

Application Number	Date of Appln	Committee Date	Ward
116526/FO/2017	19 June 2017	19 Oct 2017	Bradford Ward

Proposal Change of use of part of Wellington House from a mixed light industrial usage and storage and distribution warehouse (Class B1c/B8) to a multi-purpose use comprising creative arts and performance space (Class D1 and D2) and night club (sui generis) with associated car parking

Location Wellington House, 1 Pollard Street East, Manchester, M40 7FS

Applicant Mantra Live Ltd, C/o Agent

Agent Mrs Maria Marks, Indigo Planning, St James Tower, 7 Charlotte Street, Manchester, M1 4DZ

Background

At the Planning and Highways Committee meeting on 24th August 2017, consideration of the application was deferred for further assessment and consultation following the submission of additional information in relation to the dispersal policy of the proposed nightclub element. The application has subsequently been subject to a period of re-consultation.

In summary the additional information conveys that through a robust dispersal policy, there will be a commitment to providing taxi marshals, additional security staff, agreements with local taxi firms, a private shuttle bus service and strategically positioned wardens for those dispersing by foot.

The document goes on to state that the applicant is committed to adopting the strict measures proposed to ensure the swift and safe dispersal of patrons from the premises to ensure that there is no adverse impact on residential amenity nor the Council's aspirations to create neighborhoods of choice.

The supporting statement states further that at this stage, there is no real guarantee that the aspirations and Frameworks for this part of the City will be delivered. In any event, the applicant considers that mixed D1/D2 uses are in line with the objectives of the plan. On that basis, it is considered by the applicant that the proposal is acceptable and therefore thought unreasonable to prevent compliant and viable developments coming forward as a result.

The applicant is seeking opening hours of use between 11pm – 4am (on the one late night event per week) and is also open to the option of a temporary permission if the Committee is minded to approve the application.

Despite the revised information, the Head of Planning considers that the changes do not overcome issues surrounding the impact upon residential amenity and therefore the original reason put forward for refusal is still relevant.

Whilst it is noted that there will be some benefits of a proposal of this nature in terms of the type of offer and cultural benefits, in this instance it is considered that the proposal will be in clear conflict with the policies in the Development Plan, The Ancoats and New Islington Neighbourhood Development Framework (NDF) which was refreshed in 2016 and also the Draft Eastland Regeneration Framework which is anticipated to be adopted later this year.

The content of the revised dispersal policy is noted, but it is still believed that there will still be noise and disturbance outside of the premises during a sensitive part of the later evening and early morning. This will lead to unduly harmful impacts upon existing and prospective residential amenity which cannot be easily overcome by the dispersal policy.

The recommendation remains one of refusal based on the reasons outlined in the report.

Description

The application site relates to Wellington House – a large warehouse complex comprising a main 5 storey, flat roof warehouse of masonry construction, a separate two storey building to the rear and an external, central courtyard area.

The building immediately adjoins The Ashton Canal to the north, beyond which is a similar warehouse known as Brunswick Mill. The site fronts Pollard Street East to the south, whereas to the east is an enclosed surface car park.

The area is characterised by a variety of industrial buildings and employment uses, including a number of factories, warehouses and depots. There are also other similar creative arts/performance spaces similar to the application proposal, but without the nightclub element. These include Hope Mill further along Pollard Street and Brunswick Mill further north on the other side of The Ashton Canal. The nearest residential properties are situated along Bradford Road and Halmore Road, approximately 100m to the north and along Piercy Street and Old Mill Street approximately 170m to the west.

The site is situated within an area previously earmarked for mixed use development within the Holt Town Waterfront Development Framework Area. Planning permission relating to this vision has since lapsed.

In terms of accessibility, the site is situated along Pollard Street East which connects directly with Great Ancoats Street to the west and the city centre beyond. The New Islington tram stop is located around 500m to the south and Manchester Piccadilly train station approximately fifteen minute walk away.

With respect to this application, planning permission is sought to change part of Wellington House from a vacant mixed, light industrial and storage and distribution

warehouse (Classes B1 and B8) to a multi-purpose use, comprising creative arts and performance space (Classes D1 and D2), as well as a nightclub (Sui generis). A small area of staff car parking is also proposed.

The proposal seeks to create a daytime and night time use to be operated by 'Mantra', for a multi-use, creative space during the day and a night club hosting events during the evening. In essence, the proposed use can be compartmentalised to comprise the following:

- First floor venue with potential capacity for 230 patrons. The standalone unit is adjacent to the ground level outdoor courtyard and is to be used during the daytime as performance space and during the evening as a nightclub.
- Main room with capacity for approximately 850 patrons to provide accommodation for daytime activities and nightclub.
- A room adjacent to the main room to be utilised as extra space during higher capacity events or to operate in isolation. The space is on the ground floor with a capacity of 230.
- External courtyard to be used as designated smoking area. It is proposed that a food van will also operate from the courtyard during large events.

