

Application Number	Date of Appln	Committee Date	Ward
116799/FO/2017	27th Jun 2017	24th Aug 2017	City Centre Ward

Proposal Temporary change of use from (September 2017 to January 2018) from a car park to a car park and entertainment venue (dual use) for dance events, live music acts and DJ performances (Sui Generis). Fridays and Saturdays from 19.00 to 05.30 between 16 September 2017 and 01 January 2018, 26 December 2017 upto and including New Year's Day from 19.00 to 05.30, 31 December 2017 from 19.00 to 06.30 and Sunday 17 September 2017 from 19.00 to 23.30

Location Undercroft Car Park, Store Street, Manchester, M1 2WA

Applicant Ugly Duckling Group Ltd, C/o Agent,

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

Description

Background

A number of temporary planning applications have been granted at this site since 2010 which have allowed the premises to be used as a car park and entertainment venue for dance events, live music acts and DJ performances (Sui Generis) for specific time periods. Since the original permission was granted in 2010, some of the arches to the rear of the car park have been removed and the impact of this on the acoustic performance of the structure within which the uses operate were fully addressed under subsequent applications.

The most recent approval allowed the use on specific and restricted dates for 2 periods from Sept 2015 to Jan 2016 and Sept 2016 to Jan 2017 (ref no 108607/FO/2015/C2). An application for a variation of conditions to allow operation for an additional 4 Thursdays and 1 Sunday was subsequently granted under application ref no 109657/JO/2015/C2. These temporary consents have now expired and there is currently no extant consent for the use of the site for entertainment venue for dance events, live music acts and DJ performances (Sui Generis).

Description of site

The application relates to an area of approximately 4,915 square metres within arches beneath Piccadilly Station Approach. It is accessed from Store Street and is used for car parking during the day.

This area has changed significantly over the last 10 -15 years, largely as a result of the City Council's regeneration initiatives. Piccadilly Triangle has been transformed to create a commercially led mixed use scheme. A number of residential schemes have been developed around Store Street, Piccadilly Gate has been refurbished and a new Premier Inn has been built on Dale Street. There is a 330 bed Motel One hotel development at the junction of London Road and Whitworth Street, a 303 bed

Holiday Inn on the site of the Former Employment Exchange on Aytoun Street as well as the recently completed 182 serviced apartments operated by Stay City within Gateway House. The area is now a strong commercial destination and characterised by a mix of uses including offices, hotels, residential and leisure facilities including pubs and clubs such as Monroes, the Bulls Head and the Star and Garter. Since the last applications were approved Staycity serviced apartments, Motel One and the Holiday Inn have started to operate.

Within the context of the above the nearest noise sensitive properties to the site are at the Staycity Apartments, Holiday Inn on Aytoun Street, Motel One on London Road, the Premier Inn on Dale Street, The Place Apartment Hotel on Ducie Street (all hotels or serviced apartments), 14-16 Whitworth Street, Home 2 City Centre Warehouse Apartments on Sparkle Street; properties at the Junction of Jutland Street and Store Street, 5 Piccadilly Place and Monroes on London Road (all include permanent residential accommodation). The nearest of the later is approximately 95m from the venue and the Staycity Apartments are above the venue separated by the ground floor retail units.

Store Street is a key pedestrian link between the City Centre and Sports City.

Description of Proposals

Consent is sought to use the car park for a temporary period as a mixed car park / entertainment venue for dance events, live music acts and DJ performances (Sui Generis), between September 2017 and January 2018. All related activities including toilets, storage and security barriers would be contained within the undercroft with no related facilities proposed on adjacent streets. The Venue would continue to be operated by The Warehouse Project Ltd (WHP).

The car park would operate between 06:00 to 19:00 Monday to Friday, and the entertainment / dance venue would operate during the evening. The proposed hours of operation are:

- Fridays and Saturdays from 19:00 to 05:30 from September to January
- 26 December to and including New Year's Day from 19:00 to 05:30
- New Year's Eve from 19:00 to 06:30; and
- Sunday 17th September from 19.00 to 23.30.

