

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137160/FO/2023

Date registered valid: 15 June 2023

Proposal: Change of use to entertainment and leisure for a temporary period of three years and erection of hoarding.

Address: Versa Studios , 18 Lower Byrom Street, Manchester, M3 4AP

Ward(s): Deansgate Ward

Applicant: The Ents Inc

Agent (if any): LSL Solicitors

Case officer: David Brettell
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Recommendation: APPROVE

Date of recommendation: 01.09.2023

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 28 June 2023 Expired: 19 July 2023

Neighbour notifications

Printed: 28 June 2023 Expired: 19 July 2023

Site notice

Posted: Expired:

Press advert

Published: 4 July 2023 Expired: 18 July 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Grade II

Conservation area: Castlefield Conservation Area 1979

Tree Preservation Order:

Description of area

The application site is within the St Johns Regeneration Strategy area, and is located close to Breeze Gardens, newly constructed commercial uses, and MoSI. The nearest highway is Lower Byrom Street, from which access to the site is provided. The building to which the proposed use relates is known as Studio 1, Versa Studios, a former TV recording studio.

Description of development

The application seeks consent for the change of use to entertainment and leisure for a temporary period of three years and erection of hoarding at Versa Studios, 18 Lower Byrom Street, Deansgate,

The operation, which involves go-karts racing along tracks, is an augmented reality combination of go-karting and video games to provide participants with an immersive experience for up to six people at a time. The go-karts are electric and hence there is no engine noise; and they have rubber tyres running on a very smooth solid concrete floor. The karts do not travel at high speeds, and as such, the noise from the go-karts is low. Different track environments are generated by projecting images onto the floor and the plain white curtain backdrop around the edge of the main kart area. Above and beyond the music played over the in-house PA system,

sound effects for each kart driver are generated locally via small loudspeakers located just behind the participant's head. The music PA system comprises numerous evenly spaced full range speakers mounted from the lighting/tech rig at high level within the main and 'pits' spaces, orientated downwards. There are no bass-bins/sub-woofers. The noise associated with the go-karts is sufficiently low that the music noise played over the in-house PA system dictates overall noise levels within the spaces.

The proposed hours of use are:

Monday to Saturday – 9am to 11pm

Sunday and Bank Holidays – 9.30am to 10pm

Consultations & Notification Responses

Site / Press notices / neighbours – no comments received

Environmental Health – no objections, recommended conditions.

Highway Services – No objections. Given the accessible city centre location and limited on-site parking provision (1no. disabled bay only), it is accepted that the proposals are unlikely to give rise to a significant increase in vehicular trips. As such, the development is unlikely to generate any highway safety or network capacity concerns.

Issues

Chaos Karts, the operator, provides a reality combination of go-karting and video games to provide participants with an immersive experience with up to six go-karts in use at a time. The go-karts are electric and therefore produce very low noise levels. The proposed use would occupy the bulk of the former Studio 1 building with the main triple height studio space used for the go-kart track(s) and some adjoining parts such as the 'pit', workshop, customer waiting area, and VIP/corporate rooms spread across the ground, first and second floor areas at the north side of the building. The remainder of the building is to remain vacant and unused. As such there are no adjoining uses. No new external building services plant/equipment is required or proposed. The use would trade until 23:00, but karting and music will cease by 22:30.

The site is bounded by MoSI buildings and offices at St. Johns. The nearest dwellings to the site are the apartments at Rozel Square, some distance away to the east on the opposite side of Lower Byrom Street. The building was constructed as a TV studio and so the building envelope has been designed and built to provide a very high level of sound insulation to adequately control the ingress of external noise to the very low noise levels required for TV. Conversely, this also works in the reverse, with the building envelope providing a high level of sound insulation in respect of internal noise break-out.

Environmental Health have no objections to the proposal, subject to conditions, which have been agreed with the agent. Similarly, Highway Services have no objections to the proposed use, and no responses have been received from neighbours.

As such, the proposed use does not raise any issues of concern, and the principle of the use is considered acceptable and would support the City Centre economy

The application is also fully in accordance with planning policy, namely Policy DM1 (Development Management) of the Manchester Core Strategy.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 a right to a fair hearing and to this end the local planning authority 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 Director 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 recommendation given is proportionate to the wider benefits of 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

In assessing the merits of a planning application, officers will seek to work with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. Noise issues have been fully addressed, and no other issues have been raised in relation to this development.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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:

Approved plans

Location Plan showing site edged red submitted 2nd June 2023

Existing Elevation, submitted 15th June 2023

Ground Floor Plan, submitted 2nd June 2023

First Floor Plan, submitted 2nd June 2023

Second Floor Plan, submitted 2nd June 2023

Stage 1 External Elevations, submitted 27th June 2023

Documents

Planning Statement, submitted 2nd June 2023

Noise Management and Mitigation Report, submitted 2nd June 2023

Hepworth Acoustics noise impact assessment dated August 2023 reference P23-305-R01v1

Transport Statement, submitted 2nd June 2023

Standard Specification, submitted 2nd June 2023

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

3). The premises shall not be open outside the following hours unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Saturday – 9am to 11pm

Sunday and Bank Holidays – 9.30am to 10pm

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

4). Where entertainment noise is proposed the LAeq (entertainment noise) shall be controlled to 5dB below the LA90 (without entertainment noise) in each octave band at the facade of the nearest noise sensitive location, and shall be fully in accordance with Hepworth Acoustics noise impact assessment dated August 2023 reference P23-305-R01v1

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

5). Within a period of three months from the date of this consent a Travel Plan Strategy shall be submitted to the City Council, as local planning authority. Following approval of the Travel Plan Strategy, all measures shall be fully implemented and adhered to for the duration of the use, hereby approved.

Reason - To ensure that the development is carried out pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

6) The development hereby approved is for a temporary period only, for three years commencing from the date of this consent, and the use must cease thereafter.

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

7) The proposed use shall be for the operation of electric Go-Kart's, with ancillary uses, only, and for no other leisure or other use.

Reason – For the avoidance of doubt, pursuant to Policy DM1 (Development Management) of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

15 Atherton Street, Manchester, M3 3GS
Great John Street Hotel, Great John Street, Manchester, M3 4FD
Museum Of Science And Industry, Liverpool Road, Manchester, M3 4JP
83 Rozel Square, Manchester, M3 4FQ
6 Rozel Square, Manchester, M3 4FQ
26 Rozel Square, Manchester, M3 4FQ
10 Rozel Square, Manchester, M3 4FQ
4 Rozel Square, Manchester, M3 4FQ
36 Rozel Square, Manchester, M3 4FQ
34 Rozel Square, Manchester, M3 4FQ
32 Rozel Square, Manchester, M3 4FQ
30 Rozel Square, Manchester, M3 4FQ
28 Rozel Square, Manchester, M3 4FQ
24 Rozel Square, Manchester, M3 4FQ
22 Rozel Square, Manchester, M3 4FQ
20 Rozel Square, Manchester, M3 4FQ
2 Rozel Square, Manchester, M3 4FQ
18 Rozel Square, Manchester, M3 4FQ
16 Rozel Square, Manchester, M3 4FQ
14 Rozel Square, Manchester, M3 4FQ
12 Rozel Square, Manchester, M3 4FQ
8 Rozel Square, Manchester, M3 4FQ

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Castlefield Conservation Area 1979
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL