

Application Number	Date of Appln	Committee Date	Ward
115250/JO/2017	13th Feb 2017	1st Jun 2017	City Centre Ward

Proposal Variation of planning condition 4 of planning permission 114398/FO/2016 to allow use of the glass extension between the hours of 07:00 and 00:30 seven days a week

Location Great John Street Hotel , Great John Street, Manchester, M3 4FD

Applicant Great John Street Hotel Ltd, Great John Street, Manchester, M3 4FD,

Agent DV Architects, Unit 4 Botanic Estate, 198 Edge Lane, Liverpool, L7 9PL

Description

The application relates to the former Great John Street School which has been converted into a boutique hotel. It is Grade II Listed and has been modified internally and has a roof top extension which allows the hotel to hold wedding receptions and other events.

The building is three storeys in height together with the roof top extension. It is within the Castlefield Conservation Area and the St Johns regeneration area where a number of major development projects are being undertaken. The area is characterised by a range of commercial and residential developments.

Planning permission was granted in December 2016 for the erection of a single storey glass extension to form ancillary accommodation following removal of an awning and lighting on the Little John Street elevation of the hotel (114398/FO/2016). The approved hours of operation were between 08:00 and 22:00, the same as the previous outside seating area.

The nearest residents are at Bauhaus adjoining the application site and Rossetti Place which is 7 metres from the application site, and line Little John Street.

The applicant has applied to vary this planning condition to allow the use of the extension between 07:00 and 00:30.

Consultations

Local residents/public opinion – The proposal has been advertised as being within the Castlefield Conservation Area and affecting the setting of a Listed Building, and a site notice has been displayed. Notification letters have been sent to surrounding residential properties.

First notification

A total of 10 letters of objection have been received. The comments can be summarised as follows:

- The noise assessment prepared does not consider the impact on the bedroom accommodation for those in Rossetti Place;
- The noise report fails to consider the fact that the glass extension is not attached to the fabric of the hotel. There will be rubber seal which will not attenuate noise from within the glass extension to the same extent as the glazing;
- There are contradictory statements within regards to whether amplifies music will be played within the glazed extension;
- The noise report recommends that the front door of the extension be kept closed. This is not a situation which can easily be controlled;
- There are lounges and bedrooms in close proximity to the proposed extension. The sound will travel upwards and affect amenity;
- in recent years, due to the increase in functions at the Great John Street hotel, residents are regularly woken in the middle of the night and are subject to significant and excessive noise not only from music but from raised voices and singing. This is particularly acute when guests are outside smoking and waiting for taxis. This can continue into the late night. If the extension is to be used on a 24 hour basis this will only exacerbate the problems. This does not promote City Centre living
- Noise echoes between the two blocks of buildings on Little John Street. The use of this building for 24 hours will increase noise at anti-social hours;
- The noise that the use will generated will be higher than the acoustic experts have assumed. The proposed extension is some 15 years from the residential properties opposite. The hours should not exceed beyond 11 pm;
- The extension should be as sound proof as possible and there should be assurances from the applicant particularly what will happen if there are issues;
- There is already noise from the hotel including raised voices and singing which disturb residents this will worsen as a result of the proposal;
- The extension should not be used on a 24 hour basis;
- Lighting from the venue will spill out from the structure and affect resident's apartments.

Second notification – A second notification was carried out following amendments to the operating hours from 24 hours to 07:00 to 00:30 seven days a week.

Six further comment has been received. The comments can be summarised as follows:

- There are lounge and bedroom window overlooking the hotel. The events held at the hotel are very loud. The hotel is very good at stopping all outdoor activity and noise by 10:30pm is strictly observed so that any noise is quickly dispersed. However, a 00:30 close could mean that those leaving the premises will be past 01:00 seven days a week;
- The glass cover will help with the noise but not enough to justify 7 days a week until 00:30 which is an unsocial hour in a residential area. A glass roof will not mask a large crowd partying;
- Has any consideration been given to lighting that may flood out of the windows until late into the evening. There is already a problem with the

- main lounge spilling discos lighting into the surrounding lounges late at night. If this happens in the new glazed area it will be intolerable;
- Is there an outdoor area for smokers associated with this proposal? It is the loud smokers who have had quite a lot to drink which are the main culprits of noise at events/weddings at the hotel;
 - The nearby residential properties are too close to the glass extension and will have disturbance at 10pm;
 - The area is a quiet pocket within the City Centre;
 - Its not clear what the sound proofing is;
 - Its in the interest of residents to keep the opening hours as per the original planning permission.