These reflect the hours previously approved for those days of the week.

Whilst the proposed night-time use would operate between 21:00 to 05:30; there is a requirement to 'set up' the venue between 19:00 and 21:00.

The hours for which consent is sought to operate are covered by the Premises Licence and customers would not enter the venue until 21.00.

An Acoustic Report which includes a Recommended Noise Management Plan and addendum and a Dispersal Procedure and Operations Policy has been submitted with the application.

The key objectives of these are as follows:

- The applicants have stated that an agreement has been reached with Staycity Apartments in relation to noise transfer and they would reserve the affected rooms which would be used by staff or WHP attendees and a letter of support has been provided from Staycity;
- To ensure that any noise generated from the premises is inaudible at the nearest noise sensitive properties through the implementation of a Noise Management Plan that includes monitoring of noise levels at noise sensitive properties every 45 minutes (and if noise levels are found to be audible taking of action to reduce to the appropriate levels) and the circulation of information about a telephone complaints line that would be operational for the duration of events to local residents prior to an event with any complaints to be investigated at the time that they occur and where necessary immediate action taken to reduce noise levels to those agreed;
- All the recommendations contained in the acoustic reports prepared by Vanguardia Consulting dated August 2014 and its addendum would be implemented, including applying acoustic barrier mats to any gaps in the main car park entrance and exit doors.
- To promote a low tempo mood in customers as they leave the premises;
- To prevent customers congregating outside the premises;
- To promote the use of a guided route away from the venue that avoids nearby residential property;
- To minimise disturbance caused by taxi's arriving to collect customers;
- To exclude from the premises any customer identified as having acted without consideration for local neighbours;
- To leave the external area of the premises clean and tidy after each event.
- The Operations Policy Document set out how the prevention of crime and disorder, smokers and the prevention of public nuisance would be managed and includes measures such as:
 - The provision of a dedicated delineated outside the premises for use by smokers to be supervised by staff at all times where no drinks are to be permitted to be taken into the smoking area by customers.
- Implementation of all recommendations contained in the Crime Impact Statement submitted with the application to be implemented.
- CCTV to be installed at the premises as in agreement with Greater Manchester Police.
- A total of four Greater Manchester Police officers to be engaged on duty at the site during operating nights.
- Staff to be vigilant and to identify and report suspected drug use or abuse to management and to know the signs to look for and a drugs sniffer dog shall be engage on site;
- Removal of persons found using drugs from the premises (or where possible restrained until the Police can take such person into custody).
- Ongoing training of staff to recognise drunkenness and refuse service to customers who have consumed excessive alcohol.
- Refusal of entry of anyone who appears to be drunk / intoxicated.
- No person would be permitted entry to the premises after 0100.

- Fire exits would have acoustic fire doors fitted to them. The doors would remain closed except for access or egress in the event of an emergency and would be manned by a member of staff at all times the premises is open to the public.

Access to and egress from the venue would be via the three existing entrances to the car park on Store Street. Servicing would take place from the highway close to the Store Street entrance. During the days prior to events taking place there would be 3 deliveries to the site to deliver stock and two vehicles, which arrive at approximately 18:00 on the day of the event, to deliver sound equipment.

No external alterations are proposed to the site other than the erection of the acoustic barrier mats on the day of an event.

A premises licence permitting entertainment at the venue was originally granted in February 2007. Amendments to this have been granted on 5 occasions since that date and current hours of opening for the use authorised by the Licence cover those for which planning permission is now sought.

In support of the application the applicants have stated the following:

Since its launch in 2006, The Warehouse Project has received a number of awards for not only the quality of the events but also the way in which it operates such events. For example:

Best Bar None - Awarded by Greater Manchester Police (2009)

Award for Partnership and Problem Solving - Awarded by Centre for Problem Orientated Policing (2013)

Best Club Series - DJ Mag Best of British Awards 2013

Club of the Year - Awarded by Mixmag (2011)

The proposal would employ circa 120 part-time employees (25 full-time equivalent) alongside 25 full-time staff members.

Consultations

Publicity - The application was advertised as a public interest development and occupiers of adjacent and nearby properties were notified about the scheme. 1 letter of objection has been received.

The grounds of objection and associated queries are as follows:

Impact on Amenity

- The proposals would result in noise nuisance for neighbours including loud music and vibrations;
- The proposals would result in sleepless nights for neighbours from noise from events and people arriving and leaving the premises;

Head of Environmental Health - Has no objections to the application but has recommended conditions relating to the acoustic insulation of the premises including

adherence to and implementation of a noise management plan and the management and monitoring of sound levels during events be attached to any permission granted.

Greater Manchester Police (Architectural Liaison Officers) - Have no objections subject to the recommendations within the Crime Impact Statement being implemented.

Head of Highways Services- Has no objections subject to a condition being attached relating to the management and marshalling of vehicular pick up and drop off arrangements

GMEU – Have accepted that the findings of the previously submitted Ecology Survey in relation to bats remain relevant and have no objections.

Network Rail – Have no objections.

Issues

Relevant National Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to apply.

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role (paragraphs 6 & 7). Paragraphs 11, 12, 13 and 14 of the NPPF outlines a "presumption in favour of sustainable development". This means approving development, without delay, where it accords with the development plan. Paragraph 12 states that:

"Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

The proposed development is considered to be consistent with sections 2 and 11 of the NPPF for the reasons outlined below.

Relevant Local Policies

Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012 and is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

Saved UDP Policies

Whilst the Core Strategy has now been adopted some of the UDP policies remain saved as there are no replacement policies contained in the Core Strategy. The relevant policies are detailed below:

NPPF Section 2 (Ensuring the vitality of town Centres), Core Strategy Policy CC7 (Mixed Use Development) - The proposed use would meet requirements to provide sites for leisure and tourism related uses within the City Centre. The application site is located within part of the City Centre which includes activity associated with the evening / night-time economy, some of which pre-date recent residential development, and these are part of the vibrant mixed use economy that is a characteristic of the City Centre. As such, the principle of the proposed use is consistent with the nature of activity in the City Centre and the mix of uses within this part of the City Centre and could be considered to be an appropriate addition to the existing mix. This is discussed in more detail below.

Core Strategy Policy CC1 (Primary Economic Development Focus (City Centre and Fringe)), Policy CC4 Visitors, Culture and Leisure - The proposal is consistent with policies which seek to provide a range of economic development uses including leisure, entertainment, cultural and tourism facilities within the City Centre

NPPF Section 4 (Promoting Sustainable Transport) Core Strategy Policies T1 (Sustainable Transport) and Policy T2 Accessible Areas of Opportunity and Need - The proposed use is in a location which is highly accessible by all forms of public transport.

NPPF Section 11 (Conserving and enhancing the natural environment), EN15 (Biodiversity and Geological Conservation) - Information submitted with the application has considered the risk of impact on bats and has demonstrated that the proposal would not have any significant adverse impacts

Core Strategy Policies SP 1 (Spatial Principles) - The proposal would provide a leisure and cultural use close to an area where people live alongside high quality City Centre living. The implications of the use on the health and safety and wellbeing of residents has been properly taken into consideration.

Core Strategy Policy DM 1 (Development Management) - Outlines a range of general issues that all development should have regard to. Of these the following issues are or relevance to this proposal:

- effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- impact on safety, crime prevention and health;
- refuse storage and collection, vehicular access and car parking;

These are discussed below.

Saved UDP Policy DC26 (Development and Noise) - Seeks to reduce the impact of noise on people living and working in, or visiting the City. It requires the impact that development proposals that are likely to generate noise will have on amenity to be taken into consideration, and 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. The applicant has demonstrated that

compliance with appropriate conditions, would result in a use which is capable of operating in a manner that would not cause disamenity to local residents as a result of noise break out. This is discussed in more detail below along with measures proposed to stop noise from users leaving the premises disturbing local residents.