The daytime uses will include, photoshoots, art galleries, live and recorded music, dance classes and comedy show. The night time uses will largely entail a nightclub to also include live and recorded music and art events.

The application as originally submitted proposed operating hours of between 12.00 (midday) to 11pm for the Class D1 and D2 uses Monday to Saturday and between 12.00pm (midday) and 9.00pm on Sundays.

The nightclub (sui generis) element proposed operated hours of between 11pm and 6am on Thursdays, Fridays, Saturdays and Bank Holidays.

Since submission of the application, the applicant has subsequently proposed amended hours of opening of between 12.00pm (midday) and 4.00am for the nightclub element, with the day time D1 and D2 uses operating hours to remain the same. It is also proposed that only one larger night club event is to be held per week, as opposed to several nightclub events.

In addition, due to the concerns raised, the applicant has stated a willingness to accept a temporary permission of up to 5 years if required.

Consultations

Local Residents/Occupiers – 11 representations have been received.

7 representations of support have been received, along with a details of an online petition with over 3,500 signatures supporting the proposed use.

In addition 4 objections have been received, 2 of which reiterate previous objections. Comments are summarised below:

Those in support make the following comments:

- Wellington Mill is more than just a nightclub and benefits local charities and as acts an important community resource.
- The applicants have a long-term passion for helping shape the creative industries.
- The place offers work, networks and artistic opportunity.
- The create arts and performances space will enhance the cultural offerings of the area. The area is perfect for a nightclub as the neighbouring buildings are mills, factories and other businesses as opposed to residents. It will also fit well amongst the current activities of AWOL studios, Hope Mill and Bridge 5 Mill.

The principal focus of the objections is against the nightclub element of the proposal.

Concerns surrounding traffic, parking and anti-social behaviour are raised. A neighbouring business on Pollard Street advise that there are already serious issues with inconsiderate parking all the way along Pollard Street and that anti-social behaviour and littering is a persistent problem in the area and will get worse if nightclub with a capacity of over 1000 is opened.

It is highlighted that the application site is located within east Manchester which has been the major focus of regeneration efforts, with several regeneration frameworks being adopted and revised over the years to the direct the vision for the area. The site is specifically located in Holt Town, to which there is a SRF to encourage development which accorded with the policy approach for the area which sets out an aspiration to create a new community which has strong linkages to the canal complimentary to existing and future uses whilst linking it to adjacent areas.

It is stated that the strategy for the Holt Town area which covers the application site is to provide a platform for residential mixed use and employment space with new development promoting connectivity along The Ashton Canal.

It is believed that a nightclub in this location would be entirely contrary to the long and maintained aspirations for Holt Town and would be a deterrent to future residential or employment uses at the application site and within the surrounding area.

The impact of being co-located with a nightclub undermines the area's ability to deliver on the vision of the regeneration frameworks. Nuisance issues linked to having a nightclub within the area will prevent other policy compliant uses from coming forward.

Concerns are also raised about the impact of the events that have recently been held at the building. Such concerns include litter, noise egress and a Police incident. There are also reports that a neighbouring building at Hope Mill has suffered from bouts of vandalism, including graffiti although it cannot be substantiated that this is related to the proposed use.

It is considered that the proposed use is pre-mature to the regeneration frameworks for the area which seek to direct the regeneration as part of a wider Eastlands strategy. Progression with a use that would not be in accordance with the vision for the area and one which would have wider implications for adjacent sites would further restrict the ability for Holt Town to meet regeneration aspirations.

The approval of this application will cause harm to the intentions of developing the area due to having residents adjacent with anti-social behaviour, anti-social operating hours, noise pollution and litter.

Local Ward Members – Councillor Rosa Battle supports the proposed application.

Since the opening of this night club and cultural space there have been no complaints from residents or businesses, despite many events taking place at the premises. There has also been no incidents that the Police have been asked to attend or that MCC Licensing out of hours compliance team have been involved with. There has been no discussion of any issues at Mantra Warehouse at Ward Co-ordination meetings or joint meetings with GMP.

If Ancoats is to continue to grow and be a thriving cultural community where people want to live, it is considered that venues such as Mantra Warehouse should be protected and supported. Therefore it is wrong to always be giving priority to building apartment blocks.

To give a sense of proportion, the majority of weekends and several evenings/late nights Ancoats and Beswick is visited by 40,000 to 80,000 people coming into the area on mass, many in direct contact with residential estates.

The Mantra Warehouse capacity will be less than 1500 with visitors arriving and leaving at different times of the evening and away from residential areas.

