

Application Number	Date of Appln	Committee Date	Ward
111954/FO/2016/C1	17th May 2016	22nd Sep 2016	City Centre Ward

Proposal Change of use from former auctioneers (Sui Generis) to a mixed use entertainment venue comprising live music/event, bar and restaurant space (Sui Generis), with external alterations, including provision of a roof terrace and roof top extension.

Location 38 Charles Street, Manchester, M1 7DB

Applicant Mr Kieran Ryan , Rose Five Ltd, C/O Agent,

Agent Mr Harry Spawton, Gerald Eve LLP, 1 Marsden Street, Manchester, M2 1HW,

INTRODUCTION

THE SITE AND ITS LOCATION

The application site comprises a vacant 3 storey brick building that was previously used as an auction. It is bounded by a car park and a raised railway line, Pritchard Street, Charles Street and Donald Street. The site also includes a small area of hardstanding used for car parking and bin storage on the opposite side of Pritchard Street.

The building has a large decorated pediment to the front elevation which bears the original date and an overhanging cornice. The rear section of the building, next to the railway line, is a later addition.

The site is located in a mixed use area consisting of residential, office, hotels and leisure facilities including bars and clubs. The former BBC site is located on the opposite side of Charles Street.

The site neighbours the Grade II listed Lass O'Gowrie on Charles Street and is adjacent to the Whitworth Street Conservation Area.

DESCRIPTION OF PROPOSED DEVELOPMENT

Planning permission is sought to create a mixed use entertainment venue comprising live music/event, bar and restaurant space (Sui generis) along with external alterations. The aim is to create a hybrid café, bar and street food space, along with live music and community events.

The basement would include a small event space with seating around the perimeters and a small stage and bar.



Photo from Charles St.

There would be a large bar and kitchen space at ground floor level with long bench seating and raised booth areas offering a more café bar feel with a kitchen offering street food. This floor would have low level background music.

There would be a larger event space at first floor level with a stage, dressing room and bar. This floor would have live music and other innovative events.

The internal area at second floor level would comprise a bar and kitchen space. It would also feature a terraced area with fixed seating and a retractable canopy. No music would be played within the outside space.

The flat roof areas would have an enclosed glazed extension to the east, and a terrace to the west. Plant equipment would be placed on top of the flat roof and surrounded by timber cladding.

The operating hours have changed since the application was first submitted and the opening hours are now recommended to be:

Internal areas - 11am to midnight Sunday to Thursday, 11am to 2am Friday and Saturday

External area / terrace - 11am to 10pm Sunday to Thursday, 11am to 11pm Friday and Saturday"

The external space adjacent to Pritchard Street would be used for bin storage and servicing (currently used for car parking and bin storage).

The majority of the changes to the buildings are internal, although the proposal does include some external adaptations. The Replace windows would be replaced with slender heritage style aluminium frames and double glazing to improve thermal and acoustic properties. The sills on three ground floor windows at ground floor level on Charles Street and one on Donald Street would be lowered to improve views into the building. Two openings on Donald Street would be adapted to provide fire escape exits and one adapted on Pritchard Street to help make the building fully accessible.

An area of the roof and four pairs of windows would be removed on the second floor to create a new roof terrace and new roof lights would be added. The third floor at the rear of the building would be extended to create an additional small roof terrace which would be fully glazed on one side and have a glazed canopy on the other. The chimney stack to the rear of the building would be extended and brought back into use.



The existing main entrance has three steps up to the ground floor and therefore is not fully accessible. There is limited space within the highway to provide ramped access and therefore, an entrance on Pritchard Street would be adapted to create inclusive access. A new lift and stair would provide access to basement, ground, first and second floor.

No parking is provided at the site but the location is sustainable being in close proximity to Oxford Road Station, the Oxford Road bus corridor and a taxi rank on Whitworth Street West. It is envisaged that the majority of patrons would arrive and leave via walking, public transport or taxis. As part of the submitted Servicing Strategy and Operating Schedule, all attendees are directed towards these modes of transport when the venue closes. For those seeking to drive to the venue, a 244 space public car park is situated behind the site. This is open 24 hours a day, seven days a week.

Servicing is proposed to take place between the hours of 10:00 - 12:00 and 14:00 - 16:00 in order to minimise disruption to the public car park and immediate area. Where possible, deliveries would be scheduled to coincide on the same day of the week to minimize disruption

The management of the deliveries would utilise the bin and storage area located to the east of Pritchard Street which is shown in a Service and Management Plan.

A dedicated area would be provided for waste and the following containers would be stored in the Pritchard Street storage area, which will be monitored by CCTV:

1 x 1100L Eurobin - General Waste

1 x 1100L Eurobin - Mixed Recycling

1 x 1100L Eurobin - Glass (lockable bin)

Collection would take place within the same hours as the wider servicing strategy in order to minimise disruption.

CONSULTATIONS

The planning application has been advertised as affecting the setting of listed buildings; affecting a conservation area; and a development in the public interest. Site notices have been displayed and businesses and residents in the area have been notified.