Environmental Health – Support the proposed opening hours. This is based on a maximum occupancy within the unit of up to 16 persons and that there be no amplified sound in the glazed unit.

Policy

The Development Plan

The Development Plan consists of:

- The Manchester Core Strategy (2012); and
- Saved policies of the Unitary Development Plan for the City of Manchester (1995)

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) and 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 to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents as directed by the National Planning Policy Framework (NPPF).

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

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

Policy SP1 '*Spatial Principles*' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

Development should make a positive contribution to neighbourhoods of choice and create well designed places that enhance or create character.

- Making a positive contribution to the health, safety and well being of residents;
- Considering the needs of all members of the community;
- Protect and enhance the built and natural environment.

Policy DM1 '*Development Management*' all development should have regard the following specific issues:-

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- Community safety and crime prevention;
- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effect on biodiversity, archaeological or built heritage;
- Green infrastructure;
- Flood risk and drainage.

For the reasons given below, it is considered that the proposal is consistent with the policies contained within the Core Strategy.

The Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning application. The relevant policies are as follows:

Saved policy DC26, *Development and 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. Conditions will be used to control the impacts of developments.

The proposal has been designed to minimise the impact from noise sources and further mitigation will be secured by planning condition.

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).

Paragraph 8 of the NPPF goes on to state 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”

Promoting healthy communities is an integral part of delivering the Government sustainable vision; this includes creating safe and accessible environments where crime and disorder do not undermined quality of life. In addition, there should be high quality public spaces.

Paragraphs 11, 12, 13 and 14 of the NPPF outline 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.

National Planning Policy Guidance (PPG)

The relevant sections of the PPG 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.

Relevant Planning History

092637/FO/2010/C1: Creation of an external seating area within an existing external area on Little John Street to be used in association with the existing bar and lounge area and external alterations comprising the creation of a new door opening and the installation of planters, a canopy and fixed seating **Approved 15 July 2010**

114398/FO/2016: Erection of a single storey glass extension to existing hotel to form ancillary accommodation following removal of existing awning and lighting **Approved 4 January 2017**

114399/LO/2016: Listed Building Consent for the erection of a single storey glass extension to existing hotel to form ancillary accommodation following removal of existing awning and lighting **Approved 4 January 2017**

ISSUES

Suitability of change in the hours of operation

The glazed extension approved under Planning permission 114398/FO/2016 to the Little John Street elevation of the existing would replace an outside seating area. Its scale would be modest at 2.6 metres and it would be entirely glazed. The hours of use are restricted Monday to Sundays (including Bank Holidays) 08:00 to 22:00 and no amplified music, singing or amplified sounds at any time. A condition prevents the use of the canopy as a smoking area.

The application was restricted to these operating times as it could not be demonstrated that extending the operating hours beyond those permitted for the outside seating area would not have a detrimental impact on nearby residents on Little John Street.

This application seeks to amend condition 4 to permit opening hours beyond that of the outside seating area and is supported with an acoustic report.

The report assessed the following:

- the baseline conditions in the vicinity of the nearest residential properties facing onto Little John Street;
- acceptable noise levels at the nearest sensitive receptors in nearby properties;
- An assessment of the typical noise levels within the extension; and
- Recommendations on management of noise in order to comply with the expected noise criteria.

The report explains that the noise climate in and around the site is dominated by road traffic using Quay Street with distant noise from Trinity Way and Deansgate. The routes are busy throughout the day and evening. There is noise associated with the ventilation and condenser system and together these noise sources contribute to the background noise levels.

The main sources of noise from within the glazed extension would be:

- Guests chatting from a maximum occupancy of up to 16 people;

The applicant has confirmed that there would be no loudspeakers within the glazed extension and no amplified sound, music or singing would take place. On a worst case scenario, the maximum noise output from the use of the extension would be 90 dBA, however, typically the noise output would be around 75-80 dBA.

The extension is fully glazed with toughened glass. The acoustic report demonstrates that the glazing would have acoustic/insulation value and therefore would assist in reducing the sound transmitted to the external areas around the extension along Little John Street. The noise level from the structure would be 18 dB below the existing evening background noise sound level and 10 dB below background noise levels in all octave band frequencies.

The applicant originally applied to alter the condition to allow the use of the extension of a 24 hour basis. However, the noise criteria outlined above can only be met on the basis that:

- there is no amplified sound or music;
- there is no more than 16 guests within the internal space; and
- the front door of the structure remains closed during the operating hours (and is not propped open).

A number of local residents have expressed concern about the 24 hour use of the extension. The glazed structure would have some acoustic benefits and the background noise levels in this location, even in the evenings, are high. However, the minimal noise output that is forecast based on a number of restrictions which rely on the management of the space by the hotel.

