Application Number | Date of Appln | Committee Date | Ward
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108103/FO/2015/C2 | 17th Apr 2015 | 15th October 2015 | City Centre Ward
108104/LO/2015/C2 | 17th Apr 2015 | 15th October 2015 | City Centre Ward

Proposal
Retrospective Consent for the change of use to a Bar / Restaurant (Sui generis) use and elevational alterations.

Location
14 Newton Street, Manchester, M1 2AF

Applicant
Mr Nimba Edi, 90 Coatbridge Street, Manchester, M11 4QY

Agent
Mr Patrick Weadick, DPW Design, 183 Wellington Road North, Heaton Norris, Stockport, SK4 2PB

Proposal
Listed Building Consent for internal and external alterations.

Location
14 Newton Street, Manchester, M1 2AF

Applicant
Mr Nimba Edi, 90 Coatbridge Street, Manchester, M11 4QY

Agent
Mr Patrick Weadick, DPW Design, 183 Wellington Road North, Heaton Norris, Stockport, SK4 2PB

Description
The application relates to the basement of a grade II listed building situated in the Stevenson Square Conservation Area. The building is 4 storeys high with an attic and a basement, the latter being occupied by the applicant. The building occupies a prominent corner at the junction of Dale Street and Newton Street and Mangle Street is to the rear. The building is in the Northern Quarter where there is a variety of uses including bars, restaurants, commercial, residential, hotel uses and places of worship. 14 Newton Street has a variety of uses within it, including café’s bars, restaurants, beauty salon, photographs studio, takeaways and offices. The nearest residential use is situated at 40 Port Street, 56 Dale Street, 49 -51 Dale Street, 53-55 Dale Street, and 75 Piccadilly. The hours applied for are Sunday to Wednesday 09.00hrs to 23.00hrs and Thursday to Saturday 09.00hrs to 03.00hrs.

Retrospective consent is sought to use the basement as a restaurant and bar (Sui Generis). The basement is 2 metres below ground floor street level. Access arrangements would remain as existing, and a management scheme would be implemented to assist disabled patrons. Listed building consent is also sought for internal and external alterations (app ref no 108104).
The alterations include the dismantling and removal of all the modern additions, including signage and a roller shutter, to allow the original stonework to be exposed and cleaned and repaired where necessary.

Internally, a stud partition would be constructed to create toilet and kitchen facilities.

**Consultations**

Publicity - The application was advertised as affecting a conservation area and affecting a listed building. The occupiers of adjacent properties were notified about the application. A site notice was displayed adjacent to the site.

**Neighbours** - no objections have been received.

**Head of Environmental Health** - Has no objections subject to conditions relating to the acoustic insulation of the premises and associated plant and equipment, opening hours, hours during which deliveries can take place, fume extraction and the storage and disposal of refuse being attached to any consent granted.

**Greater Manchester Police** - Have no objection to the proposal subject to the scheme being carried out in accordance with the information provided.

**Head of Highways Services** - Has no objections.

**Issues**

**Relevant National Policy**

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to apply and the proposal has been assessed against the policies set out below.

The central theme to the NPPF is to achieve sustainable development, to which there are three dimensions: an economic role, a social role and an environmental role (paragraphs 6 & 7). Paragraphs 11, 12, 13 and 14 of the NPPF outline a "presumption in favour of sustainable development" and development that accords with the development plan should be approved without delay. 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."

**Section 1** - Building a strong and competitive economy - seeks to ensure that the planning system does everything that it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

The proposal would occupy and vacant space in a listed building in a conservation area include measures to prevent it having a detrimental impact on surrounding
occupiers, would allow the expansion of the existing business and therefore would not be an impediment to sustainable economic growth.

Section 2 - Ensuring the Vitality of Town Centres, - This policy seeks to ensure that planning policies are positive and promote competitive town centre environments. It states that LPAs should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality and recognise that residential development can play an important role in ensuring the vitality of centres.

Section 12 Conserving and enhancing the historic environment – This sets out the criteria that should be taken into account when assessing the impact of development on heritage assets when determining planning applications. Any harm caused to a heritage asset has to be justified in terms of the social and economic benefits of the proposal.

