

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
116118/FO/2017	7th Jun 2017	21st Sep 2017	City Centre Ward

**Proposal** Part retrospective consent for change of use of 58 apartments on the 6th, 8th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 18th/19th floors of Pall Mall House from Class C3 residential flats to a dual use of either Class C3 residential flat or Class C1 apartment hotel flats.

**Location** Lighthouse And Light Aparthotel , 20 Church Street, Manchester, M4 1PN

**Applicant** Mr Simon Briggs , Capitalclimb Ltd, C/o Agent

**Agent** Mr Simon Bareham, Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton, BN1 5PD,

### **Site Description and Planning History, Background and Context**

The application relates to 58 apartments in a number of buildings at a site bounded by Church Street, Joiner Street, Birchin Place and Bridgewater Place. They occupy 12 floors of the 20 storey Lighthouse building that is also known as 3 Joiner Street, which adjoins a 9 storey building known as Pall Mall House (20 Church Street). These buildings form the development which was approved by the Planning and Highways Committee under application ref no 072298/FO/2004/C1 in 2005 which granted consent for the erection of the apartment tower after part demolition of an existing building and alterations/conversion for a mixed use development comprising retail (A1); food and drink (A3); and 155 residential units.

Permission was granted in 2010 (app ref no 090597/FO/2009/C2) for a ground floor restaurant within Pall Mall House, and the creation of a lobby access to a gymnasium and 5 studio hotel apartment units within part of the 1<sup>st</sup> floor.

The applicants have stated that the Light House has been in mixed use since it was completed in 2008/2009 with floors 1 – 5, 7 & 9 in residential use and floors 6, 8, 10 - 19 used as an aparthotel use. Initially Floors 6, 8, 16 and 17 were used as apartments until they were used as Light Aparthotel serviced apartments (Level 6 changed use in May 2012 and Levels 8, 16 & 17 in 2012/2013).

The current planning application seeks to regularise the use of the apartments detailed above as an aparthotel including the apartments from the 2010 consent.

### **Description of Proposals**

Retrospective consent is sought for a change of use of 58 flats within 20 Church Street into a dual use of either Class C3 flats or Class C1 apartment hotel units. It would be necessary to impose a condition to any consent granted to ensure that the areas of all floors where the units are grouped could only be used wholly as an Aparthotel or permanent residential accommodation and not a mix of these uses. The hotel apartments have a single entrance point with a dedicated 24 hour reception

area within the ground floor lobby. The application is part “retrospective” with the vast majority of the flats having been used as serviced apartments/aparthotel since around 2010. A dual use would allow subject to compliance with the above for future flexibility in the occupation of the applicable parts of the building.

A schedule of accommodation relevant to the consideration of this application is provided below:

Basement: Ancillary Accommodation and car parking

Ground Floor: Lobby area, restaurant and kitchen/service areas (approved under 090597/FO/2009/C2)

First Floor: Gymnasium and 5 apartment hotel studio rooms (approved under 090597/FO/2009/C2)

Second Floor: No flats affected

Third Floor: No flats affected

Fourth Floor: No flats affected

Fifth Floor: No flats affected.

Sixth Floor: All seven flats in the “tower” section of the site are the subject of this current application.

Seventh Floor: No flats affected.

Eighth Floor: All seven flats in the tower section of the site are the subject of this current application

Ninth Floor: No flats affected

Tenth Floor: All seven flats are the subject of this current application.

Eleventh Floor: All seven flats are the subject of this current application.

Twelfth Floor: All seven flats are the subject of this current application.

Thirteenth Floor: All seven flats are the subject of this current application.

Fourteenth Floor: All seven flats are the subject of this current application.

Fifteenth Floor: Both (two) flats are the subject of this current application.

Sixteenth Floor: Both (two) flats are the subject of this current application.

Seventeenth Floor: Both (two) flats are the subject of this current application.

18th/19th Floors: All three duplex flats are the subject of this current application

The permanent apartments and the aparthotel are largely in segregated parts of the same building and are accessed from separate entrances. Access to the permanent apartments is from Joiner Street and it is secured by maglocks & fob entry keys. The entrance has its own large self-contained reception foyer and is used only by permanent residents of the Light House.

Access to the aparthotel is from Church Street and is secured via a Vingcard lock. All guests pass through a reception desk which is staffed 24 hours a day and 7 days a week, and then through a secure inner entrance door to the hall and lifts. This also requires use of the Vingcard key.

Permanent residents and hotel guests do share the lifts to all floors and the main stairwell. These areas are monitored by CCTV/on site hotel staff 24/7, and include regular security patrols. The permanent residents and hotel guests would only interact in the lifts

The reception lobby area for the serviced apartments facilities for guests 'Grab & Go' breakfast.

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

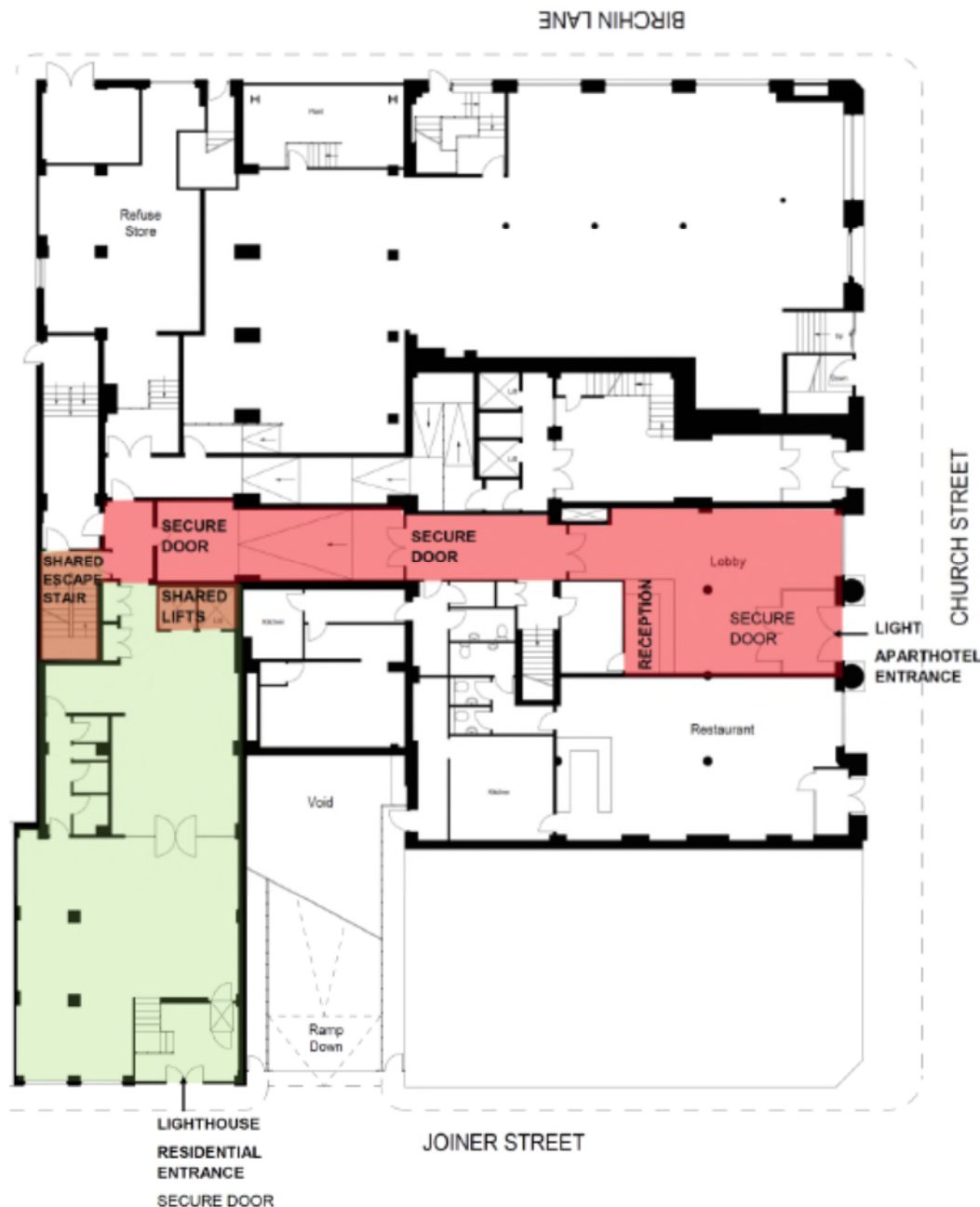
- A facility for a dual use for the apartments is set out in the Town and County Planning (General Permitted Development) (England) Order 2015 – Schedule 2, Part 3, Class V, which states that the following type of development is “permitted development” under the Order:

