

## Make representation to a licensing or gambling application

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Sun 06/06/2021 12:28

To: Premises Licensing <Premises.Licensing@manchester.gov.uk>

Question	Response
<i>First name:</i>	[REDACTED]
<i>Last name:</i>	[REDACTED]
<i>Building number or name:</i>	[REDACTED]
<i>Street:</i>	[REDACTED]
<i>Area:</i>	[REDACTED]
<i>Postcode:</i>	[REDACTED]
<i>Email :</i>	[REDACTED]
<i>Application reference number:</i>	258343/CT4
<i>Premises name (if known) and full address this representation relates to:</i>	Fifth, Basement, 121 Princess Street, Manchester M1 7AG (the "Premises")
<i>Which of the licensing objectives are relevant to your comments on this application: :</i>	The prevention of public nuisance

**Question****Response**

Dear Manchester City Council

Representations in Response to Application Reference 258343/CT4 (the "Application")

Premises: Fifth, Basement, 121 Princess Street, Manchester M1 7AG (the "Premises")

We refer to the Application.

Centurion Investments (JS VII) Ltd ("Centurion") owns the reversionary interest in the Premises. The Applicant, 5th Leisure Limited (the "Applicant") has a long leasehold interest in the Premises of which Centurion is the landlord.

The Applicant is seeking in the Application to vary its premises licence for the Premises (the "Premises Licence") to permit various proposed alterations to the Premises (the "Alterations") including the removal of the mezzanine floor in the Premises (the "Mezzanine Floor").

Centurion uses the upper floors of 121 Princess Street (from the first floor upwards) to provide residential student accommodation. The accommodation consists of 126 student apartments (the "Apartments").

Based on the limited information available in the documentation regarding the Application that we managed to obtain, we are concerned that the Alterations risk increasing the escape of noise from the Premises into the Apartments located above.

In particular, we have concerns that the removal of the Mezzanine Floor, which is located above the main basement dance floor, may adversely affect the transmission of noise upwards into the upper parts of 121 Princess Street (including the Apartments).

*Please state*

*your*

*comments on*

*this*

*application :*

The current section 182 guidance regarding the prevention of public nuisance licensing objective states:

"It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter."

Centurion carries a business of leasing out the accommodation units in the area around (indeed, directly above) the Premises. The Applicant has not liaised with us regarding the Alterations and we reserve our position accordingly. At this juncture, we have no knowledge as to whether any acoustic report has been obtained to assess the likely consequences of the Alterations on the escape of noise from the Premises.

If no report has been obtained, we are of the view that the Applicant should obtain and provide as part of the supporting material to the Application, so that this can be considered before the Alterations are carried out and suitable conditions imposed as required to ensure that the levels of noise escaping from the Premises when trading do not exceed the Statutory requirements on noise control.

On a related point, the Licensing Authority should be aware that the planning permission for the Apartments (Ref: 121754/2018) (the "Planning Consent") was the subject of a recent appeal (under Appeal Ref: APP/B4215/W/19/3232722) in the course of which the Applicant made representations. The outcome of the appeal was to vary the condition in the Planning Consent relating to acoustic attenuation to require the design and implementation of a new supplemental acoustic attenuation scheme to protect the Apartments from noise escaping from the Premises. The development of the supplemental scheme is currently in progress.



**Licensing & Out of Hours Compliance Team - Representation**

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**Premises Details**

Application Ref No	258343
Name of Premises	Fifth
Address	121 Princess Street, Manchester, M1 7AN

**Representation**

The Licensing and Out of Hours Team (LOOH) have assessed this application taking into account a number of factors, including the nature of the area in which the premises is located and the potential risk that the granting of this application could lead to a failure to uphold the Prevention of Public Nuisance licensing objective.

The premises is a late-night venue with recorded music until 0400hrs and closing hours of 0430hrs. The Licensing and Out of Hours team (LOOH) have serious concerns that the proposed changes would have an adverse impact on the prevention of public nuisance licensing objective.

LOOH have received a large number of noise complaints from residents affected by noise from loud bass and music emanating from Fifth dating back to 2006. The premises is near to residential properties on Granby Row, Bombay Street, with the premises sharing a party wall with two residential buildings (1 Samuel Ogden Street and Stanlo House). In addition to this there have also been complaints received from residential properties above the premises in 121 Princess Street.

The variation seeks to make significant internal changes to the layout of the premises with the complete removal of the mezzanine floor and other changes listed within a schedule of general amendments attached to the application. The changes listed include but are not limited to:

- The extension of the bar.
- Removal of toilets.
- Amendment of internal partition which form the "Bunker" area.
- Corridors added.
- Reconfiguring of floor area and partitions in the main club area.
- The ground floor being included as part of the premises, incorporating male and female toilets, cloakrooms and the smoking courtyard, (the current plan has the basement and mezzanine floors only).

Section M of the application offers the applicant the opportunity to describe any additional steps they intend to take to promote the four licensing objectives, only a schedule of proposed works from the applicant's architect have been provided. Therefore, it is possible that the extensive alterations could impede the effective operation of existing noise reduction measures within the premises.

LOOH requested that an acoustic report was provided by the applicant to assist with our assessment of the proposed changes to the internal layout. A letter from [REDACTED] was provided, the report concludes that the proposed changes would have a negligible impact without providing the data to support this conclusion. The information included within this letter provides insufficient detail to alleviate our concerns that the proposed changes could not have an adverse impact on the prevention of public nuisance licensing objective.

It should be noted that following a conversation with the premises licence holder on Tuesday 1<sup>st</sup> June 2021, they confirmed that the alterations/works have already been completed to the internal layout of the premises.

In reaching this decision we have given particular consideration to Manchester City Councils Statement of Licensing Policy 2021 – 2021 specifically:

4.2 All applications for a new premises licence or variations need to be supported by an operating schedule. The schedule must specify (among other things) the steps the applicant proposes to take to promote each of the licensing objectives.

#### **MS8 Prevent noise nuisance from the premises**

Noise disturbance from licensed premises normally arises two ways. The first is in noise breakout from licensed premises themselves, which affects adjacent properties either via transmission through the structure of the building, or through airborne sound. This can be caused by noise from music, vibration and/or raised voices.

Without an acoustic report being made available to review, it is unclear if existing sound barriers have been replaced or that robust sound testing has been undertaken to ensure that transference of noise through the structure of the building will be mitigated.

With an extended history of noise complaints connected to this premises, and due to the lack of supporting information provided as to how these changes would not adversely impact on the prevention of public nuisance licensing objective. Licensing and Out of Hours recommend that the following information is provided by the applicant, and conditions attached to the premises licence:

- The applicant shall submit a full noise assessment to the satisfaction of the Licensing Authority. Where the assessment recommends works/mitigation to control noise, so that public nuisance is avoided, that these recommendations are conditioned to form part of the premises licence. The noise assessment shall be carried out by a suitably qualified acoustician/consultant.
- A noise limiting device must be installed and must operate at all times regulated entertainment takes place at the premises. The device must be of a type, in a location and set at a level approved in writing by the appropriate officer of the Council.

LOOH believe that these recommendations are proportionate and justifiable to ensure that the prevention of public nuisance licensing objective is fully upheld.

As part of our representation during any licensing committee hearing that may take place, and as a result of this representation Licensing & Out of Hours may use the following evidence:

Photographs showing the location of the premises and the surrounding area and / or supporting evidence. Copies of these photographs and / or documents will be provided to the applicant and / or their representative before any Hearing.

**Recommendation: Approve with Conditions (Outlined Above)**