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

Paragraph 131 advises that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.

Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and, the more important the asset, the greater the weight should be.

Paragraph 134 advises that where proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

The scheme has been designed to complement and respect the character and appearance of the listed building and it is considered that the proposed works are in general accordance with the requirements of the NPPF. The impact on the listed buildings and the conservation area is considered in detail later in this report.

The proposals would support a mixed use neighbourhood and would not be detrimental to amenity or residential amenity for the reasons set out in this report.

Relevant Local Policy

Core Strategy

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted in July 2012. It is the key document in Manchester's Local Development Framework and replaces significant elements of the Unitary Development Plan (UDP). It is the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents. Planning applications must be
decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

The Core Strategy contains a number of Strategic Spatial Objectives of relevance to this application that form the basis of the policies as follows:

Policy SP 1 (Spatial Principles) - States that all development should have regard to the character, issues and strategy for each regeneration area as described for the City Centre in the City Centre Strategic Plan. All development should make a positive contribution to the health, safety and wellbeing of residents. The proposal would be consistent with the aim of bringing forward economic and commercial development that is compatible with high quality city living and would therefore support the ongoing regeneration of the Northern Quarter. It would occupy vacant space in a listed building in a conservation area, contribute to the mix of facilities for residents and visitors to the City Centre and therefore support neighbourhoods of choice.

Policy CC1 (Primary Economic Development Focus (City Centre and fringe)) - States that provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities will be encouraged in the City Centre, to support the development of a vibrant employment location attractive to businesses, employees, and visitors to the City Centre. The proposal would bring life and activity to the area, occupying vacant space in a listed building in a conservation area, and helping to and support the development of a vibrant employment location.

Policy CC4 (Visitors, tourist, culture and leisure) - Development in the City Centre that improves facilities for visitors, including Manchester residents is promoted. The proposals would add to the facilities available for visitors to the area and bring part of a listed building in a conservation area, back into positive use.

Policy DM 1 (Development Management) - Sets out the requirements for developments and outlines a range of general issues that all development should have regard to. The following issues that are of relevance to this proposal:

- that development should have regard to the character of the surrounding area;
- the effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
- accessibility to buildings, neighbourhoods and sustainable transport nodes;
- the impact on safety, crime prevention and health and adequacy of external amenity space.

The remainder of the report explains why the proposals comply with this policy.

Saved Unitary Development Plan (UDP) Policies

The following saved policies contained in the Unitary Development Plan for the City of Manchester (UDP) as set out below are relevant to this application:
DC10.1 – 10.4 (Food and Drink Uses) - which supports the provision of developments involving the sale of food or drink within the City Centre provided that they would not have a detrimental impact on the amenity of neighbouring residents.

DC18.1 Conservation Areas – It is considered that the proposal would maintain the character and appearance of the adjacent conservation areas.

DC19.1 Listed Buildings – It is considered that the proposal would have an impact on the settings of the nearby listed buildings.

DC26.1 (Development and Noise) - which details how the development control process will be used to reduce the impact of noise on people living and working in the City and states that this will include consideration of the impact that development proposals which are likely to be generators of noise will have on amenity.

For the reasons outlined below in the issues section the proposals would be consistent with the above policies.

Manchester City Centre Strategic Plan

The Manchester City Centre Strategic Plan 2009 presents a vision for the City Centre and sets out the strategic action required to work towards achieving this over the period from 2009 - 2012. The Plan considers the contribution that each district of the City Centre should make to the overall vision and recognises the key role of the City Centre in providing a positive image and framework for inward investment. It explains that its continued strong economic performance within a high quality urban environment will be fundamental to the prosperity of both Manchester and its city region.

The site is within the Northern Quarter and close to Piccadilly where significant investment has attracted independent businesses. In order to ensure that this regeneration priority achieves its full potential, it is necessary to improve its legibility and the issues caused by underused floor space. The area's unique identity needs to be preserved in a way that enables existing independent businesses to flourish, while at the same time allowing new complementary uses to be introduced.