*“Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission have specifically authorised when it was granted.”*

The Order restricts such permitted development to the first 10 years following the grant of planning permission. After 10 years, the use that is *in situ* at that moment in time becomes the single legal use

- 57 of the 58 flats have been used as apart-hotel units for around 7 years, and happily co-exist with Class C3 residential flats that are located within the same building. The 58th unit (on the eighth floor) is included at the request of the local planning authority to ensure that all of the units on the 8th floor fall within a single use class;

## Access Plan



- Serviced aparthotel accommodation differ from other rental accommodation (such as Airbnb) by way of being properly serviced accommodation, with full hotel lobby and concierge services provided for guests;
- The accommodation is suitable for long stay corporate lets providing the independence of serviced city centre accommodation with the flexibility of a modern hotel;
- As the accommodation is serviced accommodation, it falls with the C1 use (hotels) Use Class. Such accommodation also provides for strong management control as well as employment opportunities: the apartment-hotel supports in the region of 35 jobs depending on seasonable demand;

- Secure parking for guests is available within the basement of the development;
- Should any disturbance/security issues arise, the permanent residents can contact the Hotel staff at any time, either in person at the hotel reception or by telephone, and this can be dealt with immediately. (This 24 hour a day, 7 day a week facility is provided to all permanent residents free of charge, as it is dealt with as a cost borne 100% by the Apart Hotel)
- Then apartments are relatively small and are normally occupied by couples and families who would be as security conscious as a permanent resident.

### **Consultations**

**Publicity** - The occupiers of adjacent premises were notified and 3 letters of objection have been received. These are summarised below:

- Residential flats and apartment hotels should be kept separate as much as possible. They are used in completely different ways and the apartment hotels can create a lot more noise than long term residents.
- There is currently a housing crisis and I can't see the need for more hotels flats in Manchester.
- Can MCC confirm / guarantee that funding of this block is in no way part funded by way of criminal money laundering.

### **Crime Prevention:**

- Increased risk of crime as a result of more unrecognisable strangers' accessing the building to use the apartment hotel flats
- Short term apartment hotel users being less security conscious e.g. letting other strangers into the building, leaving doors open etc.
- A higher proportion of visitors accessing the building with any connection to the other more permanent residents of the building
- Less vetting of 'hotel' residents than standard 6 months letting tenants

### **Noise and Disturbance**

- Increased noise resulting from non-permanent residents arriving at the property late at night (e.g. arriving from late night flights or leaving for early flights)
- More likely to be using local nightlife and coming in late less likely to be worried about waking other neighbours;
- Lifts constantly in use over the night and suitcases being dragged across floors

- Increased risk of fire or odours
  - e.g. unpermitted smoking in rooms, fire doors wedged open
- Increase in maintenance costs for permanent residents due to less permanent residents damaging the building e.g. from suitcases constantly being moved throughout the building, increased amount of late night 'partying'.

Greater Manchester Police (Design for Security) – Have no objections but have made comments in relation for the need for CCTV and access controls to be managed to ensure that interaction between permanent residents and 'strangers' is minimised and to ensure adequate levels of security for permanent residents.

Head of Environmental Health – Have no objections

## **Issues**

### **Relevant National Policy**

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

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

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

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

### **Relevant Local Policies**

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

### **Saved UDP Policies**

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

**NPPF Section 2 (Ensuring the vitality of town Centres), Core Strategy Policy CC7 (Mixed Use Development)** - The proposed use would meet requirements to provide sites for leisure and tourism related uses within the City Centre. As such, the principle of the proposed use is consistent with the nature of activity in the City Centre and the mix of uses within this part of the City Centre and could be considered to be an appropriate addition to the existing mix. This is discussed in more detail below.

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

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

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

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

- effects on amenity, including privacy, noise, vibration, and road safety and traffic generation;
- impact on safety, crime prevention and health;

These are discussed below.

**Saved UDP Policy DC26 (Development and Noise)** - Seeks to reduce the impact of noise on people living and working in, or visiting the City. It requires the impact that development proposals that are likely to generate noise will have on amenity to be taken into consideration, and states that the Council will control noise levels by requiring where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate. The applicant has demonstrated that compliance with appropriate conditions, would result in a use which is capable of operating in a manner that would not cause disamenity to local residents.