A letter of objection has been received from an occupier of Asia House, which is located beyond the railway viaduct to the rear of the application site, and beyond the large public car park to the north. They believe that the roof terrace and extension would result in noise emitting from an elevated area directly facing the rear of Asia House and India House; there would be no obstacle or impediment to the free travel of noise between the application building and residential apartments; noise would be protracted and last late into the evening; and, noise from existing pubs and entertainment venues on Charles Street is noticeable during the evenings, and the outdoor areas of these premises are at ground level, and the noise they produce is largely mollified by the existing railway arches. The noise produced from a rooftop terrace would cause a far more severe nuisance.

A letter has been received on behalf of the developer of the former BBC site, on the opposite side of Charles Street who welcomes the scheme that would bring the building back into economic use and promoting the vibrant, mixed use nature of the immediate area. However, the amenities of the future residents of the former BBC site should not be adversely impacted by the proposed development. In particular, concern was expressed about the proposed opening hours and the potential for

noise impacts and/or other amenity issues. This may include potentially large numbers of people leaving the premises at unsocial hours, seven days a week. It was therefore requested that the internal areas should open no later than midnight Monday to Thursday, and 4am Friday and Saturday, and the external areas should be restricted to 10am Sunday to Thursday and no later than midnight on Friday and Saturday. It was also requested that a planning condition be imposed which controls the level of noise egress from the building.

Head of Regulatory and Enforcement Services (Environmental Health). No objection. Recommended conditions relating to hours of opening, deliveries, fume extraction, acoustic insulation, external plant and equipment, use of external areas and refuse collection.

The Head of Neighbourhood Services (Highway Services). No objection. Comments were made in relation to customer management, the potential for cycling provision, management of servicing and hours for refuse collection.

Greater Manchester Ecology Unit. No objection. Recommended conditions in relation to the potential for roosting bats.

Greater Manchester Police. No objections.

Transport for Greater Manchester. No comments received.

Network Rail. No objection, subject to the applicant entering into a Basic Asset Protection Agreement, in relation to any works which may impact the existing operational railway.

Environment Agency To be reported

PLANNING POLICY

The National Planning Policy Framework

The National Planning Policy Framework ("NPPF") was adopted in March 2012 and sets out strategic objectives for plan making and decision taking in England. The overarching aim of the NPPF is to achieve sustainable development by satisfying the economic, social and environmental dimensions as set out by the Framework (paragraph 7). In the context of both plan-making and decision-taking. The NPPF sets a presumption in favour of sustainable development, which requires that proposals that are in accordance with the Development Plan should be approved without delay (paragraph 14).

The following extracts from the NPPF are considered to be directly relevant to the proposed development at the site:

Paragraph 19 outlines that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The proposals would develop and re-use a currently underutilised site to provide a high-quality leisure use. This would assist in helping to build a strong economy by creating

employment during refurbishment along with permanent employment from the proposed leisure uses.

Paragraph 23 sets out the need to positively promote competitive town centre environments. The proposal would develop a key site within the heart of the city centre. The range and type of uses proposed would significantly increase activity in the area.

Paragraph 56 outlines that the importance of design, stating that good design is a key aspect of sustainable development and should positively contribute to making places better for people. The proposed scheme has been the subject of significant design consideration and would be of a high quality and would significantly contribute to the high quality of design in the area.

Paragraph 69 promotes healthy communities and states that planning decisions should promote and encourage interactions within the community through mixed use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity. Furthermore, developments should create safe and accessible environments where crime, and fear of crime, does not undermine quality of life or community cohesion. The creation of an active street frontage would help to integrate the site into the locality and increase levels of natural surveillance.

Paragraph 104 outlines that planning applications for minor development or change of uses should not be subject to the Sequential or Exception Test, but should still meet the requirements for site-specific flood risk assessments.

Paragraph 109 sets out that the planning system should minimise impacts on biodiversity and providing net gains in biodiversity where possible

Paragraph 123 states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. In doing so, the local authority should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

Paragraph 128 - Advises that local planning authorities should require an applicant to submit sufficient information to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 131 - Advises that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 - This states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation, and the more important the asset, the greater the weight should be.

Paragraph 134 - Advises that where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 outlines that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Relevant Local Policies

Core Strategy

Manchester City Council adopted the Core Strategy in July 2012 which sets out visions and policies to manage change over a 15 year period until 2027. The adopted Core Strategy contains a number of Strategic Spatial Objectives that form the basis of its policies. Those which are of relevance to the current proposals are as follows:

Policy SP1 Spatial Principles outlines that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living. The development would be highly sustainable and introduce new activity to this vacant building. It would provide good access to sustainable transport and maximise the potential of the City's transport infrastructure.

SO2. Economy - The proposed development would further improve the City's economic performance and help to spread the benefits of growth across the City. It would provide new jobs during construction along with permanent employment and facilities in the associated leisure uses, in a highly accessible location.

S05. Transport - This site is in a highly accessible location and its development would reduce the need to travel by private car. It would make the most effective use of existing public transport facilities.