The proposed development would support a small business to the area, occupying vacant space within a listed building, that would make a contribution towards the objectives contained within the Strategic Plan, in particular though the establishment of an independent business.

Principle of the Use and Contribution to Regeneration

Regeneration is an important planning consideration and process of regeneration must continue in the Northern Quarter. There is therefore a need to assess the impact that the use would have on amenity within the area and the affect this could have on maintaining the balance of uses within the Northern Quarter.

The Northern Quarter is an important part of the City Centre and its distinctive mix of uses form part of Manchester's global offer. The area has seen continuous change
since the early 1990’s and as the establishment of its identity has resulted in sustained investment. A residential community has grown alongside creative industries such as fashion designers, art galleries and media related businesses along with independent shops, restaurants and bars. This has had a positive impact on the regeneration of the area with many disused and dilapidated buildings being refurbished and reused.

These premises are located within a part of the City where this type of use would normally be acceptable in principle adding to the vibrancy of the area and enhancing its attractiveness. The proposal would allow the establishment of an independent business. The proposal would therefore comply with the aim of the City Centre Strategic Plan to maintain the Northern Quarter's unique identity and allow independent businesses to flourish.

The growth of the bar/cafe bar sector has led to the growth of the night-time economy which has seen independent operators occupying previously vacant floor space and this would be the case in this instance. Whilst this has largely been seen as positive, residents and enforcement and other agencies that deal with this area consider that the activities associated with the night-time economy create issues of anti-social behaviour and crime and disorder and this is changing the character and nature of the area.

There is also perception that as well as increasing anti-social behaviour and issues of crime and disorder, the emphasis on the night-time economy means that the area is lacking in much needed daytime activity. This is a cause for concern amongst both local residents and enforcement agencies and as a consequence there is a perception that in parts of the Northern Quarter the mix of uses is becoming over dominated by this sector.

In view of the above the key issue to consider in relation to this application relates to the impact of the use in this location. The unit lies within part of the City Centre which contains a mix of uses, with residential accommodation, a backpacker's hostel, offices and a small number of bars, restaurants and cafés. The proposed use would be complementary to the existing uses, providing an additional facility for local residents and businesses; subject to appropriate control of the hours of operation and the need to deal satisfactorily with noise, fumes, smells and storage and disposal of refuse. The use would provide street level activity and vibrancy in place of the existing dead frontage of the vacant unit, contributing to the regeneration of the surrounding areas of the Northern Quarter and Piccadilly Gateway.

In view of the above it is considered that the proposal has the potential to add to the area’s vibrancy and contribute to the character of the Northern Quarter. The proposals are therefore considered to be in accordance with Sections 1 and 2 of the National Planning Policy Framework, policies DM1 and SP1 of the Core Strategy and saved policies DC10.1, 10.2 10.3 and 10.4 (Food and Drink Uses) of the UDP.

Residential Amenity

Whilst the principle of the proposed use is considered to be acceptable the impact that it may have on other users needs to be considered carefully. There is an
aspiration to create a diverse mix of uses within the City Centre and the Northern Quarter and a mixed-use environment inevitably involves the location of uses such as restaurants, bars and clubs in close proximity to other more noise sensitive uses. In such circumstances it is necessary to ensure that measures are introduced to mitigate the worse effects that this could cause. The applicant has demonstrated that the premises can be adequately acoustically insulated such that there would be no break out of noise from the premises.

The proposal could result in an increase in comings and goings during the evening and there is the potential for there to be some disturbance associated with this. Whilst it is not possible to control such disturbance through the imposition of conditions it is considered to be reasonable, to limit the potential for people congregating near to that accommodation at an unreasonable hour by limiting the hours of operation. However in doing so, there is a balance to be made which weighs up carefully the reasonable expectations of residents, the City Centre context and the aspirations for the area to develop as a mixed use destination with more activity in the evening. It is believed that in this regard the hours proposed are, on balance acceptable.

In coming to this view regard has been had to developments in the area and operationally the proposed hours of opening would be in keeping with the various different opening times of other similar uses within this part of the City Centre.

