

Our ref. : AB2155/LPA150721

Technical Support Team (Planning)
Planning, Building Control & Licensing
Manchester City Council
P.O. Box 532
Town Hall
Manchester
M60 2LA

15th July 2021

Dear Sir/Madam,

**FULL PLANNING APPLICATION AND ASSOCIATED EXPRESS ADVERTISEMENT CONSENT APPLICATION
GROUND FLOOR, MADISON HOUSE, LITTLE PETER STREET, MANCHESTER, M15 4QJ**

On behalf of our clients, Theo Bros Limited, please find enclosed a full planning application and associated express advertisement consent application relating to the ground floor commercial premises located at Madison House, Little Peter Street, Manchester, M15 4QJ.

This planning application and associated express advertisement consent application, both of which are being submitted to Manchester City Council ('the LPA') electronically by way of the Planning Portal website, comprises the following documentation ;

- Completed application forms and ownership certificates.
- This covering letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement.
- Drawing no. 0232-01 – 1:1250 scale location plan of application site and surroundings.
- Drawing no. 0232-02 – 1:500 scale block plan of application site.
- Drawing no. 0232-03 – existing ground floor plan.
- Drawing no. 0232-03A – existing ground floor elevations.
- Drawing no. 0232 -04 – proposed ground floor plan.
- Booklet prepared by Source Graphics detailing proposed signage.

Payment of the statutory planning application fee of £462, the statutory express advertisement consent application fee of £132, plus the Planning Portal service charge fee of £28, has been made electronically when submitting these applications via the Planning Portal website.

Description of application premises and surroundings

The application premises comprise approximately 141 square metres of currently vacant commercial floorspace located at ground floor level within a multi-storey mixed commercial and residential building fronting Medlock Street (the A5103) to the east, Hewitt Street to the north and Little Peter Street to the south.

The floorspace which is the subject of these applications is accessed by way of a self-contained entrance on the north-eastern corner of the building and incorporates fenestration on both the Medlock Street and Hewitt Street frontages.

The application premises are currently vacant and are understood to have been so for over 3 years since the dental practice which was previously in occupation vacated. As detailed within the 'relevant planning history' section of this planning statement, the use of the premises is restricted (by a planning condition) to dental surgery use only.

The building which the premises forms part of is located within the designated city centre but does not comprise designated retail frontage. Nor is the application building within or in close proximity to the boundaries of a Conservation Area, and nor is the building either statutorily or locally listed.

Manchester Bridgewater Hall Car Park is located directly on the opposite side of Little Peter Street to the south of the building, whilst Deansgate railway station and Deansgate-Castlefield tram stop are both within 200 metres of the application premises.

Relevant planning history

In January 2014, the LPA granted planning permission (application ref. 104077/FU/2013/C1) for the change of use of the application premises from a flexible A1 (retail shop), A3 (restaurant) or B1 (business) use to a dental surgery (Use Class D1).

The granting of that permission was subject to a number of conditions, including two conditions (nos. 3 and 4) which prevented the commencement of the use of the premises as a dentists until details had been submitted to and approved by the LPA relating to acoustic treatment (condition 3) and refuse storage and disposal (condition 4). It is not clear from the LPA website whether those conditions were ever formally discharged, but there is no doubt that the ground floor was subsequently occupied by a dental practice, given the later planning history outlined below.

Condition 6 imposed upon that planning permission stated that ;

'The development hereby consented shall only be used for the following purposes as defined in the Town and Country Planning (Use Classes) Order 1987, as amended :

Dental surgery within Class D1 and for no other purposes within Class D1.'

In December 2018, the LPA granted planning permission (application ref. 118813/FO/2018) for the change of use of the first floor of the application building to additional dental floorspace associated with the (then) existing ground floor dental practice, but it is understood that the ground floor dental practice operators never subsequently occupied that first floor floorspace before vacating the building altogether.

Proposals which are the subject of these applications

Planning permission is sought for the conversion of approximately 141 square metres of ground floorspace from its lawful use as a dental surgery (formerly Use Class D1, now Class E(e)) to a gym (formerly Use Class D2, now Class E(d)).

Planning permission is only required for the proposed change of use because of how, as detailed in the preceding section of this planning statement, condition 6 imposed upon the granting of planning application ref. 104077/FU/2013/C1 restricts the use of the premises to dental surgery.

The proposed gym would be open between the hours of 06.00 to 20.00 on each day of the week, and it is anticipated that the proposed gym would employ 3 full-time employees and 3 part-time employees.

No operational development associated with this proposed change of use is either proposed or required, and therefore the planning application element of this submission relates solely to the proposed change of use.

