

26 May 2022

Delivered via Planning Portal

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Manchester City Council
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Dear Angela

CHANGE OF USE AND EXTERNAL ALTERATIONS APPLICATION - 121 PRINCESS STREET, MANCHESTER, M1 7AG

On behalf of our client, Centurion Investments Ltd ('the applicant'), we are pleased to submit a full planning application pursuant to the Town and Country Planning Act 1990 for the change of use of the ground floor and basement of 121 Princess Street, Manchester, M1 7AG ('the property'), from nightclub and permitted bar use to specific subsections of Use Class E, together with external alterations to the building.

The application has been submitted via the Planning Portal (ref. PP-11267298) and comprises electronic copies of the following documents:

- Completed Application Form and Certificates
- This Covering Letter
- Site Location Plan, prepared by Equilibrium Architects (dwg ref. C-0476-SLP)
- Proposed Basement Floor Outline Plan, prepared by Equilibrium Architects (dwg ref. C-0476-50)
- Proposed Ground Floor Outline Plan, prepared by Equilibrium Architects (dwg ref. C-0476-51)
- Existing Elevations, prepared by Equilibrium Architects (dwg ref. C-0476-60)
- Proposed Elevations, prepared by Equilibrium Architects (dwg ref. C-0476-61)
- Noise Impact Assessment, prepared by Hydrock (doc ref. 17658-HYD-XX-XX-RP-Y-1001)

The requisite application fee of £462.00 has been paid online via the Planning Portal.

This cover letter provides a description of the proposals and a short planning appraisal.

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Background

The property is 121 Princess Street, located in Manchester City Centre. The property has previously been used as offices (floors 1-6), a bar (ground floor) and a nightclub (basement). In November 2016, Manchester City Council ('MCC') granted prior approval pursuant to Class O, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for prior approval change of use from offices to dwellinghouses (floors 1-6) (LPA ref. 114023/P3OPA/2016). The full wording of the approved development is as follows:

"Prior notification of change of use from offices (Class B1) for change of use to 126 apartments (use Class C3) comprising 100 studios, 25x 1 bed and 1 x 2 bed"

Several applications have since followed. In February 2017, an application (LPA ref. CDN/17/0080) was submitted to formally discharge Condition 3 (Acoustic Insulation) and Condition 4 (Parking Management). A further application was submitted (LPA ref. CDN/18/0103) to fully discharge the outstanding requirements of Condition 3. This application was refused due to insufficient information being provided to satisfactorily resolve the condition.

A Section 73 application was submitted (LPA ref. 121754/JO/2018) to vary Condition 3 so as to require the approved scheme be retained in situ in the future. This application was approved by MCC in June 2019, subject to conditions. Following this approval by MCC, an appeal (Appeal ref. APP/B4215/W/19/3232722) was made against a grant of approval subject to conditions, specifically in respect of Condition 2. The appeal was allowed by the Planning Inspector, who varied the application by deleting Condition 2 and substituting it for an amended version of Condition 2.

An application (LPA ref. CDN/21/0663) was submitted to discharge condition, in September 2021. This application is pending determination. However, an application to remove Condition 2 has been submitted concurrently with this application, on the basis the condition is no longer necessary.

Application Proposal

In the concurrent application to remove Condition 2 of approval ref. 121754/JO/2018, it is proposed to enter in to a Section 106 Agreement to effectively remove the lawful use of the ground and basement floors, to ensure that an acceptable residential environment is achieved on floors 1 – 6 of the property without the need for additional noise attenuation. This would leave the ground and basement floors without any authorised use. This is clearly unsatisfactory, particularly given the central location of the building within the city centre.

The applicant therefore seeks to provide the ground and basement floors with the opportunity to accommodate a range of alternative commercial uses, to ensure the property is put to full use and contributes to the vibrancy of its location. Centurion Investments are seeking full planning permission for the change of use of the ground floor and basement to specific sub-sections of Class E, namely:

- Gymnasium - (Basement)
- Retail (Shops) – (Basement and Ground Floor)
- Office – (Basement and Ground Floor)
- Café/Restaurant – (Basement and Ground Floor)
- Childcare – (Basement and Ground Floor)

There have been a range of issues associated with the property relating to the noise generated by use of the basement floor as a nightclub, causing impact on residents on floors 1 – 6. The applicant recognises that any change of use must not generate comparable issues. Therefore, in identifying those uses within Class E that permission is sought for, the applicant has given consideration to the prospective noise impact of such uses.

The submitted Noise Impact Assessment prepared by Hydrock outlines the subsections of Class E which would not be acceptable to introduce from a noise impact perspective. Equally, it assesses the ‘worse case’ associated with those other uses within Class E it is deemed would be acceptable (relative to acknowledged standards and criteria commonly applied by MCC). In so doing it evidences that those uses, as noted above, should be considered acceptable in noise impact terms, subject in some instances to controls, which can be secured by planning condition.

The proposed development includes several internal works which do not require planning permission. For completeness, these changes are as follows:

- New staircase and platform lift to the basement, from the basement level entrance
- New landing floor to form access from street level, from the basement level entrance.
- New staircase and platform lift to the ground floor, from the ground floor level entrance.

In addition, each room/unit at basement and ground floor level which requires ventilation will utilise natural ventilation or mechanical extraction. If the unit requires mechanical extraction, all exhaust ductwork will be combined into a single riser duct which will be located within the corner of the existing lightwell and will vent fresh air to the roof top level. Any mechanical plant required will be located at rooftop level, with necessary approvals sought at the appropriate time.