#### **Other relevant National Policy and Legislative requirements**

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. This includes taking steps to minimise

disadvantages suffered by persons sharing a protect characteristic and to encourage that group to participate in public life. Disability is a protected characteristic.

S17 Crime and Disorder Act 1998 provides that in the exercise of its planning functions the Council shall have regard to the need to do all that it reasonably can to prevent crime and disorder.

### **Other Relevant City Council Policy Documents**

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

The application site lies within the area identified in the document as the Northern Quarter. This identifies the importance of the areas non-mainstream offer as being important for any global city and giving the Northern Quarter a unique identity within both the city and, to some extent, the UK. The areas growing reputation and attraction to a high number of visitors, is identified as providing an important contribution to the economy of the city centre.

Because of its nature, the regeneration within the Northern Quarter area is described as having been organic and incremental and, therefore, more subtle and ultimately less predictable than in other parts of the city centre. The aim of activity within the area is to bring about change in a way that retains the area's distinct identity. This can be done by building on the area's strengths to produce a creative and cultural destination, with a high-quality built environment attractive to businesses and residents, and providing opportunities for private sector investment. It is considered that the proposals would be in keeping with these objectives. The proposed serviced apartment use would help to build on the successes of the area's evening economy providing accommodation suitable to tourists and corporate visitors in close proximity to the heart of this key City Centre tourist destination.

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

**Principle of the Proposed Use** -The site is located within the city centre where both residential and serviced apartment accommodation would normally be acceptable in principle. In this particular instance, the uses occupy the same building and there are shared spaces. The proportion of serviced aparthotel apartments is around 34%.

The serviced apart hotel apartments support the visitor offer within the City Centre with increased expenditure in the economy. However, conflicts could arise where residents / guests occupy the same building around issues such as security, over occupation, 'party lets' and increases in noise.



The hotel apartments are located in discrete parts of individual floors. This physical separation and the management and access arrangements via the 24 hour reception desk and separate access lobby ensures that guest access and its impact is managed in a manner that does not compromise the security of permanent residents. Issues in relation to noise are discussed in more detail below.

All apartment doors are secured by a Eurolock key lock and the aparthotel does not hold any keys for any privately owned apartments. All hotel apartment doors are secured with a Vingcard key card lock, supplied at the Hotel Reception at check in, which allows for access through the hotel secure doors in the common parts and individual access to each specific hotel apartment. These Vingcard keys are then “cancelled” at check-out, thereby preventing entry to any parts of the building at a future date.

There is CCTV at both main entrances, in the lifts/communal areas and on the hotel floors which is monitored by the hotel reception staff 24/7, and recordings kept on the premises on a backup hard drive. Hotel security staff also patrol all floors of the building, both residential and hotel nightly.

Given the above it is considered that on balance subject to compliance with the submitted guest management plan that the proposal is therefore consistent with policies for appropriate uses in this part of the city centre, mixed uses, and regeneration and consistent with section 2 of the NPPF and Core Strategy policies CC1, CC4 and CC7.

**Residential Amenity** – The aparthotel has helped to diversify the range of uses and type of accommodation within the City Centre. The mix of tenure within the same building could create conflict between hotel guests and permanent residents who may expect different and higher levels of amenity. Therefore, whilst the use may be acceptable in principle, the impact that the use has on permanent residents must be considered carefully. The C1 and C3 uses would be physically separated and measures have been put in place to ensure that disturbance to permanent residents is minimised. Guests and residents of the apartments accessed from Church Street do share lifts to floors 1 to 5. Once above ground floor there is direct access to all apartments from the lift lobby so guests do not have to walk along any shared corridors to access their apartments once on the destination floor this movement of guests and their suitcases would be limited to within the apartments themselves. Only 14 apartments on floors 6 and 9 would be directly above or below the serviced aparthotel apartments. Should any disturbance/security issues arise, the permanent residents can contact the hotel staff at any time in person or by telephone, and this can be dealt with immediately. This 24 hour a day, 7 day a week facility is provided to all permanent residents free of charge.