As such, it is recommended that condition 4 be amended as follows:

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

Monday to Sundays (including Bank Holidays) 07:00 to 00:30

There shall be no amplified music, singing or amplified sounds or disco lighting at any time within the development hereby approved

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.

It is also recommended that condition 5 is altered as follows:

- ~~*Smoking shall not be permitted at any time within The canopy area (glass roof over the fire exit) as shown on drawings PL0100 and PL0200 stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016 shall not be used for smoking or any other activity associated with the hotel at any times.*~~

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

The following additional conditions are recommended:

- *The external door to the premises, as shown on drawings PL0100 and PL0200 stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016 shall remain closed at all times when the glazed extension is in use.*

Reason – In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

- *Prior to the first use of the development hereby approved, details of a management strategy for the use of the glazed extension shall be submitted to for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the document shall include:*
 - o *Restricting the number of guests within the extension;*
 - o *Closing of doors to prevent noise out break;*
 - o *Measures to ensure strict adherence to operating hours.*

The agreed management strategy shall be put in place from the first use of the extension and remain in place for as long as the development is in use.

Reason – To ensure that activities within the structure are well managed and that the noise generated within the premises does not exceed an acceptable limit pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

The amendment to condition 4 and the additional conditions would ensure that the noise levels within the glazed structure are minimised to an acceptable level in

relation to the proximity of nearby residents. It is noted that residents are concerned about the lighting from within the structure spilling out, particularly disco lighting, and condition 4 would prevent the use of such equipment.

The proposal will therefore comply with policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the UDP in that no unduly harmful impacts on residential will arise as a consequence of the change in the operating hours and that the use and impacts of the extension can be minimised by way of planning conditions.

Impact on the historic environment

The proposal will not result in any impacts on the Listed Building or the surrounding Conservation Area as a result of the alteration to this planning condition.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation APPROVE

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. The applicant has sought pre-application advice in respect of this matter together with making alterations to the proposal during the course of the planning application. The proposal is considered to be in accordance with the development plan and therefore determine in a timely manner.

Reason for recommendation

Conditions to be attached to the decision

- 1) The development must be begun not later than the 4 January 2020.

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

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

Drawings and documents approved as part of planning permission 114398

Drawings PL0001, PL 0300, PL 1500, PL 0101, PL 0100, PL 1000 and PL 0200 stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016

Heritage Impact Assessment and Design and Access Statement stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016

Information approved as part of 115250

Acoustic assessment report prepared by Azymuth Acoustics stamped as received by the City Council, as Local Planning Authority, on the 17 March 2017
Email from Lynn Wright of DV Architects to Jennifer Atkinson (MCC) received on the 30 March 2017

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) Prior to any above ground works, samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The approved materials shall then be used in the construction of the development.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

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

Monday to Sundays (including Bank Holidays) 07:00 to 00.30

There shall be no amplified music, singing or amplified sounds or disco lighting at any time within the development hereby approved

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.

5) The canopy area (glass roof over the fire exit) as shown on drawings PL0100 and PL0200 stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016 shall not be used for smoking or any other activity associated with the hotel at any times.

Reason - To safeguard the amenities of the occupiers of the building and occupiers of nearby properties, pursuant to policy H2.2 of the Unitary Development Plan for the City of Manchester.

6) The external door to the premises, as shown on drawings PL0100 and PL0200 stamped as received by the City Council, as Local Planning Authority, on the 3 November 2016 shall remain closed at all times when the glazed extension is in use.

Reason – In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

7) Prior to the first use of the development hereby approved, details of a management strategy for the use of the glazed extension shall be submitted to for approval in writing by the City Council, as Local Planning Authority. For the avoidance of doubt the document shall include:

- Restricting the number of guests within the extension;
- Closing of doors to prevent noise out break;
- Measures to ensure strict adherence to operating hours.

The agreed management strategy shall be put in place from the first use of the extension and remain in place for as long as the development is in use.

