the ground floor commercial unit. Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to use of the extraction system hereby approved, confirmation shall be submitted for the approval of the local planning authority that the approved scheme has been implemented.

c) In the event of non-conformity with the approved scheme, any required measures/changes and verification shall continue until conformity has been achieved and agreed in writing by the Local Planning Authority, before the use can commence.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

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

- Site plan stamped as received on 03-06-11
- Dwg numbered 10034-100 and 102;
- Servicing and refuse plans stamped as received on 03-06-11;
- David Cook's Statement on Plant Equipment / Air Conditioning stamped as received on 03-06-11;
- Waste Management Strategy dated 19th May 2011;
- Operating policy stamped as received on 03-06-11

All approved under planning permission 096484/FU/2011/C2.

- Covering Letter (Prepared by Broadgrove; Dated 25/06/2026)

Received by the City Council as Local Planning Authority on 29/06/2026.

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.

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

- Recommendations of Hann Tucker Associates report dated 03-06-11 as augmented by the information detailed in David Cook's E-mail dated 09-08-11 including the specified maximum operating noise levels contained in these documents.

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.