In terms of potential disamenity much of the emphasis of the proposed use would be on the sale of food, as well as alcohol, and a full food menu would be available throughout most of the premise's proposed opening hours. In addition the applicants have confirmed that the layout of furniture will remain as shown on the proposed plans throughout the evening and that is no intention to clear any areas at any time; as such the layout would be such that it would not be physically possible for large numbers of people to congregate within the premises in the way that people might in a venue where the emphasis is more on standing space.

The applicants have, as noted previously, provided details of how they would seek to control noise and anti social behaviour from people leaving the premises; this includes the placing of notices asking people to leave quietly and in an orderly manner out of consideration for neighbours. The submitted operating strategy for inside the premises aims to prevent crime and disorder, ensuring public safety, preventing public nuisance and protecting children from harm as well as does the dispersal procedure which aims to reduce disturbance to nearby residents will be conditions of any consent granted.

The Head of Environmental Health has also recommended a condition limiting the hours during which the building can be serviced. This will ensure that any disturbance from such activity is confined to acceptable hours of the day.

Given the above it is considered that on balance and subject to conditions, controlling the acoustic insulation of the premises, the hours of operation, the hours during which deliveries can take place and the storage and disposal of refuse the proposals would be acceptable and consistent with Core Strategy Policies SP1 and DM1 and saved UDP policies DC10.1, 10.2, 10.3 and 10.4 and DC26.1 and 26.5
Impact on the Listed Building and character of the conservation area

Internally, the building retains many architectural features. The proposal would remove all of the non original additions and interventions to the exterior of the building and the original volume of the space within the basement area would be maintained as would all features of architectural and historic interest on the front of the building. The appearance of the façade would be greatly enhanced through the removal of unauthorised additions and making good of the original building fabric. No flue or fume extraction would be required as no cooking would take place at the premises, only the activity of reheating food that has been prepared off site.

The detailed method of making good any damaged historic fabric that would need to be undertaken can be dealt with by conditions that can attached to any consent granted.

It is felt that the overall positive impact that the external works would have on the historic character and fabric of the building is something which is welcomed and which overall would have a positive impact on the character and fabric of the building and its appearance within the street scene. In view of the above the use is consistent with Core Strategy Policies CC9 and saved UDP policy DC18.1 and DC19.1.

Crime and Disorder

The submitted Crime Impact Assessment prepared by Greater Manchester Police Design for Security has provided recommendations in relation to the design and operation of the development in terms of Crime and Disorder. It is also felt that an increase in the use of vacant properties particularly during the evening has the potential to increase the level of natural surveillance.

In view of the above it is considered that the proposals are consistent with Policy DM1 and SP1 of the Core Strategy and saved UDP policy DC10.4.

Car Parking/Highway Safety - The site is in an area that is well served by various methods of public transport including buses, trains and the Metrolink and the proposals for servicing and waste collections are considered to be acceptable.

Given the above, the proposals are considered to be in accordance with Core policies DM1 and T2.

Disabled Access

There would be no access for non ambulant access to the premises. Various options for such provisions have been considered as follows:

A ramped approach -this would not be possible given the level difference between the pavement and top of the existing steps which would require an 18m ramp.

A disabled platform lift -due to space requirements for this and associated circulation area there would not be room within the existing entrance to accommodate this.
A disabled platform lift within an existing window opening due to horizontal lintel restraints bracing the vertical columns either side of the windows these cannot be removed without major structural implications.

Despite the lack of lift access the premises can be accessed by ambulant disabled people via an existing staircase.

**Conclusion**

The regeneration of the Northern Quarter has brought many benefits to this part of the City Centre. Whilst proposal would be acceptable in principle, the potential adverse impact of the use on residential amenity and issues relating to regeneration and crime and disorder within this part of the Northern Quarter need to be considered.

The proposal would have a positive impact in terms of regeneration. The nature of the use, the operational policy and the proposed hours of operation, are capable of being conditions of any consent granted and therefore the proposed development would complement this part of the Northern Quarter.

**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**  APPROVE

**Article 35 Declaration**

Discussions have taken place with the applicant in a positive and proactive manner to seek clarification of issues arising in relation to dealing with the planning application, in particular, those associated with the details and location of the proposed alterations. Initial concerns have been addressed and clarified in a satisfactory manner.