As a Local Councillor and resident, the application is supported as it is clear that the applicants have shown their ability to deliver trouble free cultural events which receive no complaints from residents, businesses, MCC officers, or GMP. It is also believed that to lose this venue will not only deprive Manchester of a unique cultural establishment, but will make Ancoats a less attractive place to live, work and visit.

Councillor Emma Taylor also supports the application.

Since being a Councillor for the Bradford ward, no complaints have been received from local residents regarding Mantra Warehouse.

Ancoats is an attractive area of the city to live and work. With lots of new developments being built in the area, it is considered important that there are establishments like Mantra in this neighbourhood for residents to enjoy.

After speaking to Mantra it is understood that they have suggested measures to counteract concerns about the application. Those reassurances provide confidence in supporting this cultural venue which is beneficial to this area of Manchester on the outskirts of the city centre.

As well as Ancoats being an attractive place to live and work, Ancoats is also a place for people to visit with its own identity and where people can enjoy the cultural venues that are on offer, including Mantra Warehouse.

As a local Councillor it is considered that it is important that cultural establishments like Mantra thrive in the Bradford ward by contributing to the local economy and neighbourhood.

Highway Services - The proposed site is located within a predominantly industrial area. Existing on-street parking restrictions prohibit parking between 8am - 6pm, Monday - Friday. Vehicles are permitted to park in this location outside of these hours including all day at weekends.

It is recommended that the applicant provides further details regarding the number of visitors likely to arrive via car at the site and when events are most likely to take place.

It is noted that the applicant is to liaise with local taxi firms and employ taxi marshalls as part of the proposals. This is welcomed, but the use of taxi marshalls should also be conditioned as part of any planning approval given the large capacity of the site. The following, specific comments are also made:

On-Site Parking

The proposed on-site car park will accommodate 11 parking spaces, including 2 disabled spaces, for use by staff and disabled users. The dimension of the spaces, these should all accord with MCC's standard minimum requirement. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m.

This should also include a 6 metre aisle to allow vehicles to safely manoeuvre within the car park. It is also recommended that the parking bays are formally demarcated.

Pedestrian Access

Access to the site is to be provided via Pollard Street East. During full capacity events the applicant has indicated queuing areas. The applicant should confirm barrier and footway dimensions to ensure adequate width is available to accommodate all visitors without impacting on the highway and vehicle movements.

Cycle Parking

Cycling provision has not been discussed within the application and it is recommended that cycle parking / facilities are considered as part of the development to promote cycling to and from the site.

Travel Plan

It is recommended that a Travel Plan is provided to encourage sustainable travel at the site.

Event Management

In order to manage events at the site, the applicant should provide an Event Management Plan for full capacity events. The plan should consider pedestrian numbers and movements, vehicle parking, drop off / pick up, taxi movements, coach parking, event vehicle loading / unloading and vehicular access to the internal courtyard within the site.

Public Transport

The site is located close to good public transport links via frequent bus services on Bradford Road and Ashton New Road and the nearby Holt Town Metrolink Station.

Servicing

The applicant has indicated that all servicing requirements will be accommodated within the site's internal layout. The applicant should provide swept path drawings illustrating the largest vehicle type requiring access to the site. The assessment should ensure that vehicles access / egress the site in a forward gear and consider obstructions within the site e.g. staff parking.

Waste

Waste collection is to take place on Pollard Street East, which appears acceptable in principle. The applicant should ensure waste bins are only stored on-street during collection times and removed immediately after.

Environmental Health – There are residential properties in close proximity to the proposed application site and there are strong concerns regarding the arrival and dispersal of patrons. The dispersal policy submitted is to comply with the Licensing Act and not Planning. It is believed that there may be a negative impact on the community due to patrons arriving and leaving the area should permission be granted.

Further, in response to the revised dispersal policy and amended hours of operation submitted, Environmental Health are not satisfied that patrons using the premises would not cause a loss of amenity to the local community.

Due to the large number of patrons arriving and leaving the premises, it is considered unrealistic to be able to control which taxi company is used and how patrons choose to arrive and depart from the premises. Furthermore, additional cars and buses in the area throughout the night is also likely to cause a loss of amenity to the local community.

MCC Flood Risk Management – The site is within Flood Zone 1 and whilst the change of use results in a change in Flood Risk Vulnerability, no mitigation measures are required.

Strategic Development Team – The principle of the proposed development in this area is opposed. The area is a regeneration area that is earmarked for residential uses. A late night use such as a nightclub would cause a loss of amenity and cause harm to the changing character of the area. It is requested that permission is not granted.

Executive approval was granted in March 2017 for a new Eastlands Regeneration Framework which identifies that a mixed use development in Holt town is anticipated, with high density residential and family homes and employment spaces for a wide variety of businesses.