Reason – To ensure that activities within the structure are well managed and that the noise generated within the premises does not exceed an acceptable limit pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

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: 115250/JO/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:

Environmental Health

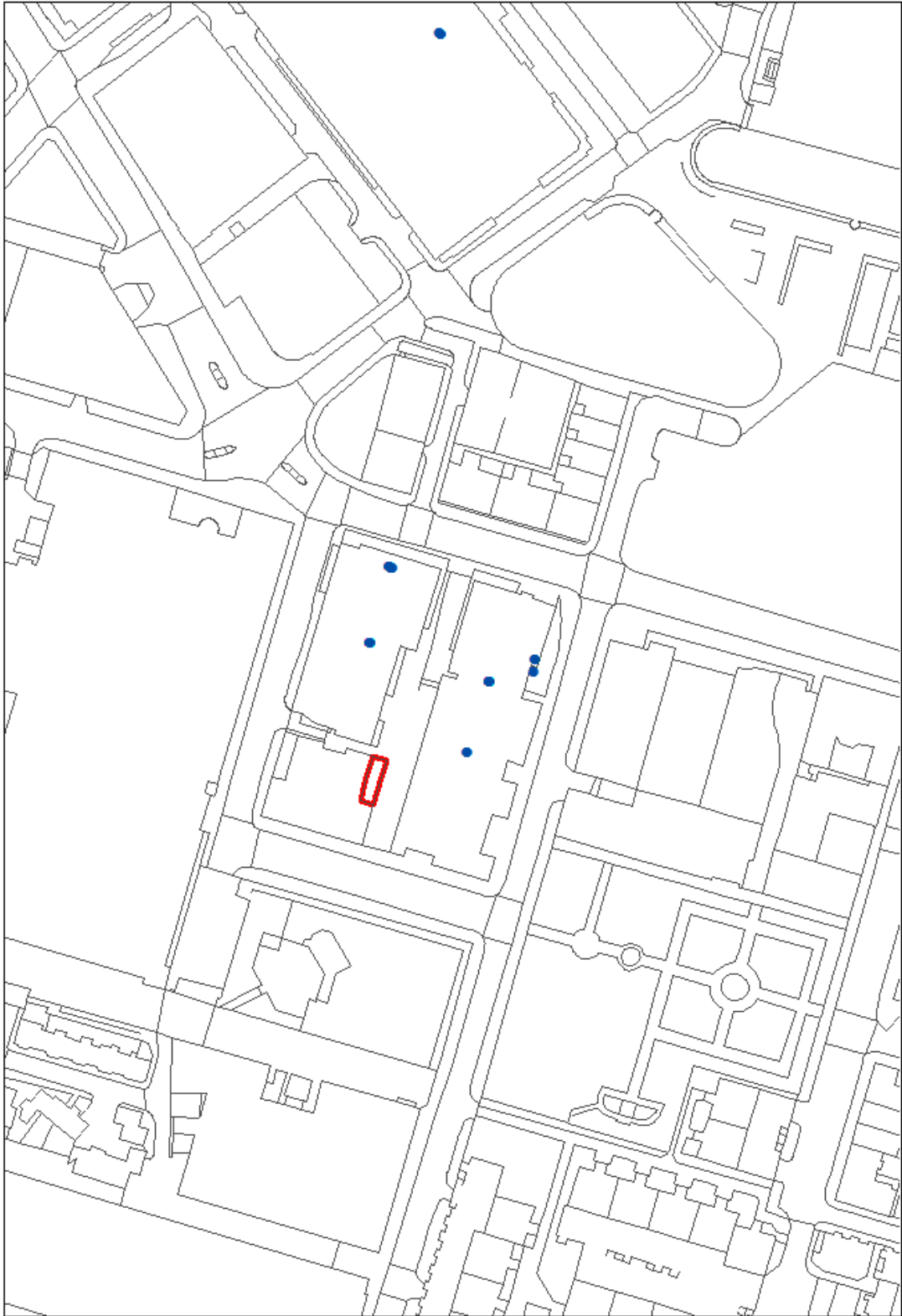
A map showing the neighbours notified of the application is attached at the end of the report.



Representations were received from the following third parties:

405 Rossetti Place, 2 Lower Byrom Street, Manchester, M3 4An
Flat 404, 2 Little John Street, Manchester, M3 3GZ

111 Rossetti Place, 2 Lower Byrom Street, Manchester, M3 4AN
Flat 803, 2 Little John Street, Manchester, M33GZ
105 BAUHAUS, 2 LITTLE JOHN STREET, MANCHESTER, M3 3GZ
103 Rossetti Place, 2 Lower Byrom Street, Manchester, M3 4AN
611 Rossetti Place, Lower Byrom Street, Manchester, M3 4AN
703 rossetti place, 2 lower byrom street, manchester, m3 4an
603 Rossetti Place, 2 Lower Byrom Street, Manchester
202 Rossetti Place, 2 Lower Byrom Street, Manchester
410 Rosetti Place Manchester

Relevant Contact Officer : Jennifer Atkinson
Telephone number : 0161 234 4517
Email : j.atkinson@manchester.gov.uk



 Application site boundary  Neighbour notification
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