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 site of the current planning application falls within the area designated as Piccadilly. This identifies the wider Piccadilly area as having the potential for unrivalled major transformation over the coming years and notes that the additional investment at Piccadilly Station provided by HS2 and the Northern Hub represents a unique opportunity to transform and regenerate the eastern gateway to the city centre, defining a new sense of place and providing important connectivity and opportunities to major regeneration areas in the east of the city. Within the extended City Centre that is defined within the Plan Piccadilly Basin sits firmly within the north east of the City Centre and represents an important transition point between the existing and extended city centre.

The City Centre Strategic Plan endorses the recommendations in the HS2 Manchester Piccadilly SRF

The proposed development would help to raise the areas profile and would make a contribution towards the objectives of the Strategic Plan

Environmental Impact Assessment "The proposal does not fall within Schedules 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015 and there is therefore no requirement to prepare a Screening Opinion. However given the capacity of the venue and potential noise levels associated with the use, officers have given careful consideration as to whether the development is likely to have a significant impact on the environment and have concluded that the development would not have any significant environmental impacts in terms of traffic generation, noise, vibration, air quality, visual intrusion or impacts on any protected species. "

Principle of the Proposed Use -The site is located within the city centre where this type of use would normally be acceptable in principle. However, people do live nearby and there is a need to carefully consider the potential impact that the use might have in a physical and functional sense and in terms of amenity and, the impact it may have on the perception of the quality of the local environment to potential investors. The information submitted in support of the application demonstrates that all facilities and equipment associated with the use would be physically contained within the undercroft and nothing would be located on the adjacent highways. In view of this it is felt that the proposed use would not have an

adverse impact on the physical environment within the areas adjacent to the undercroft. Issues about disturbance from people coming to and leaving the venue are dealt with in more detail below but it is considered that this would be managed in a way which would seek to minimise any impact.

It is noted that the Greater Manchester Police (Partnership Office Licensing Section) consider that when the Warehouse Project previously operated from the application site the premises were well run. The venue was the winner of the 2009 Manchester's Best Bar None Award; a scheme organised by Greater Manchester Police's City Safe unit which aims to reward safe licensed venues that provide good management, a safe and enjoyable environment for customers, discourage binge-drinking and prevent alcohol-related crime.

The temporary use of the premises as a car park / entertainment / dance venue would add to the music and entertainment offer that Manchester provides. The proposal would bring visitors to the City with associated trickle-down economic benefits such as increased expenditure in the local economy and tourism sector.

The proposal is therefore consistent with policies for, appropriate uses in this part of the city centre, mixed uses, and regeneration and consistent with section 2 of the NPPF and Core Strategy policies CC1, CC4 and CC7.

Residential Amenity / Hours of Operation - There is an aspiration to create a diverse mix of uses within the City Centre. However, a mixed-use environment can involve the location of uses such as restaurants, bars and clubs in close proximity to residential accommodation. Whilst the principle of the proposed use is considered to be acceptable the impact that it may have on nearby residents and visitors within adjacent hotels and serviced apartments needs to be considered carefully.

There are a number of residential developments and some hotel and aparthotel uses within the area around and to the rear of Piccadilly Station. However no residential uses are directly adjacent to the entrances or on the most direct routes that patrons would use to access and egress the venue.

There are two potential impacts on residential and visitor amenity that need to be considered; firstly the impact that any noise breakout from the premises might have on the occupiers of the residential accommodation and secondly, the impact that people arriving at and leaving the venue might have on this.

The Head of Environmental Health requires that any noise generated from the venue would be inaudible at the nearest noise sensitive source and in this respect is satisfied that if the Noise Management Measures including the booking out of potentially affected apartments within Staycity by WHP as detailed in the submitted Acoustic Reports and addendum are adhered to, and that monitoring of noise levels during events takes place at regular agreed intervals, the noise from the Venue should be inaudible at the nearest noise sensitive source. A requirement for the venue to adhere to these measures should be a condition of any consent granted.