In addition to the Eastlands Regeneration Framework, Pollard Street East is also located in very close proximity to the residential area of Ancoats and New Islington. The Ancoats and New Islington Neighbourhood Development Framework (NDF) which was refreshed in 2016 identifies this location as a residential area that needs a commercial and retail offer that supports the local resident population, but is not detrimental to that same population.

Granting permission for a late night use (night club) would be detrimental to immediate local residents and also to the residents of Ancoats and New Islington and Miles Platting by the creation of noise pollution from the premises. In addition to the noise from the premises, customers travelling to and from the venue would also create noise and would increase the potential of attracting a larger numbers of taxis into the area that may also create noise and disturbance for local residents.

Strategic Development are also concerned that late night uses may lead to increased incidents of violence or crime in the area, given that the area does not have a large late night offer, customers may be vulnerable when leaving the premises, especially if alcohol is consumed and they may be subject to criminal activity that would be deterred in other areas where there is greater natural surveillance via larger numbers of people on the street late at night and is therefore better at self-policing which deters crime.

Greater Manchester Police (Design for Security) – The proposal should be designed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement. A planning condition to reflect this is recommended.

Greater Manchester Police (Area Policing) – There are concerns about the dispersal of customers after events have finished. Resources would be stretched and as the

premises is not in the city centre, there is not the same amount of man power in this area.

It is appreciated that there are no houses in the immediate vicinity, but clearing the area after events, late at night and with up to possibly 800 customers who have been drinking all night can and will be problematic and would more than likely result in Police being called to disperse crowds. The Police object to the application.

Following re-notification of the proposal in response to the revised dispersal policy, no further comments have been received.

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It 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.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy C9 (Out of Centre Development) refers to development of town centre uses in locations which are outside a centre identified in policy C1 or a strategic location identified for such uses will be inappropriate unless it can meet the following criteria:

-There are no sequentially preferable sites, or allocated sites, within the area the development is intended to serve that are available, suitable and viable;

-The proposal would not have unacceptable impacts, either individually or cumulatively with recently completed and approved schemes and having regard to any allocations for town centre uses, on the vitality and viability of the City Centre and designated district and local centres. An assessment of impacts will be required for retail developments of more than local significance; and,

-The proposal is appropriate in terms of its scale and function to its location. Development that improves the environment of an existing out-of-centre facility or its relationship with surrounding uses will be supported, providing that it also meets the other criteria in this policy.

Policy C10 (Leisure and the Evening Economy) New development and redevelopment that supports the evening economy, contributes to the vitality of district centres and supports a balanced and socially inclusive evening/night-time economy will be permitted, subject to the following considerations:

1. Cumulative impact – in areas where there is already a concentration of bars (A4), hot food takeaways (A5) and other night-time uses which are detrimental to the character or vitality and viability of the centre, there will be a presumption against further facilities.
2. Residential amenity – the proposed use should not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.
3. Balance - new uses in Manchester centres should support both the day-time and evening/night-time economies whilst not undermining the role of the primary shopping area.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policies of the Unitary Development Plan are also considered relevant:

Policy DC10 (Food and Drink Uses) states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, the Council will have regard to, in this instance:

- The general location of the proposed development;
- The effect on the amenity of neighbouring residents;
- The availability of safe and convenient car parking;
- Ease of access for all;
- The storage and collection of refuse.

Policy DC26 (Noise) states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In

particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise

Further to the above, the below City Council documents are also considered relevant, material considerations:

Eastlands Regeneration Framework (2017)

Executive approval was granted in March 2017 for a new Eastlands Regeneration Framework which identifies that mixed use development in Holt town is anticipated, with high density residential and family homes and employment spaces for a wide variety of businesses.

Over the last two decades, successive Strategic Regeneration Frameworks (SRF) set out a long-term, integrated regeneration strategy for east Manchester focussed on the physical, economic and social transformation of the area.

Within this context, the Ancoats and New Islington are two communities that are undergoing significant regeneration into important residential neighbourhoods and for which a separate SRF has been produced.

Area 3 of the Eastland Regeneration Framework also refers to Holt Town which the site is situated within. Whilst the previous vision for the areas has never evolved, the area is still at the forefront of regenerative objectives.

The Framework recognises that a mixed use neighbourhood is anticipated of high density residential, including family homes, employment space for a wide variety of businesses. Existing residential areas are to be sensitively integrated into the new development areas. Poor neighbour land uses are to be relocated and the land remediated.

The report identifies that significant interventions will be needed to create the right context for investment in the creation of sustainable, residential led neighbourhoods.

Ancoats and New Islington Regeneration Framework (2014)

The framework was adopted by the City Council's Executive in 2014 and forms an important material consideration in the determination of planning applications.