Policy CC1 Primary Economic Development Focus: City Centre and Fringe outlines that the City Centre is a strategic economic location and focus of employment growth in the City and City Region. The Council encourages the provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities in the City Centre, to create a vibrant employment location attractive to businesses, employees and visitors.

Policy CC4 Visitors - Tourism, Culture and Leisure sets out that the City Centre is a focus for culture and leisure within the City Region. Proposals such as this that improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported and would further generate a significant number of visitors to the area.

Policy CC9 Design and Heritage outlines that development in the City Centre should preserve or enhance any heritage assets affected, including listed buildings,

conservation areas and scheduled ancient monuments. The proposed development would have a high standard of design and materials appropriate to its context and the character of the area.

Policy CC10 A Place for Everyone states that uses such as this which increase the diversity of activity in the City Centre will be supported.

Policy C1 Centre Hierarchy outlines that the City Centre is the regional focus for commerce, culture, leisure and tourism.

Policy C10 Leisure and the Evening Economy states that development and redevelopment such as this, which supports the evening economy, contributes to the vitality of centres and supports a balanced and socially inclusive evening/night-time economy will be permitted.

Policy T2 Accessible Areas of Opportunity and Need seeks to ensure accessible developments. In doing so, the Council will support developments which are accessible by walking, cycling and public transport and connect residents and visitors to jobs, centres, health, leisure, open space and educational opportunities.

Policy EN3 Heritage outlines that throughout the City, the Council will encourage development that complements and takes advantage of the distinct historic and heritage features of its districts and neighbourhoods, including those of the City Centre. The Policy also states that proposals such as this which enable the re-use of heritage assets will be encouraged where they are considered consistent with the significance of the heritage asset.

Policy EN 14 Flood Risk outlines that a Flood Risk Assessment will be needed in accordance with national guidance and on sites greater than 0.5ha within Critical Drainage Areas (CDAs) and Canal Hazard Zones identified in the SFRA.

The site is located within Flood Zone 2 (car park) and Flood Zone 3 (the building). This means that the land is assessed as having either between a 1 in 1,000 annual probability of river flooding or 1 in 100 or greater annual probability of river flooding. The site is also situated within a Critical Drainage Area.

Policy EN 15 Biodiversity and Geological Conservation sets out that the Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City, via protecting priority species.

Policy EN19 Waste - The development would be consistent with the principles of waste hierarchy. In addition the application is accompanied by a Waste Management Strategy which details the measures that will be undertaken to minimise the production of waste both during construction and operation.

Policy DM 1 Development Management outlines a range of general issues that all development should have regard to. Of these, the following are of relevance to this proposal:

appropriate siting, layout, scale, form, massing, materials and detail;

* Design for health;

- * Adequacy of internal accommodation and amenity space.
- * impact on the surrounding areas in terms of the design, scale and appearance of the proposed development;
- * that development should have regard to the character of the surrounding area;
- * effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- * accessibility to buildings, neighbourhoods and sustainable transport modes;
- * impact on safety, crime prevention and health; adequacy of internal accommodation , external amenity space, refuse storage and collection, vehicular access and car parking; and
- * impact on biodiversity, landscape, archaeological or built heritage, green Infrastructure and flood risk and drainage.

Saved UDP Policies

The UDP for the City of Manchester was adopted on 21 July 1995 as the statutory document which set out guidelines for all development in Manchester. However, with the adoption of the Core Strategy on 11 July 2012, significant elements of the UDP were replaced. Nevertheless, there remain a number of extant policies that are relevant to the consideration of this planning application:

Policy DC10.1 outlines that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, or for hot food to be consumed off the premises (whether or not other activities, such as a nightclub, are included), the Council will have regard to its location, it's effect on the amenity of neighbouring residents; the ease of access for all, and the storage and collection of refuse and litter.

Policy DC10.1 Food and Drink Use - In determining planning applications for food and drink uses, the Council will have regard to the general location of the proposed development, the effect on the amenity of neighbouring residents, the availability of safe and convenient arrangements for car parking and servicing, ease of access for all, including disabled people, and, the storage and collection of refuse and litter. The proposals include restaurants, bars and members club, together with 'pop-up uses within the covered pedestrian areas, which will be of a scale which is appropriate within this building and location.

Policy DC10.2 states that food and drink uses will be acceptable, in principle, in the City Centre.

Policy DC18.1 Conservation Areas. - The development is to the south of the Whitworth Street Conservation Area, and this policy states that the Council will seek to preserve and enhance the character of its conservation areas. This includes carefully considering the relationship of new structures to neighbouring buildings and spaces and the effect of major changes to the appearance of existing buildings.

Policy DC19.1 outlines that for developments having an impact on the setting of listed buildings the Council will seek to protect their general setting. In particular, with regard to impact on the setting, seek to preserve and enhance the settings of listed buildings by appropriate control over the design of new development in their vicinity,

control over the use of adjacent land, and where appropriate, by the preservation of trees and landscape features. Whilst there are no listed buildings within the application site, the development is also close to and would affect the setting of a number of listed buildings.