The noise made by people arriving at and leaving the premises is very difficult to control through planning legislation. This issue needs to be assessed in the context

of the mixed use nature of the City Centre which generally can absorb a greater level of activity during both the daytime and evening than locations outside of the centre.

It is anticipated that the majority of people leaving the venue would exit along London Road in the direction of the major transport nodes at Piccadilly Gardens and Piccadilly Station to access night buses and taxis.

The applicants would implement a dispersal policy to minimise disturbance and noise caused by people leaving the venue. This would include management measures designed to encourage people to leave the venue over a staggered period of time and to leave either by taxi or to disperse along London Road away from the residential accommodation within Piccadilly Basin and on Whitworth Street.

Further measures would include the following:

- Operation of a guided route for people leaving the premises to direct them away from residential properties.
- Each evenings headlining act to be so arranged as to play no later than the penultimate set. This will allow customers to slowly disperse no later than during the last act.
- One hour before the end of regulated entertainment, alcohol sales to be ended.
- Half an hour before the end of regulated entertainment the volume of any musical entertainment to be reduced and the style of music to be changed to a more "low tempo" style.
- Clear legible notices to be placed near the exits requesting customers to respect neighbours and to leave the premises and the area quickly and quietly.
- Door staff to remind customers to leave the premises quietly and to encourage them to move towards London Road.
- Where a person is refused service of alcohol in the belief that he/she is drunk, staff to offer to arrange for a taxi to collect the customer to be taken home.
- Event website to give clear directions to customers how to reach and leave the venue to the nearest public transport and away from residential dwellings
- Door staff to remind customers to leave the premises quietly and to encourage them to move towards London Road.
- Door staff to be vigilant and to prevent customers congregating outside the premises.
- Door staff to request any customers waiting outside the premises to move away from the area quickly and quietly.
- Officers from GMP engaged to assist in accordance with the provisions of the premises licence.
- Clear notices to be displayed giving details of local taxi companies and the premises to promote only those taxi companies which use a "ring back" scheme.

- Any taxi driver identified as being responsible for disturbance will be reported in the first instance to the taxi company operator. Any further disturbance will be reported to the City Council.

The operation of the Dispersal Policy should be a condition of any permission granted

The events would operate on Fridays and Saturdays between September 2017 and January 2018 and between September 2016 and January 2017 as well as 17th September, 26th, 27th, 28th, 29th, 30th, 31st and New Year's Day . Therefore the proposed days of operation are with the exception of the 17th September dated and 7 extra days between Christmas and New Years Day (inclusive) limited to weekends.

In light of all of the above, it is considered that the proposed hours of operation are acceptable for the proposed dates on which the use would be operational. Therefore, subject to compliance appropriate conditions, the proposal is consistent with Core Strategy policies SP1 and DM1 and saved UDP Policy DC26.

Transport Issues / Relationship to Transport Infrastructure - The site is located close to Piccadilly Station and Metrolink as well as being close to bus routes on London Road and the taxi ranks to the north of the site.

On the days when The Warehouse Project is at the site there will be around 1,800 patrons who mostly arrive between 10pm and 11pm. The applicants have stated that these are likely to arrive mostly on foot from the London Road direction and then along Store Street. It is anticipated that the majority of patrons would arrive on foot although some would be dropped off on Store Street by taxi or private car. It is understood that these arrangements did not cause any safety issues when the venue hosted similar events between 2007 to 2012 and in 2014-2016. The applicants commissioned Greater Manchester Police (GMP) to provide stewarding and monitoring of the drop off/pick up arrangements which ensure that it operates safely and efficiently. This includes stewarding patrons to the taxi ranks on London Road, A team of 15 marshals would also be employed at the site would ensure that patrons walk along the footways along Store Street and London Road to ensure that pedestrians have a safe route to and from the site at all times. A further 10 marshals ensure that pedestrians are kept off the carriageways. As such, access and egress for patrons to the site either on foot or being dropped off by a vehicle would be well managed and there would be no need for nearby traffic restrictions to be temporarily amended.