The document refers to a series of core development principles within the document. These are:

- To provide for a range and mix of residential accommodation in a high quality and well managed environment that will ensure the emergence of vibrant new neighbourhoods of choice.
- Whilst regeneration of the framework area will be residential led, opportunities for a mix of uses should be sought that combine to create a distinctive sense of place and neighbourhood, ensuring life and vitality on weekdays and evenings.

- Given that the Ancoats and New Islington neighbourhoods will be predominantly residential in character, late night uses including bars (Class A4) and nightclubs (*Sui Generis*) will generally not be appropriate or supported where there would be a potential conflict with residential amenity.
- The wider mix of uses in the area should be encouraged through flexible leasing strategies – design to encourage start-up businesses and independent operators as well as established operators. For Private Rented Schemes there is potential to incorporate space at the ground floor of buildings which starts life in residential use before converting to commercial use in the future as population and activity in the area builds up over time.
- New development should exploit the area's locational advantages in terms of its proximity to the city centre, public transport nodes and the inner relief route and take maximum advantage of the area's key assets – its heritage, canalside settings, public spaces and infrastructure including public transport nodes, schools, cultural facilities, public spaces and retailing.
- To protect and enhance the character of the Conservation Area and build upon the unique heritage assets which define the special character of Ancoats, new buildings should offer a well-considered, contemporary and distinctive design which is contextually responsive to the area's heritage in terms of form and materiality. In moving forward, it will be important to ensure that design responses are based on a thorough understanding of the significance of heritage assets and their settings.
- New buildings should be designed to support active streets particularly around key public spaces and pedestrian desire lines. This may be in the form of ground floor active commercial uses – ensuring that such uses are compatible with the primary residential character of the area and will not create conflict with residential amenity – or where commercial uses are not appropriate or indeed there are concerns regarding viability, through appropriate design, e.g. the position of residential front doors, which will provide enhanced animation to the street scene.
- Ensure new development helps to contribute to a walkable, pedestrian-friendly environment.
- New development proposals should be accompanied by an appropriate car parking strategy which allows the potential demand generated by future residents to be met whilst considering the promotion of alternative sustainable forms of transport. On-site car parking solutions should be incorporated into development proposals in a manner that does not detract from the character or animation of the street.

Ancoats and New Islington Framework Update 2016

The purpose of this document is to update the Ancoats and New Islington Neighbourhood Development Framework (NDF) approved by Manchester City

Council's Executive Committee in October 2014, to reflect further detailed master-planning work for the area and to take into account changes in policy context and the significant progress that has been made towards delivering the original 2014 NDF proposals. The core development principles remain the same.

Relevant Government guidance on planning issues is referred to below.

Manchester Residential Growth Strategy (2016)

The Strategy sets the housing agenda for the next 5 years to ensure that Manchester can meet the housing demands generated from a growing economy and population. The aim is to ensure that there is the right quality, mix and type of housing in the right locations to meet demand and changing demographics.

The overarching aspiration is to develop neighbourhoods of choice. There is a need to improve equality amongst the city's residents in terms of housing choice, quality, affordability, which will help to develop strong communities.

National Planning Policy Framework

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 and where the development is absent or relevant policies are out-of-date, to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

Paragraph 8 of the NPPF states that these roles should not be undertaken in isolation:

"...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system"

Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.

The NPPF requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Policy Guidance (NPPG)

The relevant sections of the NPPG are as follows:

Noise states that Local planning authorities' should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

Mitigating the noise impacts of a development will depend on the type of development being considered and the character of the proposed location. In general, for noise making developments, there are four broad types of mitigation:

- engineering: reducing the noise generated at source and/or containing the noise generated;
- layout: where possible, optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings;
- using planning conditions/obligations to restrict activities allowed on the site at certain times and/or specifying permissible noise levels differentiating as appropriate between different times of day, such as evenings and late at night, and;
- mitigating the impact on areas likely to be affected by noise including through noise insulation when the impact is on a building.

Issues

Principle

Having regard to the existing planning policy framework, City Council policy and national planning guidance, the principle of the development is not considered acceptable.

The City Council as Local Planning Authority considers that whilst there may be scope for the building to be used for community based daytime activities, there is significant concern surrounding the proposed nightclub element of the proposal.

It is believed that a nightclub away from a city centre environment, together with the number of patrons proposed and the hours of operation would pose serious amenity concerns in terms of noise, disturbance and anti-social behaviour as patrons arrive and disperse from the premises.