**Reason for recommendation**
Conditions to be attached to the decision

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

1. Location plan edged in red stamped and received by Manchester City Council as Local Planning Authority on 3rd March 2015.

2. Dwg 9396 01 Rev E and 9396 11 Rev F, stamped and received by Manchester City Council as Local Planning Authority on 14th August 2015.
3. Access Statement stamped and received by Manchester City Council as Local Planning Authority on 25th March 2015 and 20th April 2015.

4. Design, Access and Historical Statement stamped and received by Manchester City Council as Local Planning Authority on 27th July 2015.

5. Acoustic Assessment Report stamped and received by Manchester City Council as Local Planning Authority on 3rd March 2015.

6. Heritage Statement stamped and received by Manchester City Council as Local Planning Authority on 3rd March 2015.

7. Waste Management Strategy stamped and received by Manchester City Council as Local Planning Authority on 3rd March 2015.

8. Crime Impact Assessment stamped and received by Manchester City Council as Local Planning Authority on 26th March 2015.

9. The letter from DPW Design Architects containing Dispersal Procedures, stamped as received 3 March 2015, the email from DWP Design dated 17th April 2015, 2nd June 2015, The plan showing Servicing and Recycling, stamped as received 3 March 2015.


Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2) The premises shall be used for a bar/restaurant only and for no other purposes, including any other purpose in the use class (sui generis) of the Schedule to the Town and Country Planning (Use Classes) Order 2010.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

3) Within 1 month of the granting of this consent, a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of
the approved scheme shall be implemented within 1 months of the approval of that scheme and shall remain in situ whilst the use or development is in operation.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

4) No loading or unloading shall be carried out on the site outside the hours of:

07:30 to 20:00, Monday to Saturday,

No deliveries/waste collections on Sundays/Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

5) Within 1 month of the granting of this consent, a scheme for the extraction of any fumes, vapours and odours shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented within 1 months of the approval of that scheme and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of the amenities of the occupiers nearby properties in order to comply with policies SP1 and DM1 of the Core Strategy.

6) The premises shall not be open outside the following hours:-

Sunday to Wednesday  09.00hrs to 23.00hrs
Thursday to Saturday  09.00hrs to 03.00hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

7) Within 1 month of the granting of this consent, the premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented within 1 months of the approval of that scheme and shall remain in situ whilst the use or development is in operation.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

8) Any external areas shall not allow for the use of amplified sound or any music at any time.

Reason- To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.
9) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

Recommendation: Approve

Listed Building Consent: 108104/LO/2015/C2

Conditions to be attached to the decision

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

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

1. Location plan edged in red stamped and received by Manchester City Council as Local Planning Authority on 3rd March 2015.

2. Dwg 9396 01 Rev E and 9396 11 Rev F, stamped and received by Manchester City Council as Local Planning Authority on 14th August 2015.

3. Access Statement stamped and received by Manchester City Council as Local Planning Authority on 20th April 2015.

4. Design, Access and Historical Statement stamped and received by Manchester City Council as Local Planning Authority on 27th July 2015.

5. Acoustic Assessment Report stamped and received by Manchester City Council as Local Planning Authority on 30th March 2015.

6. Heritage Statement stamped and received by Manchester City Council as Local Planning Authority on 30th March 2015.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) Notwithstanding the details as set out in condition 2 above before development commences final details (including where appropriate specification and method
statement) of the following shall be submitted to and approved in writing by the City Council as Local Planning Authority:

(a) Details including method statement of cleaning of external elevations;

(b) Details including method statements of repair and / or works required to the ceiling for fire separation purposes;

(c) Works to make good building following removal of existing roller shutters, signs and timber and malamine frame.

All of the above shall be implemented in accordance with the approved details before the use of the building approved under this application commences.

Reason - In the interests of visual amenity and because the proposed works affect a building which is included in the Statutory List of Buildings of Special Architectural or Historic Interest and careful attention to building work is required to protect the character

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: 108103/FO/2015/C2 and 108104/LO/2015/C 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
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:

None

Relevant Contact Officer : Janine Renshaw-Livesey
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