The entrance queue begins at the venue doors on Store Street and patrons would queue against the wall of the site towards London Road. The applicants would use a temporary queuing barrier which ensures ample space for pedestrians/wheelchairs to use the remainder of the Store Street footway which is around 3 metres wide. The applicants have a website with a range of information including a specific page dedicated to travelling to the site. Every purchaser of a ticket receives directions to and from the site as well as the venue's rules and regulations.

There are a number of publicly available car parks close to the site.

Given the above it is considered that the operation of the venue would not have any adverse impact on the safety or operation of the local public transport and highway network other than that which may be associated with any large event that takes place within the City Centre including football matches and concerts at various larger capacity venues within the City.

It is also noted that the location of the venue is such that it would be accessible by a variety of sustainable transport modes.

In view of the above the proposals would be consistent with section 4 of the NPPF and Core Strategy Policies SP1, DM1, T1 and T2.

Disabled Access - Level access is provided from street level into the building.

In view of the above the proposals would be consistent with section 4 of the NPPF and Core Strategy Policy DM1.

Crime and Disorder - As noted above The Warehouse Project has received a number of awards for not only the quality of the events but also the way in which it operates such events and no objections to the proposals have been raised by either Greater Manchester Police via either the Partnership Licensing Unit or Design for Security. It is also noted that the presence of significant amounts of people and police may improve safety and informal supervision of this part of the City Centre when events are taking place.

A condition requiring that the scheme complies with the recommendations on Physical Security and Management and Maintenance contained in the Crime Impact Assessment submitted with the application should be attached to any consent granted. Provided that this is achieved the development would be consistent with policy on crime and disorder.

Biodiversity / Impact on Wildlife - An Ecology Report submitted in support of the application concludes that there are no signs of roosting bats within the application premises and that the interior of the car park has negligible bat roosting potential and no further surveys are considered necessary. The chances of bat roosting on the exterior facade is considered to be low and there are no proposals to alter the external structure of the building.

Wild birds are protected from being killed, injured or captured and their nests and eggs are protected from being damaged, destroyed or taken under Section 1 of the Wildlife and Countryside Act 1981 (as amended). However, the likelihood of breeding bird populations is minimal due to the location and lack of vegetation. The bird breeding season is typically between March and the end of August and as such does not correlate with the proposed use of the venue for the operations proposed commencing in late September.

In view of the above the proposals are considered to be consistent with policy EN15 of the Core Strategy.

Response to Objectors Comments

The material issues raised by the objector have been considered above.

Conclusion

The application is for a temporary permission and therefore this is the maximum duration that the permission can be granted for. It follows that the guidance on the imposition of conditions limiting permissions to temporary consents has to be considered in the light of the application. It is guidance and can be departed from where there is a sensible reason for doing so. The report does address why a temporary consent is considered appropriate by giving full details of the matters referred to in the reasoned justification for Condition 1.

In planning terms it is considered that on a temporary basis, the mix of uses proposed is acceptable and would not be out of character within a part of the City Centre that contains a wide variety of uses. In addition, the use of the premises as an entertainment venue would on a temporary basis, maintain the contribution that such venues make to Manchester's musical heritage and complement the current range of leisure, entertainment, cultural and tourism facilities within the City Centre.

In assessing the merits of this application, careful consideration has been given to the impact of a car park / entertainment / dance venue (Sui Generis) use upon the amenity of nearby residents and the wider area. It is felt that given the proposed nature of the operation, the nature and limited number of dates in which events would operate and subject to adequate measures being in place to limit and manage the levels of noise breakout from the premises and the manage noise and disturbance from patrons through an operating and dispersal management regime that the proposed mix of uses use is considered to be acceptable in this location for the further 5 month temporary period for which consent is sought

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 polices 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 TEMPORARY APPROVAL

Article 35 Declaration

In assessing the merits of an application officers will seek to work with the applicant in a positive and proactive manner to seeking solutions to problems arising in relation to dealing with the application. In this instance this has included ongoing support regarding the information required to be submitted to support the application and discussions regarding the acceptability of the proposals and the issues to consider.