It is further considered that as the application site neighbours the Ancoats and New Islington Neighbourhood Framework area, the proposed use would undermine the objectives of creating a high quality, residential led, neighbourhood of choice as the proposed use would result in patrons of the proposed use dispersing through this area as they make their way to and from the city centre before, during and after events. For these reasons, the proposed use is considered contrary to saved policies DC10 and DC26 of the Unitary Development Plan, policies DM1, SP1 and C10 of The Core Strategy, The Ancoats and New Islington Neighbourhood Framework,

Eastlands Regeneration Framework and The National Planning Policy Framework (NPPF). The principal issues are considered in more detail below.

The Impact upon Residential Amenity

The proposed change of use includes daytime, community based activities (Class D1 and D2) that could potentially be acceptable given the nature of their use and hours of operation. The proposal however also includes a nightclub element which forms a significant part of the application proposal and for which the City Council has notable concerns that the amenity of existing and future occupiers of the area could be undermined.

Policy DM1 of the Core Strategy states that the effects upon amenity, community and crime prevention should form considerations in determining proposals. Similarly, Policy SP1 states that developments should make a positive contribution to the health, safety and well-being of residents and policy C10 seeks to ensure new development does not create an unacceptable impact on neighbouring uses in terms of noise, traffic and disturbance.

The objectives of these Core Strategy policies is echoed within saved policies DC10 and DC26 of the Unitary Development Plan.

Policy DC10 which relates specifically to food and drink uses states that in determining planning applications for developments involving the sale of food or drink for consumption on the premises, the Council will have regard the general location of the proposed development and the effect on the amenity of neighbouring residents.

More generally, saved Policy DC26 of the Unitary Development Plan relates to noise generating development and states that consideration should be given to the effect of new developments which are likely to be generators of noise.

The application submission includes a number of documents which seek to underline management practices and the applicant's commitment to prevent any amenity issues. These include a dispersal policy, taxi routing plan, smoking policy, noise impact assessment and crime impact statement.

It is acknowledged that the applicant will have some degree of control over noise escaping from the building and the management of patrons on the premises. However, the control of patrons away from the building as they make their way to and from the nightclub is much more difficult to control and this is the principal concern.

Whilst there are no residential properties within immediate proximity of the building, it is inevitable that patrons will pass through existing, nearby residential areas such as along Old Mill Street as they spread through the area towards the premises and as they disperse from the premises as they leave.

There is further apprehension that the impact would be heightened in the future given the regeneration objectives for the area just to the south of the application site.

The Ancoats and New Islington Neighbourhood Framework (2014) which was updated in 2016 earmarks the area just to the south for a high quality, high density, safe, residential led environment.

The recently approved Eastlands Regeneration Framework (2017) also identifies that mixed use development in Holt town is anticipated, with high density residential and family homes and employment spaces for a wide variety of businesses. The application site is situated within the Holt Town area and there is concern that the proposed nightclub use would jeopardise the development of the immediate area due to its incompatibility with residential uses.

Section 5.4 of the New Islington Neighbourhood Framework specifically states that given that the Ancoats and New Islington neighbourhoods will be predominantly residential in character, late night uses including bars (Class A4) and nightclubs (*Sui Generis*) will generally not be appropriate or supported where there would be a potential conflict with residential amenity.

There is therefore concern from the Strategic Development section of the City Council that a nightclub in the location proposed would undermine regeneration objectives and result in a use not consistent with an emerging residential neighbourhood.

It is likely that for many, the city centre will be the area that patrons will arrive from and leave towards after events. In turn, it is highly likely that the living conditions of nearby and prospective residential occupiers will be undermined due to the noise and disturbance that would result from up to circa. 1300 people milling through the area and also from vehicular traffic such as taxis picking up and dropping off patrons.

Although the applicant has submitted a taxi routing plan in an attempt to limit the impact on nearby residential roads, this plan only relates to one taxi company. In any event, it is considered unrealistic and unenforceable for such a plan to be effective. Taxis from various companies and other drop off/pick up vehicles would result in more vehicular activity passing through the area than would otherwise be the case. This in turn has the potential to cause increased disturbance for nearby residential occupiers from vehicle engines, slamming doors etc...

The building is situated in an area outside of the city centre where background noise levels are much lower, particularly at around 4am when the nightclub proposes to close. Isolated incidences of noise such as shouting or slamming car doors will be more noticeable and would cause residents to be subjected to noise and disturbance at times when they would reasonably expect relaxation time and undisturbed sleep. The impact would be especially acute during warmer weather when windows may well be open.

The issue is therefore more one of amenity than any impact upon measurable noise levels, since loss of amenity caused by increased activity, noise and disturbance can often occur at lower levels of noise than would constitute a statutory noise nuisance

This view is endorsed by Environmental Health Officers who have strong concerns surrounding the impact upon residential amenity due to the arrival and dispersal of patrons.

A further residential amenity concern relates to anti-social behaviour arising from the nightclub use.

