

Development Management
Manchester City Council
Floor 6 Town Hall Extension
Albert Square
P.O Box 532,
Manchester
M60 2LA

Our ref EKPS/210611/MG

Landmark House
Station Road
Cheadle Hulme
SK8 7BS

+44(0)161 486 5025
www.euankellie.co.uk

FAO David Brettell

Submitted via Planning
Portal only (PP-09400099)

25 October 2021

Dear David,

**Section 73 Application: Variation of Condition 9 attached to Planning Permission
126750/FO/2020 at Great John Street Hotel, Great John Street, Manchester, M3 4FD**

On behalf of our client, THG we are pleased to confirm a Section 73 ("S73") Application to vary Condition 9 of the Approved Planning Application (126750/FO/2020) in relation to the aforementioned property, has today been submitted via the Planning Portal (PP-09400099). The planning application fee of £234 has been paid electronically via the Planning Portal.

The application comprises the following documents:

- This Covering Letter prepared by Euan Kellie Property Solutions;
- Completed Application Forms and Certificates; and,
- Great John Street Hotel Operational Management Plan prepared by THG (ref. GJSH Operational Management Plan 7 September 2021) including Roof Terrace Evening Noise Control Sheet prepared by THG.

Background

On 18 December 2020, THG gained planning permission and Listed Building Consent (Ref. 126750/FO/2020, and 126751/LO/2020) for a single storey glazed ground floor extension; external lighting; replacement rooftop extension, with associated rooftop plant and other associated works at Great John Street Hotel.

The use of the property as a hotel with rooftop bar was established in 2005 and the Hotel has operated successfully since this date without disturbance to surrounding residents. It is noted that the initial planning consent (Ref. 070789/FO/2004/C1) for the use of the building as a hotel did not include any conditions that restricted the operation of the hotel (including the hours of operation of the rooftop bar and terrace).

It is understood that the previous hotel owners had worked collaboratively with surrounding residents to informally establish operating procedures which were not overly restrictive to the successful running of the business whilst also ensuring that the hotel operation does not disturb those living locally.

Furthermore, it is understood that the previous licensing agreement relating to the premises required that *"all outside areas are to be closed between 12am and 8am Sunday to Thursday and between 1am and 8am on Friday and Saturday. No guests will be allowed outside during these hours."*

The recently approved development (Ref. 126750/FO/2020) at the Great John Street Hotel is currently under construction and will deliver a 21-bed, industry-leading, luxury boutique hotel. The number of rooms within the hotel has been reduced, and the rooftop extension is to be replaced, however both the floorspace of the internal rooftop space, and the external terrace will remain the same size (albeit the bar and facilities will be refurbished).

Statement of Consultation

THG are keen to maintain a positive relationship with residents as they continue to significantly invest in their property portfolio within this area of the City. As a result, THG have consulted with ward councillors and local residents prior to this application, in order to notify residents of the proposed amendments to the operating hours of the rooftop terrace at the Great John Street Hotel.

A letter proposing the change in hours of operation of the rooftop terrace with a copy of Great John Street Hotel Operational Management Plan prepared by THG (ref. GJSH Operational Management Plan 7 September 2021) was delivered to local residents on 28 September 2021. The letter confirmed the operational hours proposed were not beyond those previously in place. Ward Councillors were also notified of the proposed changes via email.

To-date, only one local resident has contacted THG directly in response to this letter requesting further information and subsequently a discussion has taken place between the resident and THG directly.

The proposed change in hours of operation of the rooftop terrace at Great John Street Hotel is discussed in further detail in the later sections of this letter.

Scope of Application

As noted earlier, the planning consent (ref. 126750/FO/2020) for the development at the Great John Street Hotel includes a condition restricting the use and hours of operation of the rooftop terrace.

Specifically Condition 9 states:

“Use of the rooftop terrace will be restricted to the hours of 7am to 10.30 pm Sunday to Thursday and 7am to 11pm on Friday and Saturday.

All illumination of the terrace shall be turned off outside the hours of use of the terrace.

Amplified music will not be permitted.

Reason - In order to protect the residential amenities of the area, and nearby apartments, pursuant to policies SP1 and DM1 of the Core Strategy”.

Whilst THG recognise and respect the need to ensure any future development does not impact on surrounding residential amenity, it is considered the restrictions on the operational hours of the terrace are particularly onerous and disproportionate given the established principle of the Hotel and rooftop bar in this location. Further, these restrictions will have an impact on functionality and viability of the Hotel and, consequently THG’s ability to provide world-class facilities.

With this in mind, THG wish to change the hours of opening so that they align with the previous historic hours of Hotel’s rooftop terrace consented as part of planning application ref. 070789/FO/2004/C1.

