

17th May 2023

Planning and Building Control
Manchester City Council
Town Hall Extension
Albert Square
Manchester
M60 2LA

Sent via Planning Portal

Dear Sir / Madam,

Application for Approval of Details Reserved by Condition 12 Pursuant to Full Planning Permission Ref. 114585/FO/2016

Unit 1, Building 2, Manchester New Square, Princess Street / Whitworth Street, Manchester, M1 3AR
Planning Portal Ref. PP-12147168

Pegasus Group has been instructed on behalf of Starbucks Coffee Company (UK) Ltd (the 'applicant') to submit an application to approve details reserved by Condition 12 pursuant to Full Planning Permission ref. 114585/FO/2016 granted on 09 March 2017 for the following development:

Erection of three residential buildings (Building 1 comprising 15 storeys plus plant space, Building 2 comprising 11 storeys plus plant space and Building 3 comprising 14 storeys plus plant space) to provide 351 residential units (Use Class C3) 117 x 1 bed, 218 x 2 bed and 16 x 3 bed) as well as ground floor commercial uses (Class A1 (Shop), A3 (Restaurant and Cafe) and D1 (Non Residential Institution Use- Art Gallery) and new public space with related access, servicing, landscaping and associated works with parking for 254 vehicles, 224 cycles within 4 levels of existing basement car park.

The applicant is seeking to occupy and operate a Starbucks Coffee Shop (Use Class E) at the application site, and the proposal under this application will help facilitate this.

The following documentation has been submitted alongside this Covering Letter in support of this application:

- Application Forms, completed and signed;
- Location Plan (Ref: 100323 SK02);
- Existing Site Plan (Ref: 100323 SK01); and
- Planning justification (included within this Covering Letter).

Site Context and Development History:

The site comprises a ground floor unit within Building 2 as part of the Manchester New Square development. The unit is situated on the corner of Princess Street (A34) and the Rochdale Canal and comprises Class E floorspace under the permission ref. 114585/FO/2016. The upper floors comprise residential (Class C3) flats and are the nearest noise sensitive premises to the application site.

The other ground floor units as part of the Manchester New Square development also comprise Class E floorspace and, similar to Unit 1, benefit from outdoor seating for customer use as well as an active public realm area within the

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development centre and that dissects the buildings. The site sits within the City Centre boundary as well as a predominantly commercial area, with a variety of evening uses adjacent the site such as the New Union Hotel (Sui Generis), open 12:00-02:00 Monday to Thursday, extending to 04:00 from Friday to Sunday, and G-A-Y Manchester open 12:00-04:00 daily. There are also numerous bus stops surrounding the site, including Hart Street and Sackville Gardens, providing services as early as 5:00am with hourly buses passing the site. Similarly, Whitworth Street (B6496) running along the southern boundary of the Manchester New Square site provides direct links to Piccadilly Train Station and the A6.

Adopted Local Plan:

The Development Plan policy that is relevant to this application is contained in the Core Strategy (2012-2027) and saved policy from the Extant Unitary Development Plan (UDP).

Extant Unitary Development Plan (UDP)

DC26 Development and Noise outlines that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise;
- b. and the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.4 states that where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers.

Core Strategy (2012 – 2027)

SP1 Spatial Principles states that new development in all parts of the city should create well designed places that enhance or create character, whilst making a positive contribution to the health, safety and wellbeing of residents. New development should consider the needs of all members of the community by prioritising inclusivity.

DM1 Development Management outlines that all development should have regard for effects on amenity, including privacy and noise.

Proposal:

This application seeks to discharge Condition 12 attached to permission reference 114585/FO/2016 in relation to the application site only. The wording of Condition 12 is as follows:

Before any new use hereby approved commences, within each of the ground floor units below the residential blocks details of the proposed opening hours shall be submitted to and approved in writing by the City Council as local planning authority. The units shall not be operated outside the hours approved in discharge of this condition.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

The applicant seeks the following opening hours (for the Starbucks unit only):

- **Indoors: 06:00hrs and 23:00hrs daily**

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- **Outdoors: 07:30 – 20:00 Monday to Saturday and 10:00 – 18:00 Sundays and Bank Holidays**

The proposed opening hours are required to meet customer expectations and demand, and reflect the peak early morning, lunch and early evening times associated with a Starbucks Coffee Shop. Indeed, the nature of the proposed food and drink use attracts a variety of consumers at all times of the day, albeit there is significantly less activity during the later evening times.

Planning Assessment:

The noise associated with operating a Starbucks Coffee Shop (and relevant to this application) pertains to its customer activity, with noise levels being their greatest from outdoor diners during the peak operating hours. However, the applicant is seeking reduced outdoor opening hours in order to ensure no noise is experienced by residents during the early morning and late evening periods. A Starbucks Coffee Shop does not involve any primary cooking nor use of extensive machinery that would generate significant noise. Indeed, the loudest use of equipment is from use of the milk frother.

As identified above, the site is situated within a busy part of the City Centre due to its situation along a main 'A' road (Princess Street) and secondary 'B' road (Whitworth Street), each subject to much traffic including frequent noisy buses and other larger vehicles. Furthermore, the vibrant, commercial nature of the Manchester New Square development, canal frontage and surrounding area overall provides a noisy environment. As such, the existing background noise levels are very high and the noise generated by operating the Starbucks Coffee Shop will be negligible against these, even during the early morning and late evening times because these periods are outside of the peak hours.

Whilst the nearest noise sensitive properties are immediately above the application site, Condition 17 of planning permission ref. 114585/FO/2016 requires acoustic treatment to the upper floor flats (including acoustic glazing and ventilation to avoid window opening) in order to preserve the amenity of these properties. This Condition also requires details of acoustic glazing to treat Unit 1, thus further reducing any noise experienced by the upper floor flats during the more sensitive early morning and late evening hours.

Finally, the proposed opening hours are consistent with other Starbucks Coffee Shops within the City Centre, including 1 Oxford Road which was approved under ref. 115642/JO/2017 and comprises a similar site context and has flats above it. Therefore, approving the proposed opening hours for the site is consistent with the local planning authority's decision-making.

Conclusions

The proposed discharge of condition 12 is a formality stipulated by the original permission and therefore inflicts no material change to the planning permission overall.

This application pertains to Unit 1, Building 2 only and will help facilitate its occupation and operation by a Starbucks Coffee Shop. It has been demonstrated above that the proposed opening hours are consistent with similar Starbucks Coffee Shops within the City Centre and any noise from customers experienced by the upper floor flats will be kept to acceptable levels due to the acoustic mitigation required under Condition 17 of permission ref. 114585/FO/16. Nevertheless, the noise generated by the Coffee Shop during all times of the day will be negligible against the existing background noise levels from the surrounding area and therefore, will not be experienced by residents.

Overall, it has been demonstrated that the proposed opening hours will not materially harm residential amenity and do not conflict with UDP Policy DC26 and Core Strategy Policies SP1 & DM1.

We trust that the contents of this letter are clear, but should you have any queries, please contact me using the details provided below. I look forward to your formal acknowledgement of the application.

Yours faithfully

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