Development plan policy seeks to create safe environments and to protect the well-being of its residents.

Paragraph 69 of the NPPF provides guidance in promoting healthy communities and states that the planning system should promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

It is believed that the proposed nightclub element has the potential to create anti-social issues. It is not unreasonable to expect that a nightclub with a capacity of 1310 patrons open until 4am where people have been drinking alcohol all night will cause a public nuisance and dispersal issues along nearby roads and adjacent canal. Similarly, the nightclub would become a destination in itself as a late night venue with patrons who have already been to bars in the city centre seeking to carry on their night out.

The relevant Area Policing team of Greater Manchester Police have to date, raised similar concerns.

Their main unease relates to the dispersal of patrons after events has finished. It is considered that resources would be stretched and as the venue is not in the city centre, there are not the same amount of resources. It is believed that clearing the area after events, with many customers who have been drinking all night can and will be problematic and would more than likely result in Police being called to disperse the crowds.

In light of the above issue outlined, the City Council is of the opinion that the proposed nightclub element of the proposal is not situated within a suitable area and in turn, its use would seriously harm the living conditions of nearby and prospective residential occupiers. For these reasons the application is not supported.

Whilst the applicant has proposed reduced the hours of opening and a lesser frequency of nightclub events, it is not considered that these changes overcome the overriding impact upon residential amenity. Moreover, the need to safeguard amenity and the fundamental inappropriateness of the location and the incompatibility with the host neighbourhood, means that any temporary term for the proposed use is not considered acceptable.

Transport and Highway Issues – Limited information has been submitted to support the impact of the proposed uses and the impact upon the highway.

Cycling provision has not been mentioned within the application and therefore it is recommended that cycle parking facilities are considered as part of the development to promote cycling to and from the site.

The proposal entails on-site car park for staff in the form of 11 parking spaces, including 2 disabled spaces and although it is not envisaged that demand for on-site parking by all users will be significantly high, it is recommended that if the application is to be approved, the applicant should provide further details regarding the number of visitors likely to arrive at the site via car and when events are most likely to take place. This will allow an assessment be made to the impact upon the highway.

In addition, a Travel Plan will be required to promote alternative forms of travel.

Waste Management - The applicant has submitted a Waste Management Strategy and Collection plan as part of their Operational Statement. This outlines how waste is to be managed on-site and how litter from the site will also be managed.

Waste collections are anticipated to take place via the loading bay entrance off Pollard Street East, with bins wheeled to a collection point closer to the highway when required.

The applicant is in negotiations with a waste collection company for which it is anticipated 3 x 1100 litre bins are to be used for general waste, glass and cardboard and tin cans.

Whilst in principle this arrangement is considered acceptable and there is considered to be ample on-site space for the necessary number of receptacles, a more detailed waste management strategy will be required should the application be recommended for approval.

Access - The sole point of entry for customers is via an external corridor within the site which is accessed through a large gates off Pollard Street East. This walkway has been chosen to give the venue a large space to manage and contain large numbers of patrons queuing and away from the public highway to minimise disturbance.

Disabled access is available through the same entrance/exit route, but no lift is available to the first floor of the building.

Employment - The applicant is keen to point out that that proposed use retains an employment function which is anticipated to bring economic and social and environmental benefits to the area by providing both active daytime and night time uses within a vacant premises. The uses at this stage would employ 10 full time and 20 part time staff on site.

Other Issues

As the proposed use entails a main town centre use outside of a designated centre, the applicant has produced a sequential assessment in line with the National Planning Policy Framework.

The assessment involved a review of websites of local letting agents for available floorspace within Manchester city centre, a review of online media sources and

research of vacant units in and on the edge of the centre, identified using the Estates Gazette – a recognised real estate publication and useful dataset.

In total 54 potential sites were identified and following analysis have been dismissed as not being appropriate to accommodate the proposal. The assessment demonstrates that there are no sequentially preferable site that are either suitable, viable or available for the proposed. There is no reason to disagree with these findings.

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 refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation REFUSE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reason for recommendation

1) The proposed nightclub element of the proposed use would by reason its location, anticipated number of patrons and hours of use, have a detrimental impact upon the amenity of nearby residents in the area, due to a substantial increase in comings and goings, levels of activity and associated noise, disturbance and anti-social behaviour. The proposed development is therefore contrary to saved policies DC10 and DC26 of the Unitary Development Plan for the City of Manchester, policies SP1, DM1, C9 and C10 of the Manchester Core Strategy, Eastlands Regeneration Framework (2017), The Ancoats and New Islington Neighbourhood Development Framework (2014 and updated 2016) and the National Planning Policy Framework (NPPF).

