

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131446/FO/2021

Date registered valid: 9 September 2021

Proposal: Change of use of part of the third floor and all of the fourth floor from non-residential institution (Class F1-a) to offices (Class E-g) (part retrospective)

Address: Linley House , Dickinson Street, Manchester, M1 4LF

Ward(s): Piccadilly Ward

Applicant: Tom C/o Agent Dickinson Street Manchester Limited 2nd Floor Windsor House, Lower Pollet, St. Peter Port, GY1 1WF

Agent (if any): Mr Tom Sadler LPC (Trull) Ltd Trull, Tetbury, GL8 8SQ

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 1 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Office

Date of site visit:

Standard consultations:

Printed: 15 September 2021 Expired: 6 October 2021

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 15 September 2021 Expired: 6 October 2021

Press advert

Published: 21 September 2021 Expired: 12 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order:

The Site - The site is Linley House which is located on Dickinson Street within Manchester City Centre and comprises an eight storey commercial building which was originally used as multi-tenanted office space. The building now comprises a mix of offices and non-residential institution (education) use. The educational provider has, since the applicant's acquisition of the site, reduced their floorspace requirement from three floors (2nd, 3rd and 4th) to only 2nd and part 3rd due to a lack of demand for this use of space in this location.

The following planning history is of relevance to the site and the proposed application:

094199/FU/2010/C2 Change of use from B1(office) to D1(education and training facility) at 2nd, 3rd and part of 4th floor Approved 2/11/2010

095338/LE/2011/C2 Lawful Development Certificate for existing use as offices. Approved 18/03/2011

103604/FO/2013/C2 Change of use of the part fourth floor from offices (Use Class B1) to non-residential institutions (Use Class D1) to allow extension of existing non-residential teaching and training establishment with ancillary offices. Approved 12/03/2014

The site is set back from the main roads and can also be accessed from Bloom Street to the east. On the south side it borders with the Bridgewater Canal. The site is approximately 0.59 ha.

and is within the Whitworth Conservation Area and is surrounded by a number of Grade II listed buildings. The existing building is 9 storeys plus basement and is used as offices.

The Proposal - The proposal seeks planning permission (part retrospective) for the change of use of part of the third floor and all of the fourth floor from non-residential institution (Class F1-a) to offices (Class E-g) at Linley House, Dickinson Street, Manchester ('the site').

The purpose of this application is to return the use of part of the third floor and whole of the fourth floor to its previous (original) use/purpose as offices (Class E-g). The fourth floor is in fact already in use as an office therefore the application is part retrospective,

Description of area

Description of development

Consultations & Notification Responses

Publicity - The application has been advertised in the Manchester Evening News as a Development of Public Interest. A site notice was also displayed.

No representations have been received as a result of this publicity.

Highways - have reviewed the above application in relation to highways and our comments are as follows:

The application seeks consent for the Change of use of part of the third floor and all of the fourth floor from non-residential institution (Class F1-a) to offices (Class E-g) (part retrospective) at Linley House, Dickinson Street, Manchester, M1 4LF.

The site is located adjacent to the adopted highway of Dickenson Street in the City Centre.

HIGHWAYS RESPONSE

The proposal is for change of use from non-residential institution (education use) (Class F1-a) to office use (Class E-g) of part of the building's third floor, and all of the building's fourth floor. No external alterations are proposed as part of the application.

The level of trips generated by the development is unlikely to be significantly dissimilar to that previously experienced and will not pose any significant impact on the adjacent highway network.

Pedestrian access will remain as existing

The development will not offer any parking.

In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/visitor cycles.

It is noted that there is an existing bin arrangement in place and that the existing waste management arrangement will continue.

The developer has submitted a photo of the existing cycle parking and highways have said that the safe and secure cycling storage is acceptable from a Highways perspective

Environmental Health - have considered the application and recommend that the following conditions are attached to any approval.

HOURS1

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

To be agreed prior to the change of use commencing

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

NSE6

a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site. The scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

REF*

The approved scheme for the storage and disposal of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health.

*The Waste Management Strategy submitted with the application is acceptable.

Information for Developers guidance documents can be downloaded using the following link:

http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Issues

Issues

The main issues to consider are the principle of the use, the impact of the proposal on amenity and whether it would achieve level access. The proposal should be considered against the

following policies: Sections 1 (Building a strong and competitive economy) and Section 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework; policies SP1 (Spatial Principles), EC1 (Employment and Economic Growth in Manchester), CC10 (A Place for Everyone), EN1 (Design Principles and Strategic Character Areas and DM1 (Development Management) of the Core Strategy for the City of Manchester.

As mentioned above, the building now comprises a mix of offices and non-residential institution (education) use. The area is largely commercial in nature and the change of use of part of the third floor and all of the fourth floor from non-residential institution to offices is acceptable in principle.

The applicant has confirmed that the application is for change of use only, with no additional floorspace/external alterations proposed. An office use is not a substantially noisy use. Environmental Health have asked for a condition to control externally mounted ancillary plant. However, the applicant has stated in an email that the application involves no external alterations whatsoever. An appropriate waste management strategy has been submitted and it is therefore considered that the proposal would have an acceptable impact on amenity.

The applicant has confirmed that direct and level access into and throughout the building for disabled persons already exists at the site and this will not be changed as part of these proposals for change of use only. Lift access is available onto all floors where there are also accessible facilities (WC) at each floor.

The developer has submitted a photo of the existing cycle parking and highways have said that the safe and secure cycling storage is acceptable from a Highways perspective.

Given the above, it is considered that the proposal would meet the national and local planning policies and should be approved.

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 an application for planning permission, officers seek to work with the applicant in a positive and pro-active manner in seeking solutions to problems arising in relation to dealing with the application. No problems arose in the processing of this application.

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:

Drawings

L03 Proposed FLOOR PLAN received

L04 Proposed FLOOR PLAN received

Location Plan CF577-MS-XX-XXX-DR-A-0000 all received 19 Aug 2021

LOCATION AND SITE PLAN

Proposed BIN LOCATION received all received 9 Sep 2021

Documents

Supporting Information PLANNING STATEMENT received 19 Aug 2021

Correspondence RESPONSE TO INVALID LETTER

Correspondence RESPONSE TO MCC QUERIES

WASTE PROFORMA all received 09 Sep 2021

The email from Tom Sadler entitled RE: Highways response to 131446/FO/2021 received 5th October 2021

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy DC14 of the Unitary Development Plan for Manchester.

3) The approved scheme for the storage and disposal of refuse shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: CITY2