Conditions to be attached to the decision

1) The permission hereby granted is for 1 limited period only as follows:

- o Fridays and Saturdays from 19:00 to 05:30 from September to January
- o 26 December to and including New Year's Day from 19:00 to 05:30
- o New Year's Eve from 19:00 to 06:30; and
- o Sunday 17th September from 19.00 to 23.30.

between 1st September 2017 to 31st January 2018;

the use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued outside of these periods.

Reason

The area is undergoing significant changes as a result of regeneration being promoted by the City Council and it will be necessary to reconsider the suitability and acceptability of the use following this temporary period the consequences of which have not been considered beyond the 31st January 2017 pursuant to Core Strategy Policies SP1, CC1, CC4 and DM1 and saved UDP Policy DC26.

2) The recommendations contained in the Crime Impact Statement Version A: 23-06-17 shall be implemented in full and retained in place at all times that the use hereby permitted is in operation.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Core Strategy and to reflect the guidance contained in the National Planning Policy Framework

3) The operation of the development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the City Council as Local Planning Authority:

(a) Site Plan 332(PI)001;

(b) Dispersal Policy contained in Appendix E of Gerald Eve's Planning Statement dated June 2017;

(c) Operation Policy Appendix F of Gerald Eve's Planning Statement dated June 2015;

(d) Waste Management Strategy contained in Appendix H of Gerald Eve's Planning Statement dated June 2015; and

(e) Traffic Management measures including Car Parking and Drop off / Pick up and Queuing Arrangements as set out in Croft Transport Solutions Transport Issues Statement dated March 2015

Reason

To ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies CC7, T2, SP1, DM1 and saved UDP policies DC26.

4) The consent hereby granted is on the basis that noise from music at the event shall be inaudible inside all nearby noise sensitive premises (with the exception of those serviced apartments within Gateway House identified within the documents below to be booked by the applicants on operational nights) and that the development hereby approved shall operate in accordance with the following measures:

Full implementation of the Noise Management Plan provided by Vanguardia in their Acoustic Report Rev 02 August 2014 stamped as received on 18th August 2014 as amended by Acoustic Report Addendum dated August 2014 and stamped as received on 01-09-14 and subsequent addendum dated September 2014 stamped as received on 8th September 2014 and Summary Noise Report VC-102265-EN-RP-0003-01 R01 dated 18th April 2017 by Vanguardia and compliance with James Gibbs e-mail dated 28 the July 2017 in response to points 1-5 of Rick Knightley's memo dated 27th July 2017.

the specified measures shall be implemented in full and retained in operation at all times when the use hereby permitted is in operation

Reason

In the interests of amenity and to ensure that the development is carried out in accordance with the approved plans pursuant to Core Strategy policies SP1, DM1 and saved UDP policies DC26.

5) No items associated with the operation of the approved use, including, fencing, portable toilets, storage containers, security barriers shall be located on the highway adjacent to the premises.

Reason

For the avoidance of doubt, in the interests of amenity and to protect the quality of the environment in this part of the City Centre and pursuant to Core Strategy policies SP1 and DM1.

6) If during works to convert the building to the use hereby permitted any sign of the presence of bats is found, then all such works shall cease until a survey of the site has been undertaken by a suitably qualified ecologist and the results have been submitted to and approved by the Council in writing as local planning authority. Any recommendations for the protection of bats in the submitted document shall be implemented in full and maintained at all time when the building is in use as hereby permitted

Reason - for the protection of bats and in order to comply with the Habitats Directive and pursuant to Core Strategy Policy EN15.