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: 116526/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:

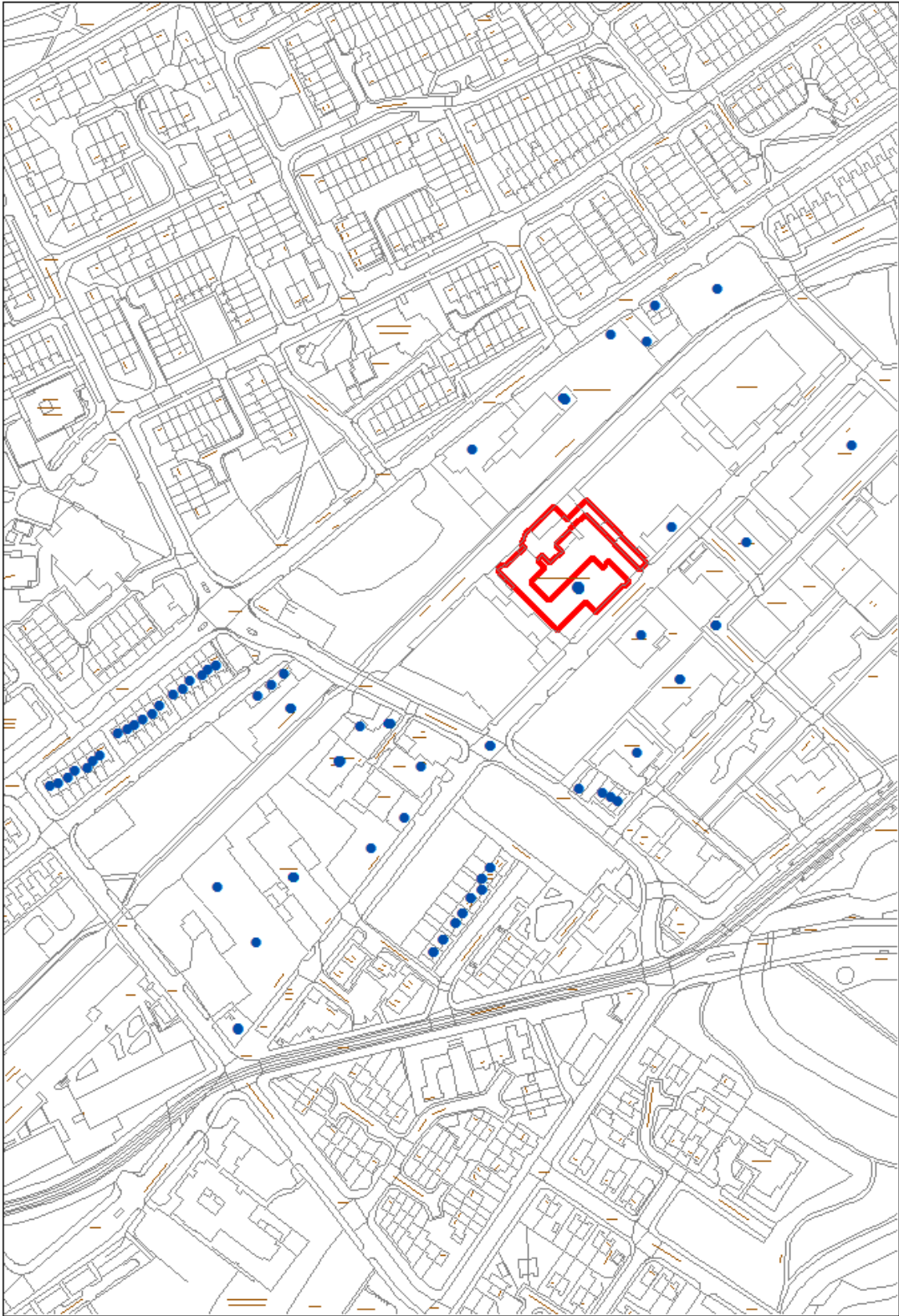
Highway Services
Environmental Health
MCC Flood Risk Management
Strategic Development Team
Greater Manchester Police


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:

Highway Services
Environmental Health
MCC Flood Risk Management
Strategic Development Team
Greater Manchester Police
16 Corporation Road, Beverley, HU17 9HG
NS 507, Royal Mills, 2 Cotton St, Manchester, M4 5BD
60, Hampshire Rd, Droylsden, M43 7PL
Faulkner St, Manchester, M1 4EH
1001 Chester Road 26, Stretford
Wellington Mill, Pollard Street East, Manchester, M50 7FS
10 Watts Street, Levenshulme, Manchester
Old Granada Studios, 2 Atherton Street, Manchester

Relevant Contact Officer : Steven McCoombe
Telephone number : 0161 234 4607
Email : s.mccoombe@manchester.gov.uk



 Application site boundary  Neighbour notification
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