The signage associated with the proposed gym use is detailed within the accompanying booklet prepared by Source Graphics and includes fascia signage, vinyl logo signage affixed externally to the east and north elevation of the building at ground floor level, and a non-illuminated projecting sign also on the east elevation of the building at ground floor level.

Planning policy context

At local level, the Development Plan for the application site and the immediate surrounding area currently comprises the LPA's Core Strategy 2012 – 2027, which was adopted in July 2012, and also the remaining extant/saved policies of the LPA's Unitary Development Plan (UDP).

Additionally, the LPA also has a Supplementary Planning Document (SPD) entitled 'Hot Food Takeaway' which was adopted in March 2017.

It is understood that the LPA has commenced a review of its currently adopted Development Plan, including a Local Plan Issues Consultation in April 2020, but at the present time this review is at an early stage and therefore full weight should continue to be attached to the Development Plan (as long as it reflects current national planning policy).

At national level, the latest National Planning Policy Framework (NPPF) was published by the Government in June 2019 (updating the original NPPF published in March 2012) and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

The National Planning Policy Guidance (NPPG) was first published by the Government in March 2014 and is regularly updated, and also streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements, into a single document.

Planning appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise.

The glossary (Annex 2) to the NPPF confirms that health and fitness centres are, amongst numerous other uses, defined as 'main town centre uses' and therefore such uses should ideally be provided in sites within the city centre boundary, such as the application premises.

Indeed, adopted Core Strategy policy SP 1 (Spatial Principles) confirms that the regional centre will be the focus for economic and commercial development, as well as retail, leisure and cultural activity, whilst policy C 1 (Centre Hierarchy) confirms that the City Centre will be the regional focus for commerce, culture, leisure and tourism.

Stressing how the application premises has been vacant for more than 3 years, and taking into consideration the adverse impact of that vacancy upon the vitality and viability of Manchester City Centre, the restoration of active usage of the premises would clearly be beneficial to the vitality and viability of the centre. Additionally, the proposed use would bring economic benefits associated with the creation of approximately 6 new jobs.

The current development plan does not expressly include policies which seeks to retain floorspace either in active health/medical usage (i.e. former D1 use) or the lawful use of which is for such purposes. We would again stress that the premises have been vacant for over 3 years, and, prior to planning permission being granted in January 2014 for the premises to be used as a dental surgery, its previously consented use was for flexible retail, restaurant and office purposes.

We also note that the reason for the imposition of condition 6 upon the granting of planning application ref. 104077/FU/2013/C1, with that condition restricting the use of the premises to a dental surgery only, was ;

'To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Core Strategy policies DM1 and saved Unitary Development Plan policies DC26.'

Consequently it is clear from the wording of the reason why condition 6 was imposed that the condition was not directed at protecting a medical or care use of the building, and indeed the wording of the condition expressly prevents the premises being used for another use within former Use Class D1, so it is not a case that the condition was imposed in order to ensure the premises could only be used for other health/medical purposes.

Additionally there is no reason why the proposed gym use would have any adverse impact upon the residential amenities enjoyed by the occupiers of nearby residential properties, particularly having regard to the proposed opening hours of 06.00 to 20.00.

In conclusion therefore the proposed use of the application premises as a gym would therefore fully accord with the development plan as well as with national planning policy and associated guidance as set out in the NPPF and NPPG.

Turning to the proposed signage, when assessing express advertisement consent applications the only material considerations which can be taken into consideration are amenity and public safety. The proposed internally fascia signage and the other proposed non-illuminated signage elements are simple and proportionate in both size and appearance having regard to the building as a whole and neither over-dominant the frontages of the application building nor have any adverse impact upon public safety, and therefore accords with saved UDP policy 14 (Advertisements, Hoardings and Posters).

Conclusion

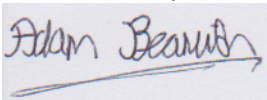
For the reasons set out within this planning application submission, the proposed change of use of the currently vacant application premises to a gym would fully accord with the adopted development plan, as well as with national planning policies and associated guidance as set out in the NPPF and NPPG.

Accordingly planning permission should be granted for these proposals, subject to the imposition of appropriate, necessary and reasonable conditions, the content of which we welcome discussions with the Case Officer regarding in due course.

Similarly, the proposed signage will have no adverse impact upon amenity or public safety, and therefore express advertisement consent should be granted for that signage, subject to the standard advertisement conditions.

We look forward to corresponding with the Case Officer to whom these applications are allocated in the coming weeks, but should any further information or clarification be required please do not hesitate to contact us.

Yours faithfully,



Adam Beamish
BA (Hons), DIP TRP, MRTPI