Policy DC20.1 Archaeology - Consideration of the application has had regard to the desirability of securing the preservation of sites of archaeological interest.

Policy DC26.1 Development and Noise - This policy details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity. This is a consideration particularly when assessing the impact on nearby local residents

Policy DC26.4 explains that where the Council believe that a new proposal will generate potentially unacceptable levels of noise, the applicant will need to provide a noise assessment to define any such impacts and any measures to deal with that noise.

Policy DC26.5 sets out that the Council will, where appropriate, require insulation in new development as well as noise barriers where high levels of noise are expected.

Policy DC26.5 Development and Noise - which states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development, as well as noise barriers where this is appropriate.

Policy DC26.6 outlines that exceptions to the general policy will be considered on their merits. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Manchester City Centre Strategic Plan

The Strategic Plan 2015-2018 updates the 2009-2012 plan and seeks to shape the activity that will ensure the city centre continues to consolidate its role as a major economic and cultural asset for Greater Manchester and the North of England. It sets out the strategic action required to work towards achieving this over period of the plan, updates the vision for the city centre within the current economic and strategic context, outlines the direction of travel and key priorities over the next few years in each of the city centre neighbourhoods and describe the partnerships in place to deliver those priorities

The Former BBC Strategic Development Framework (2013)

In July 2013, Manchester City Council endorsed a Strategic Regeneration Framework (SRF) to guide the future development of the site

The SRF set out a number of design principles to ensure that the site will deliver a:

"...high quality, vibrant development which creates a new sustainable, urban neighbourhood with a distinctive sense of place and which is functionally and physically connected to the wider area." (page 6)

Alongside setting out broad design principles, the SRF also set out appropriate land uses, which included:

Offices;
Cultural facilities and public spaces;
Institutional accommodation;
Hotel;
Retail; and
Residential accommodation.

Following the adoption of the SRF, the Council's Executive endorsed a Bruntwood Masterplan (which was produced following the purchase of the site in March 2013) for the site in April 2015. This Masterplan seeks to deliver an employment-led mixed use redevelopment comprising, inter alia, commercial office space; student accommodation; residential development; ground floor retail and leisure space; and a series of public realm interventions.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (April 2007)

Part 1 of the SPD sets out the design principles and standards that the City Council expects new development to achieve, i.e. high quality developments that are safe, secure and accessible to all.

The SPD states that proposals should seek to ensure that the use of the building reflects their purpose and the place in which they are located. Development should enliven and define neighbourhoods and promote a sense of place. Development should have regard for the location of sustainable public transport and its proximity.

It goes on to state that developments that remain flexible and allow for new users and functions to take over will be supported. Internal space within buildings should be designed such that it retains a long-term flexibility for adaptation for use by future users. The conversion of existing buildings for a range of new uses is encouraged, ensuring that proposals are fully accessible for disabled people.

In relation to crime issues, the SPD requires that prevention measures should be demonstrated, and include the promotion of informal surveillance, CCTV, good lighting and stewardship.

The proposed uses, and the design of the proposed development would ensure flexibility in providing differing activities would be fully compatible with The Guide to development.

WHITWORTH ST CONSERVATION AREA

The conservation area was designated by the City Council in September 1974, and was bounded by Oxford Street, Portland Street, Abingdon Street, Bloom Street, Chorlton Street, Cobourg Street and the Piccadilly to Oxford Road viaduct. It was extended in June 1985 to include an area bounded by Whitworth Street, London Road and the above viaduct.

The Whitworth Street/Princess Street conservation area is uniquely Mancunian in character, its physical form being established by the wealth of fine Victorian and Edwardian buildings erected between 1850 and 1920. They reflect the historical importance of the textile industry in the city.

ISSUES

Principle of the Use.

The site is within a mixed use area of the City Centre and the venue would incorporate restaurant and bar space alongside live music/ event space. This would help to further strengthen Manchester's cultural and leisure attraction and is in accordance with Core Strategy Policies SP1, CC1, CC4 and C1 and saved UDP Policy RC20.

The development proposes a unique concept that would help to diversify activity within this part of the City Centre, in accordance with Core Strategy Policy CC10. There are a mix of uses in the area including bars, hotels, residential development and other night-time uses and the proposal would not be detrimental to the character of the area. The unique nature of the proposal would complement existing uses and offer a form of entertainment not currently available in this location.

There are residential dwellings on Charles Street, such as Bracken House and residential accommodation is proposed on the BBC site fronting Charles Street. An Acoustic Survey demonstrates that the proposed noise levels meet the Council's requirement. The Applicant has developed an Operating Schedule to further control the potential impact on residential amenity.

The proposal incorporates measures to protect amenity through acoustic mitigation to protect the amenity of nearby residents; the submission of a Servicing Strategy that outlines safe servicing arrangements; and level access into the property along with a lift to all main floors and the proposal accords with a number of Development Plan policies including Core Strategy Policies SP1, CC1, CC4, CC10, C1, C10 and saved UDP Policies DC10.1 and RC20 alongside the relevant provisions of the NPPF.