It is considered that the existing guest management measures, which would be a condition of any consent granted, and the level of physical separation between the permanent residential accommodation and the areas occupied by serviced apartments would manage and mitigate disamenity which would not be at a higher level than would be expected under residential occupation. Given this and subject to compliance with appropriate conditions, the proposal is consistent with Core Strategy policies SP1 and DM1 and saved UDP Policy DC26.

**Transport Issues / Relationship to Transport Infrastructure** - The site is located close to Piccadilly Station, the Shudehill Transport Interchange, Parker Street Bus Station and Metrolink and the serviced apartment are accessible by a variety of sustainable transport modes. There are a number of publicly available car parks in the immediate vicinity including the multi-storey's on Church Street and within the Arndale Centre.

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

**Disabled Access** - Level access is provided from street level into the building and then via lifts to the upper levels with all apartments being fully accessible.

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

**Crime and Disorder** - A condition requiring that the scheme complies with the management measures set out in the Access Management Plan would be attached to any consent granted. Provided that this is adhered to the development would be consistent with policy on crime and disorder Core Strategy Policies DM1 and SP1.

**Response to objector's comments-** The majority of the issues raised have been addressed above however the following should be noted:

- The flats are not large enough to be used by larger parties;
- Apartment hotel rooms are not pepper potted and a management plan is in place that governs and controls the use of the accommodation;
- There have 3 recorded letters of objection to this proposal which suggests that disturbance over the last 8 years has been minimal;
- The building operates under a fire safety certificate;
- There is no evidence to suggest that apartment hotels lead to higher maintenance costs.

## CONCLUSION

The serviced aparthotel apartments would support the visitor offer within the City Centre and contribute to increased tourist expenditure in the local economy. However, careful consideration is required in relation to the potential adverse impacts on resident's amenity and security from mixing different tenure within the same building.

The aparthotel accommodation is largely in a physically separate part of the building with minimal interface between permanent residents and aparthotel guests. It is considered that with the 24 hour reception desk and proposed management strategy, which would be a condition of any consent granted, the mix of uses would in this instance be acceptable.

A condition would be attached to any consent granted which would ensure that the units could only be used solely as Class C1 (Hotel) or Class C3 (Residential) use and not a mixture of apart hotel accommodation and permanent residents on the same floors as this could create conflict between different building users in terms of security and disturbance from noise and comings and goings with luggage.

Given the above, it is considered that the flexible change of use proposed is acceptable and that the relevant policies of the NPPF have been complied with, and that the relevant local plan policies contained within the Core Strategy and those saved in Manchester Unitary Development Plan have been satisfied

**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 to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this application

### **Reason for recommendation**

### **Conditions to be attached to the decision**

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

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

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

- (a) Site location plan stamped as received on 28-04-17;
- (b) Dwgs 6. Sixth Floor, 8. Eighth Floor, 10. Tenth Floor, 11. Eleventh Floor and 12. Twelve Floor, 13. Thirteenth Floor and 14. Fourteenth Floor, 15. Fifteenth Floor and 16. Sixteenth Floor, 17. Seventeenth Floor and 18. Eighteenth Floor and 19. Nineteenth Floor all stamped as received on 07-06-17; and
- (c) Implementation and adherence to Light Aparthotel Access Management Plan dated June 2017.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to Core Strategy CC1, CC4, SP1, CC7 and DM 1.

3) The apartments that are the subject of this application as identified in dwgs Dwgs 6. Sixth Floor, 8. Eighth Floor, 10. Tenth Floor, 11. Eleventh Floor and 12. Twelve Floor, 13. Thirteenth Floor and 14. Fourteenth Floor, 15. Fifteenth Floor and 16. Sixteenth Floor, 17. Seventeenth Floor and 18. Eighteenth Floor and 19. Nineteenth Floor all stamped as received on 07-06-17 shall only be used wholly as serviced apartments/ aparthotel accommodation (Class C1) or residential accommodation (Class C3) and not a mix of these uses, and for no other purpose (including private dwellings or any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1995, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as mixing serviced apartments/apart hotels with private dwellings do not commence without prior approval pursuant to Core Strategy policies SP1 and DM1 and to ensure the separation of accommodation within the building for normal residential purposes from serviced apartments/ aparthotel accommodation.