As a result, this S73 Planning Application therefore seeks to vary the wording of Condition 9 to extend the hours of operation of the third-floor external roof space (rooftop terrace) at Great John Street Hotel as follows (our emphasis):

*“Use of the rooftop terrace will be restricted to the hours of **7am to 11.30 pm** Sunday to Thursday and **7am to 12.30am** on Friday and Saturday.*

All illumination of the terrace shall be turned off outside the hours of use of the terrace.

Amplified music will not be permitted.

Reason - In order to protect the residential amenities of the area, and nearby apartments, pursuant to policies SP1 and DM1 of the Core Strategy”.

Assessment of Changes

THG recognise and respect the need to safeguard the amenities of both hotel guests and local residents occupying nearby properties, in order to comply with Core Strategy Policy DM1, ‘Development Management’.

In line with this, an Operational Management Plan (ref: GJSH Operational Management Plan 7 September 2021) has been developed by THG in consultation with the with the Great John Street Hotel facilities manager

The documented is submitted with this application and outlines the management strategies which will be implemented by THG to protect neighbouring residential amenity. This includes the following operation management strategies outlined below:

“Use

- *All the windows and doors on Great John Street and Little John Street facades will be closed between 11.00pm each day and 7.00am the following morning.*
- *Access to the roof terrace is to be restricted in accordance with the hours of operation of the terrace.*

Music

- *The external 3rd Floor Area will only be permitted to play background recorded music during hours of operation, no live music will be permitted.*
- *Noise limiters will be in place in the 3rd Floor Area (internally and externally) and any 3rd Party entertainment providers will be a contractually obliged to abide by the hotels policy.*

Management

- *A Roof Terrace Evening Noise Control Sheet (ref. Noise control terrace) has been submitted to demonstrate how noise will be managed through frequently logging the noise control measures implemented and times the terrace doors are closed.*
- *An onsite General Manager will be appointed and available to ensure the measures in the Operation Management Plan are adhered to.”*

The measures outlined in the Operational Management Plan will ensure that the operation of the Hotel is respectful of the amenities of both hotel guests and local residents.

Other Planning Conditions

Should this S73 application be approved, a new decision notice will be issued that will sit alongside the original approval. The new decision notice would include all relevant planning conditions but exclude those which have already been addressed and discharged. The NPPG (at Paragraph: 015 Reference ID: 17a-015-20140306) states:

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.”

Following the granting of planning permission on 18 December 2020, an application (ref. CDN/21/0020) to discharge Condition 11 (Construction Management Plan) of planning permission ref. 126750/FO/2020 was approved on 26 February 2021.

Further to this, an application to discharge Condition 13 (Local Labour Agreement) was submitted 8 January 2021 and an application to discharge Condition 3a (External Material Programme) and 3b (Material Samples and Specification) was submitted on 22 January 2021.

THG are still awaiting a decision on both applications, however it is requested that the above conditions are updated accordingly in any decision for this S73 planning application (to indicate that these have already been discharged).

Basis of Determination

As noted earlier within this letter, whilst there is no definition of what constitutes a ‘Minor Material Amendment’, the PPG recognises that in order for changes to be considered under a S73 Application, the scale and/or nature of the change must not result in a substantially different development from that consented under the original planning permission.

The changes to the hours of use of the rooftop terrace are considered to be relatively minor in nature and will not result in a substantially different development from the originally approved scheme. As a result, the changes are therefore considered to fall within this definition put forward by the guidance outlined in this letter.

Conclusions

The principle of the use of the building and external terrace as a hotel and bar was established by the original consent for the Hotel in 2004 (Ref. 070789/FO/2004/C1). The more recent consent, granted on 18 December 2020 (Ref. 126750/FO/2020) alternatively sought consent for a single storey glazed ground floor extension; external lighting; replacement rooftop extension, with associated rooftop plant. The overall number of rooms within the hotel will be decreased, and as noted earlier in this letter, there has been no change to the footprint of the rooftop terrace.

As such, this application seeks a proposed change to the hours of operation of the rooftop terrace at the Great John Street Hotel, to align with the previously established operating hours and the needs of the business, which is to provide world-class facilities in the heart of Manchester City Centre.

Alongside this, THG is committed to maintaining a positive relationship with neighbours and ensuring that there are no noise disturbances from the hotel operations. The Operational Management Plan submitted with this application sets out the noise mitigation strategies and the management procedure, including a complaints procedure.

It is also noted that MCC are in a position to control the operations of the rooftop terrace through other Environment Health Legislation and Licensing, which provide further mechanisms to allow them to take further action on any noise disturbance in the unlikely event that further control is necessary.

It is therefore respectfully requested that this application is approved without delay.

I trust the submitted information is sufficient and I look forward to receiving confirmation that the application has been registered, however should you have any queries or require any further information, please do not hesitate to contact me by email or telephone (07496 641 812).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Katie Daniels', with a stylized flourish at the end.

Associate Director
katie@euankellie.co.uk