Design and architectural quality

The building is not listed but has some local significance. The design has reflected this in terms of appropriate materials, detail, scale and appearance of the external alterations.

The main changes to the appearance are the result of adaptations to the second floor and roof, with the addition of a small rooftop extension to the rear of the building and opening up the roof on the second floor to form a roof terrace. These works would be clearly identifiable as contemporary interventions but would respect the historic design, working with the character of the original building fabric to create new spaces.

The other alterations such as the lowering of ground floor window sills, replacement of timber window frames with slender aluminium frames and double glazing, installation of low profile framed roof lights and minor extensions are sympathetic in nature and do not detract from the original design of the building.

Therefore the proposal accords with the relevant Development Plan policies including Policy DM1 of the core Strategy alongside the relevant provisions of the NPPF.

Noise and Impact on Amenity

The noise breakout from the premises and the impact of visitors entering and leaving the site has been considered as part of this proposal.

An Acoustic Planning Report has assessed the impact of typical sound levels from the proposed venue on noise sensitive properties (including the future residential units at the former BBC site). This confirms that, subject to the implementation of the specified mitigation measures and guidance, music sound levels from the venue and the external seating areas would achieve the Council's requirements.

The impact of people leaving the venue must be given consideration in the context of the mixed use nature of the area that can absorb a greater level of activity during the evening than other locations. The impact of customers leaving the venue would be managed through measures proposed in the submitted Service Strategy and Operating Schedule which details a range of management measures. For instance, a customer dispersal policy has been prepared, which sets out the following measures:

Fitting signage in appropriate places by the exit to remind customers to leave the premises quietly and to respect the neighbours.

Ensuring that no customers leave the premises with their drinks.

Providing taxi rank, taxi telephone details and night bus details to customers by way of signage and verbal communication from staff to customers.

Allowing extra time for drinking up so that customers leave the premises in a staggered manner over a longer period of time. This will minimise the congregation of crowds outside the premises.

If customers are congregating outside the premises at closing time on any given night, a staff member will facilitate the dispersal of these customers to minimise noise and eliminate flash points.

Further measures are also included to manage queuing and entry, outside drinking areas and outside smoking areas.

As such, given the mitigation measures and management policies above, the proposal will have limited impact on the amenity of nearby users and residents. In doing so, the proposal accords with the relevant Development Plan policies including Policy C10 and DM 1 of the Core Strategy and saved UDP Policies DC10.1, DC26.1, DC26.4, and DC26.5 and the relevant provisions of the NPPF.

Crime and Disorder

The proposal would bring significantly more activity into the area and contribute towards a safe and secure environment. A condition requiring Secured by Design accreditation is proposed. In view of the above the proposals are consistent with Core Strategy Policy DM1.

The Crime Impact Statement has assessed the proposal against the principles of 'Crime Prevention Through Environmental Design' (CPTED), in order to reduce the opportunities for crime and the fear of crime. It concludes that the proposal is broadly acceptable, in terms of designing out crime, and suggests a number of recommendations which would be implemented. Subsequently, it is considered that the relevant requirements of Core Strategy Policy DM1 have been satisfied alongside the relevant provisions of the NPPF.

Access and Transport

The building does not have level access at ground floor level and the existing main entrance has three steps up to the ground floor. Due to the proximity of the public highway there is limited space to make any adaptations to the main entrance to provide ramped access. Therefore, an entrance on Pritchard Street has been adapted to enable inclusive access to the building.

It is envisaged that the majority of guests would arrive and leave via walking, public transport or taxis due to the sustainable nature of the site and no parking is proposed. A 244 space public car park is situated behind the site which is open 24 hours a day, seven days a week.

Servicing/collection would take place between the hours of 10:00 - 12:00 and 14:00 - 16:00 to minimise disruption to the public car park and immediate area. Where possible, deliveries would be scheduled to coincide on the same day of the week to minimize disruption.

The management of the deliveries would utilise the bin and storage area located to the east of Pritchard Street. This area is shown on the submitted Service and Management Plan. The management of the vehicles on the highway has been designed to ensure that vehicles do not have to reverse back onto the main thoroughfare on Charles Street or reverse down Pritchard Street.

Overall, it is considered that the proposed use is accessible to all users and would not have any adverse impact on the safety or operation of the local highway network and

that the proposal is in accordance with the relevant Development Plan policies including Core Strategy Policy T2 and Policy DM1.

Flooding

As the site is situated with Flood Zone 2 and 3 a Flood Risk Assessment (FRA) has been prepared and submitted in support of this application.

The FRA confirms that there is no evidence of historical flooding to the immediate site area and that the most likely source of potential flooding to site is from fluvial sources associated with the River Medlock, with some residual risks are also present from potential reservoir and groundwater flooding.