### **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: 116118/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:**

Greater Manchester Police

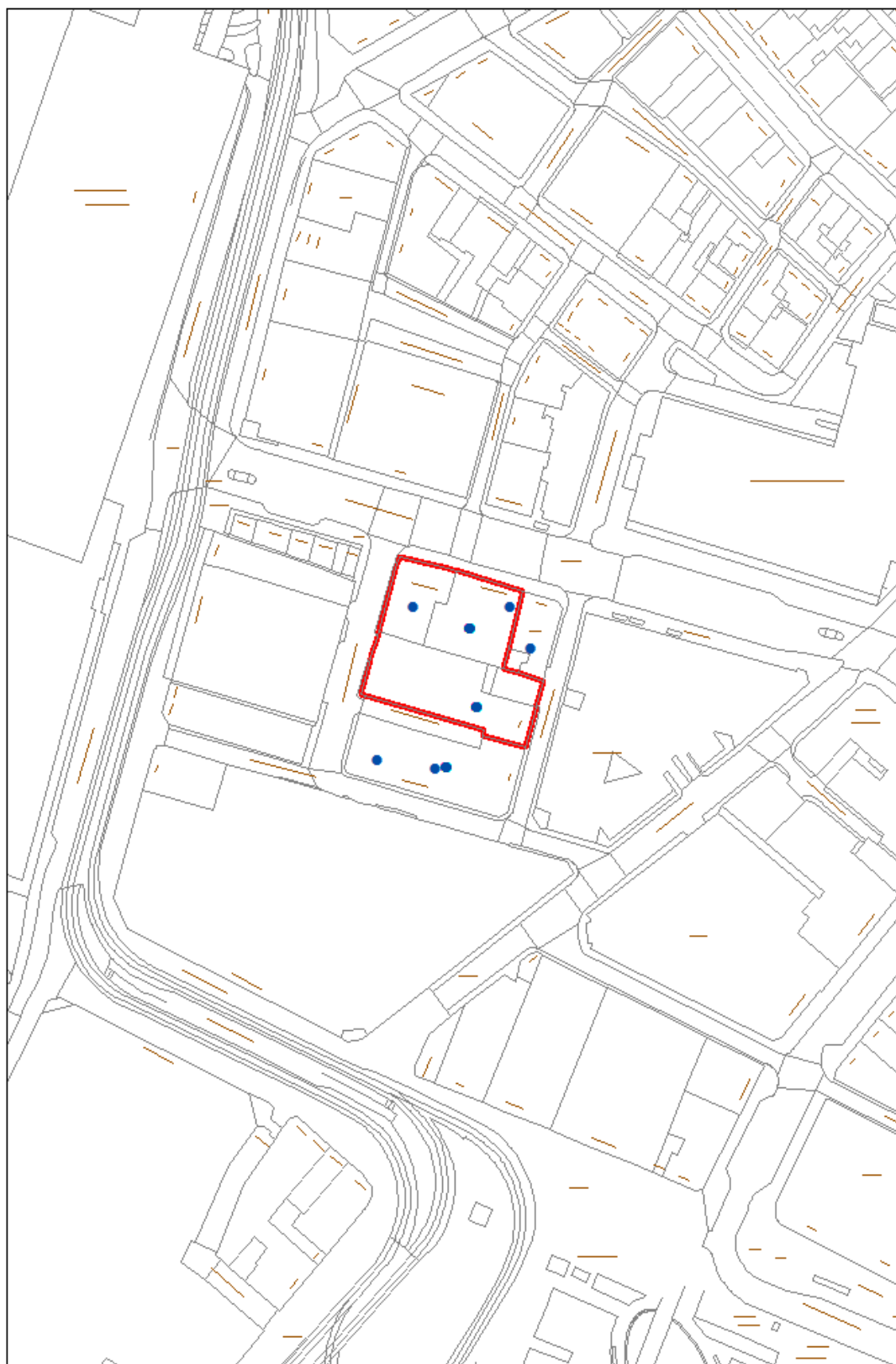
A map showing the neighbours notified of the application is attached at the end of the report.

### **Representations were received from the following third parties:**

APT 33 PALL MALL HOUSE, 18 CHURCH STREET, MANCHESTER, M4 1PN

Flat 105, the Birchin, 1 Joiner Street, Manchester, M4 1PH

**Relevant Contact Officer :** Angela Leckie  
**Telephone number :** 0161 234 4651  
**Email :** a.leckie@manchester.gov.uk



 Application site boundary  Neighbour notification  
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