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: 116799/FO/2017 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:

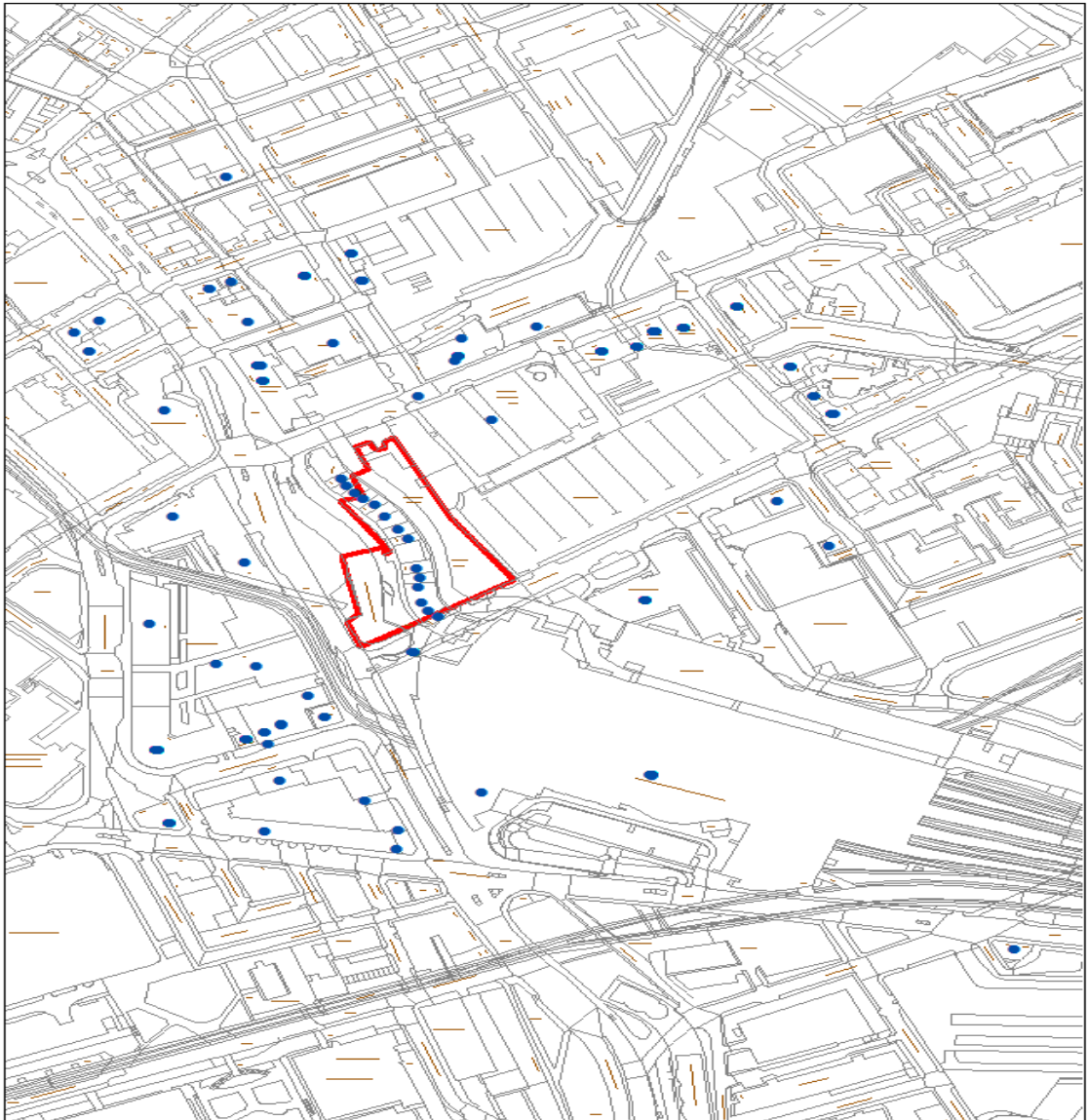
Highway Services
Environmental Health
City Centre Regeneration
Greater Manchester Police
Transport For Greater Manchester
Network Rail
Greater Manchester Ecology Unit
British Transport Police

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:

Flat 14, 15 Jutland house, Jutland Street, Manchester, M12BE

Relevant Contact Officer : Angela Leckie
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 Application site boundary  Neighbour notification
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