The FRA concludes that the development can be considered appropriate and subsequently, the proposal is considered to accord with Core Strategy Policy EN14 and the relevant provisions of the NPPF.

Ecology

Due to the location of the building and the proposed external works, including the removal of a section of roof, a preliminary bat roost assessment (daytime bat survey) has been undertaken in support of this application which produced no evidence of bats..

The report recommends that as there is a low likelihood that an individual bat could use some of the features as a (non-breeding) summer roost, contractors should: be made aware of this possibility; that the roof tiles and wooden fascia on the west of the building are removed carefully, and checked behind before continuing; and if a bat is encountered at any time during works, work should stop and the owner should contact a suitably qualified ecologist to attend site.

This recommendation has been agreed with the Greater Manchester Ecology Unit and the Applicant will enforce this measure

Subsequently, the proposal is considered to accord with the relevant Development Plan policies including Core Strategy Policy EN16 and the relevant provisions of the NPPF.

Heritage

A Heritage Statement has been prepared and submitted in support of this application. The building is not listed, nor is it in a Conservation Area. However, as part of the pre-application discussions with the Council, a Heritage Statement was requested by the Council because of the building's position in the immediate setting of the Grade II listed Lass O'Gowrie public house and due to the building being a non-designated heritage asset.

In terms of impact on the adjacent listed building, the Statement concludes that: "The proposals are designed as modern interventions which do not adversely affect the architectural context. The changes cause no harm to the setting of the Lass O'Gowrie

and would maintain its significance, enhancing it in places through improvements and repair. The design solutions retain a high proportion of original fabric, which minimizes heritage impact. Reusing the building will better ensure its long term maintenance and future viability, which is the most significant enhancement to the adjacent listed building."

In terms of the building itself, the Statement recognises that there is a local significance to the building and outlines that: the impact on the non-designated heritage asset is similarly limited and will not alter the overall character in a significant way, instead adding a further layer of evolution.

As such, the proposal accords with the relevant Development Plan policies including Core Strategy Policy CC9, EN3, saved UDP19.1 and the relevant provisions of the NPPF.

RESPONSE TO CONSULTATIONS

The majority of comments are addressed in the main body of the report but the following comments are added.

The objection from the occupier of Asia House relates to noise generation from the proposed use, as detailed above. It should be noted that Asia House is a significant distance from Charles Street, and is partly shielded by the existing railway viaduct. Environmental Health is satisfied that noise can be controlled by the imposition of appropriate noise conditions, and the hours of opening would be restricted to ensure that the premises close at appropriate times.

Such considerations are also relevant to the comments received in relation to the amenities of future residents of the former BBC site.

In relation to potential disturbance from late night activity, it is recommended that a condition be imposed to secure the following opening hours, and the applicant has been made aware that such hours will be recommended to Committee.

Internal areas - 11am to midnight Sunday to Thursday, 11am to 2am Friday and Saturday

External area / terrace - 11am to 10pm Sunday to Thursday, 11am to 11pm Friday and Saturday"

The hours stated for the internal area are based on the potential for late night disturbance, particularly in relation to nearby residential accommodation. The limitation on hours is also informed by the fact that this would be a music venue with live bands who would need to load vehicles in the adjacent street, possibly after the venue is closed, in addition to patrons leaving the venue. As such, the hours stated are considered to be a reasonable restriction. The external areas would have an hours restriction common to eating and drinking terraces elsewhere in the City Centre.

These hours are more restrictive than those proposed by the owners of the former BBC site, and are fully supported by Environmental Health.

Finally, Network Rail require a Basic Asset Protection Agreement, which the applicant is willing to enter into, following any consent being granted.

CONCLUSION

The site is situated on the north side of Charles Street within a vibrant mixed use area comprising residential, office, hotels and leisure uses. The building has been vacant for circa 9 months and the proposed development seeks to transform it into a modern hybrid of café, bar and street food space, with a capacity to host live music and community events.

The approach for developing the application site is entirely supported by the provisions of the National Planning Policy Framework. It clearly provides a sustainable development, as defined by the NPPF, and the benefits in bringing forward this major development opportunity justifies approval of this scheme. The proposal is also considered to be in accordance with local planning policies, and is therefore recommended for approval, subject to appropriate conditions.

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 the right to a fair hearing and to this end the Committee 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 Head 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 approval of the application is proportionate to the wider benefits of approval 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 pro-active manner to seek solutions to problems arising in relation to dealing with the planning application, and have worked with the applicant during the planning application process to deal with comments raised by consultees.