The proposed development includes limited external alterations to the property in order to facilitate access for all users, given the change of use now proposed, and to provide daylight into the property. Windows will be added to the property on the north, west and south elevations at both basement and ground floor level. The character, style and size proposed windows will be in keeping with those which presently feature on the ground floor of the property. Further, on the south elevation, the existing doorway will be replaced with a recessed, accessible entrance. The proposed entrance will facilitate the use of the development for a wider range of users.

It is important that a property located such as this is able to add to the vibrancy of the city centre, and not be left partly vacant, provided that no unacceptable impact to residential amenity would arise. The applicant considers this proposal strikes the appropriate balance.

Basis of Determination

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be determined in accordance with the provisions of the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the relevant Development Plan comprises the adopted Core Strategy (2012-2027) and Extant (remaining) Unitary Development Plan policies. The National Planning Policy Framework (“the Framework”) (2021) is also a material planning policy consideration.

City Centre Location

Core Strategy Policy EC3 (The Regional Centre) confirms that uses which generate employment within Manchester City Centre will be encouraged. Core Strategy Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) states a range of economic development uses will be encouraged in the City Centre in order to support the development of a vibrant location attractive to all. Core Strategy Policy CC7 (Mixed Use Development) confirms mixed use development will be promoted within the City Centre, further active ground floor uses will be appropriate in order to create a vibrant environment.

The proposed development will provide alternative commercial use for the ground and basement floors, which are currently vacant, and will provide a boost to the local economy in terms of employment, and vibrancy.

Section 6 of the Framework (Building a strong, competitive economy) confirms that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Framework also makes clear that the Government is committed to building a strong and competitive economy in order to create jobs and prosperity.

Design and Heritage

The site is located within the Whitworth Street Conservation Area, as per Core Strategy Policy CC9 (Design and Heritage) development in this location should preserve or enhance heritage assets, such as the conservation area. Core Strategy Policy EN3 (Heritage) states development must be designed to support in preserving or enhancing the historic environment.

Core Strategy Policy EN1 (Design Principles and Strategic Character Areas) confirms that development within the City Centre should consider the heritage of the area. Moreover, development should positively contribute to the experience of all users at street level.

The proposed development will help to bring part of the property back into worthwhile use, which in itself is a positive contribution to the Conservation Area. The applicant proposes to make minor external changes to the existing development – to facilitate disabled access and through the introduction of new windows in a sensitive manner. The majority of the work required will be internal and as a consequence does not require planning permission. The proposal will represent a minimal change, the materials proposed are suitable and complementary to the property, and no harm to the Conservation Area will arise.

Section 12 of the NPPF (Achieving Well-Designed Places) states good design is a primary aspect of sustainable development. Design should be of a high standard, visually attractive, and sympathetic to local character. Paragraph 132 confirms design quality should be discussed at an early stage of development and considered throughout the evolution of the proposal. The external changes are limited but contribute positively to the property and street scene.

Pollution

Core Strategy Policy DM1 (Development Management) confirms that all development should have regard to a number of specific issues. This includes the impact of development on amenity. Amenity can be impacted through a number of factors including noise, vibration and odours. The issues which should be considered within a planning application are those which will ensure that the detailed aspects of new development complement the Council's regeneration priorities.

Core Strategy Policy C10 (Leisure and the Evening Economy) states that development that supports the evening economy will be permitted, where there is not an unacceptable impact cause to cumulative

impact, residential amenity and balance. On residential amenity, the policy confirms any proposed use should not cause an unacceptable impact to neighbours in terms of noise.

The Manchester City Council - Planning and Noise Technical Guidance (2015) (MCCPNTG) considers noise to be an important factor in examining the acceptability of a proposal. This document provides guidance to applicants regarding the assessment of noise.

Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) states that new development should not contribute to an unacceptable level of pollution. Paragraph 185 states planning policies and decisions should mitigate and reduce the potential impacts resulting from noise pollution and avoid noise causing an unacceptable impact to health or quality of life.

As per the Noise Impact Assessment (doc ref. 17658-HYD-XX-XX-RP-Y-1001) the proposed development will not cause an unacceptable impact to the residential properties above. The results of the assessment have shown the daytime and night-time noise levels within noise sensitive rooms satisfy national guidance. Therefore, the installed scheme of insulation is sufficient in mitigating internal noise ingress associated with the uses proposed, subject in some cases to additional control which can be secured by condition.

Conclusion

The proposed development seeks to change the use of the basement and ground floor units at 121 Princess Street, to Class E – with the specific removal of subsections of Class E that would cause an unacceptable noise impact to the residents of floors 1-6, as referenced above. In addition to the change of use, the proposed development seeks to provide new treatment to an existing entrance to the property in order to increase the accessibility of the property and allow the property to be used by all, and the introduction of new windows to provide additional daylight in to the property.

The proposal supports and accords with the relevant policies for the area, by supporting economic objectives and considering the Conservation Area setting of the development in the design of the external alterations. No unacceptable impact on residential amenity will arise. As such, the proposed development is considered to be wholly compliant with the relevant policies of the adopted Development Plan and material considerations. In accordance with the Framework, planning permission should be approved without delay.

I trust that you have sufficient information to register this application and look forward to receiving confirmation of receipt as soon as possible. However, if you have any queries or require any additional information please do not hesitate to get in touch with my colleague Stephen Bell (stephen.bell@turley.co.uk) or I.

Yours sincerely



Will Hannah
Assistant Planner

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