Reason for recommendation

Conditions to be attached to the decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Drawings

15019_1000_Rev00 - Existing Location Plan, showing site edged red
15019_1001_Rev02 - Existing Site Plan
15019_1001_Rev02 - Existing Basement Floor Plan
15019_1002_Rev02 - Existing Ground Floor Plan
15019_1003_Rev02 - Existing First Floor Plan
15019_1004_Rev02 - Existing Second Flood Plan
15019_1005_Rev02 - Existing Third Floor Plan
15019_1006_Rev01 - Existing Roof Plan
15019_1200_Rev01 - Existing Sections Plan
15019_1101_Rev02 - Existing Charles Street Elevation
15019_1102_Rev02 - Existing Pritchard Street Elevation
15019_1103_Rev02 - Existing Donald Street Elevation
15019_2000_Rev02 - Proposed Site Plan
15019_2001_Rev03 - Proposed Basement Floor Plan
15019_2002_Rev03 - Proposed Ground Floor Plan
15019_2003_Rev04 - Proposed First Floor Plan
15019_2004_Rev02 - Proposed Second Floor Plan
15019_2005_Rev05 - Proposed Third Flood Plan
15019_2006_Rev04 - Proposed Roof Plan
15019_2201_Rev03 - Proposed Section XX
15019_2202_Rev03 - Proposed Section YY
15019_2203_Rev00 - Proposed Section ZZ
15019_2101_Rev03 - Proposed Charles Street Elevation
15019_2102_Rev05 - Proposed Pritchard Street Elevation
15019_2103_Rev04 - Proposed Donald Street Elevation
15019_3001_Rev03 - Proposed Servicing Plan

Documents

Acoustic Planning Report (Rev4) prepared by Lighthouse Acoustics
Bat Survey prepared by Tyler Grange
Crime Impact Statement prepared by Greater Manchester Police
Design and Access Statement prepared by Edable Architects
Flood Risk Assessment prepared by Betts Hydro
Heritage Statement prepared by Atelier MB

Planning Statement prepared by Gerald Eve LLP
Statement of Community Involvement prepared by Rose Five Limited
Service Strategy and Operating Schedule (dated 08/08/2016) prepared by Rose Five Limited

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy policies DM1 and SP1, and saved UDP policies DC10.1, DC10.2, DC18.1, DC19.1, DC26.1 and DC26.5

3) No development that is hereby approved shall commence unless and until samples and specifications of all materials to be used on all external elevations of the development along with jointing and fixing details and a strategy for quality control management have been submitted to and approved in writing by the City Council as local planning authority.

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 SP1 and DM1 of the Core Strategy.

4) Before the development hereby approved is completed, a paving and surfacing strategy for the public footpaths, vehicular crossings, and vehicular carriageways around the site shall be submitted to and approved in writing by the City Council as local planning authority. All works approved in discharge of this condition shall be fully completed before that relevant phase of the development hereby approved is first occupied.

Reason: In the interests of amenity and to ensure that paving materials are consistent with the use of these areas as pedestrian routes, pursuant to the Guide to Development and policy DM1 of the Core Strategy.

5) No development shall commence unless and until samples and specifications of all hard landscape materials, together with a layout plan identifying the location of the materials have been submitted to and approved in writing by the City Council as local planning authority.

The development shall be constructed only using the approved materials unless otherwise agreed in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the building is first occupied

Reason: To ensure that a satisfactory landscaping scheme is carried out pursuant to policy DM1 of the Core Strategy and the Guide to Development.

6) Before development commences or within a timescale as otherwise agreed in writing by the City Council details of the measures to be incorporated into the development (or phase thereof) to demonstrate how secure by design accreditation will be achieved have been submitted to and approved in writing by the City Council

as local planning authority. The development shall only be carried out in accordance with these approved details. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that it has received written confirmation of a secure by design accreditation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy.

7) Use of the development shall not commence unless and until a servicing strategy, including a schedule of loading and unloading locations, has been submitted to and agreed in writing by the City Council as local planning authority. Servicing shall thereafter take place in accordance with the approved strategy.

Reason: In the interests of public and highway safety and the protection of residential amenity, pursuant to policy DM1 of the Core Strategy

8) 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.

9) Before the development is completed a signage design strategy for all parts of the development shall be submitted to and approved in writing by the City Council as local planning authority.

Reason: To protect the visual amenity of the area and to ensure the development is carried out in a satisfactory manner pursuant to policy DM1 of the Core Strategy and Guide to Development 2 (SPG).

10) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences; any works approved shall be implemented before the use commences.

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.

Reason - In the interests of the amenities of occupiers of nearby properties.

11) The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Internal areas - 11am to midnight Sunday to Thursday, 11am to 2am Friday and Saturday

External area / terrace - 11am to 10pm Sunday to Thursday, 11am to 11pm Friday and Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation

12) No construction work or other activity shall take place on the site on Sundays or Bank Holidays and all work and other activity on other days shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

- o Monday - Friday: 7.30am - 6pm
- o Saturday: 8.30am - 2pm

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation during the construction phase.

13) The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 10dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and internal noise levels at structurally adjoined residential properties in the 63Hz and 125Hz octave frequency bands shall be controlled so as not to exceed (in habitable rooms) 47dB and 41dB, respectively.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties.

14) There shall be no use of use of amplified sound or any music in any external area or terrace at any time.

Reason - To safeguard the amenities of the occupiers of nearby properties.

15) Externally mounted ancillary 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 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location.

The scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

16) Before the development commences a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health

17) Before first occupation of any part of the development, a Customer and Event Management Plan, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure effective dispersal of visitors, and management of smokers.

Reason: In the interests of residential amenity, and to ensure the details of the development are acceptable, pursuant to Core Strategy Policy DM1.

18) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details.

The scheme shall also include:

- Surface water drainage layout including discharge points, proposed attenuation and proposed overland flow routes for extreme events (up to a 1 in 100 year including climate change allowance).
- Details of surface water attenuation that accounts for the increase in surface water runoff from a 1 in 100 year including climate change event.
- Hydraulic calculations to support the drainage proposal.
- Details of how the scheme shall be maintained and managed after completion.

Reason -To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 111954/FO/2016/C1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

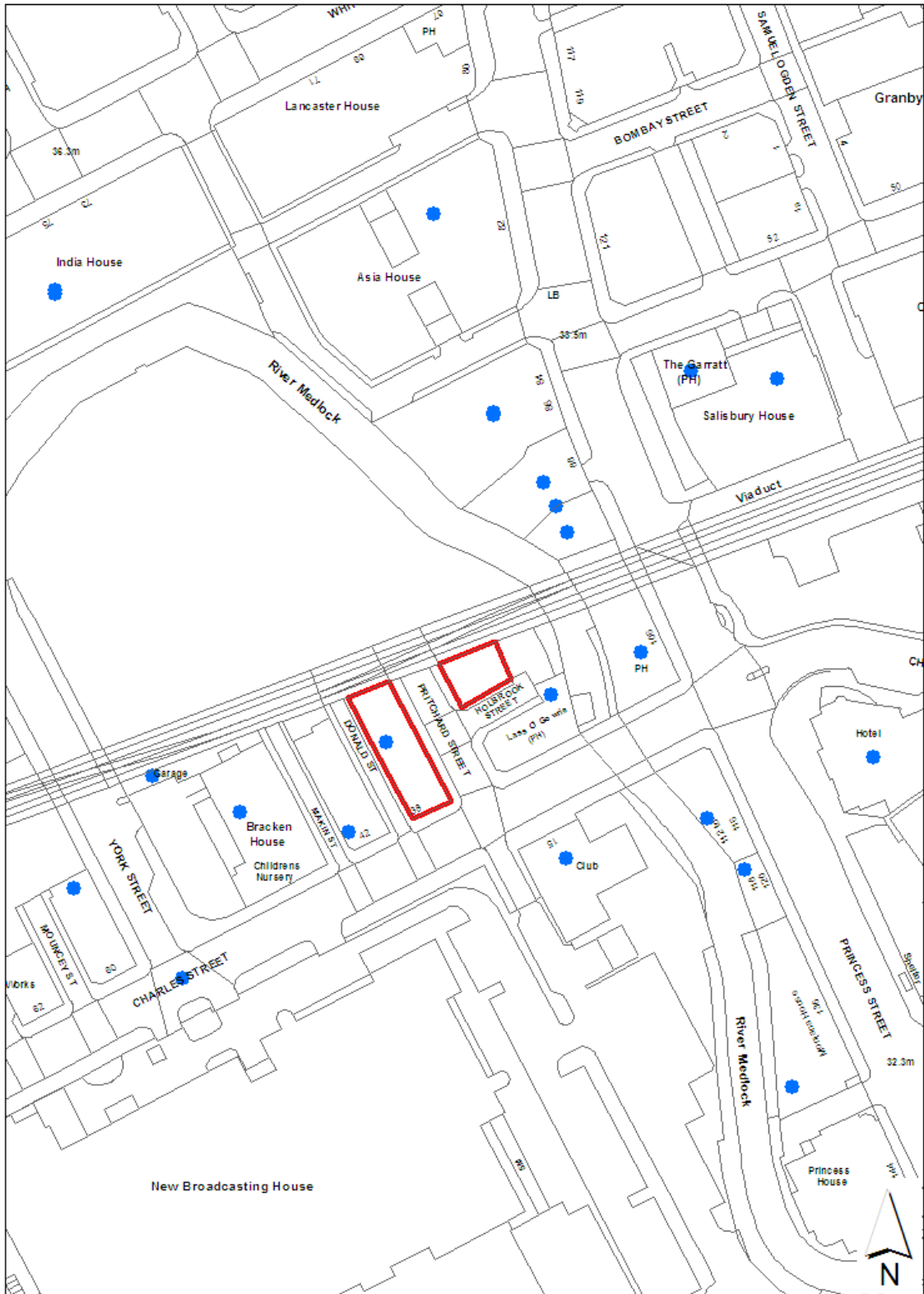
Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Environment Agency
Transport for Greater Manchester
Greater Manchester Ecology Unit
Network Rail
Select Property Group

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Environment Agency
Transport for Greater Manchester
Greater Manchester Ecology Unit
Network Rail
Select Property Group

Relevant Contact Officer : David Brettell
Telephone number : 0161 234 4556
Email : d.brettell@manchester.gov.uk



 Application site boundary  Neighbour notification
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