

Planning

Growth & Development

Delegated officer report for planning application

Application no. 128865/FO/2020
Date registered valid: 11 December 2020
Proposal: Change of use to Fitness Studio (Class E)
Address: Arch 106, Temperance Street, Manchester, M12 6HR
Ward(s): Piccadilly Ward

Applicant: Mr Dean Ashton Urban Reform Ltd 2 Middleton Road, Royton, Oldham, OL2 5PA
Agent (if any): Mrs Rebecca Hilton Lichfields Lichfields, Ship Canal House , 98 King Street, Manchester, M2 4WU
Case officer: Christopher Smith
Tel: 0161 234 4529
Email: christopher.smith@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 9 February 2021

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit: 23 December 2020

Standard consultations:

Printed: 18 December 2020 Expired: 8 January 2021

Neighbour notifications

Printed: 18 December 2020 Expired: 8 January 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The area on and around Temperance Street is characterised by light industrial uses and surface grade car parking. To the rear of the proposed site is the Mayfield District an industrial area on the outskirts of the City which has been identified for comprehensive regeneration and development over the next 20 years. The Mayfield district is one of a number of sites surrounding Piccadilly train station earmarked for redevelopment as part of the planned HS2 Masterplan.

The site is not within a designated Conservation Area nor are there any immediately adjacent listed buildings.

The site is Flood Zone 1 and is therefore at low risk of flooding. Vehicular and pedestrian access to the site is off Temperance Street. Unrestricted on road parking available along Temperance Street and surrounding streets.

The site is well served by public transport links being within the city centre. Manchester Piccadilly Train Station is an approximately 0.9km walk from the site which offers both national and local services. There are also several bus stops located on Fairfield Street (a 0.9km walk northwards from the site). These provide links to areas such as West Didsbury, Ancoats, and Ashton-under-Lyne.

Description of proposal

The proposals consist of a change of use of vacant floorspace of Unit 106 Temperance Street to a fitness studio. Urban Reform Ltd (the applicant) is the intended occupier. Urban reform currently has an existing and successful premises on Pollard Street East, Ancoats. This new unit would build on this success and expand Urban Reforms offer in the city. The business offers access to gym equipment for ad hoc training sessions, private personal training and nutrition coaching as well as a range of exercise classes. The gym would open Monday-Saturday between 06:00 – 22:00 and on Sundays between 06:00 – 20:00.

The proposed internal layout is shown on the Proposed Floor Plan (ref. A103). The plan also provides 3D imaging of the proposals for absolute clarity. When entering the unit, three separate rooms for a toilet, waste storage and a locker room is to be located immediately to the right. Fitness equipment runs parallel the unit's eastern, northern and western walls, with separate spaces for Elite Training, Personal Training, Boxing and Fitness Classes, and a walkway through the middle. A fire escape corridor runs along the length of the unit's western edge, providing an escape for users furthest away from the main access. Overall, there are only minor internal alterations proposed and these are not significant in nature.

No external works are required to facilitate this change of use including provision of fume extraction systems or air conditioning units.

Consultations & Notification Responses

Publicity – A total of 50 neighbour notification letters were sent to adjoining properties and no site notice or local press advert were produced. At the time of writing this report no representations have been made due to this publicity.

Highways – No objections to the proposal and requested cycle storage provision.

Environmental Health – Initially requested further information regarding, waste, servicing and acoustics.

Greater Manchester Police – Having assessed the Crime Impact Statement have no objection to the proposal and support the application subject to the implementation of the security measures they recommended.

HS2 Ltd – Noted that no external works are required and have no objection to the proposal. Requested an informative note to the applicant to highlight the potential disruption during construction of HS2, which has been passed on via email correspondence.

Principle of the Use

The units that are the subject of this application are located within a part of the City where this type of use would normally be acceptable in principle and the proposal would occupy railway arches.

Regeneration is an important planning consideration and there is a need to build on the regeneration that has already taken place within the Piccadilly Gateway area and the investment and environmental improvements which are continuing.

The proposed use would be complementary to the existing uses, providing an additional facility for local residents and businesses; subject to appropriate control of in terms of the hours of operation and the need to deal satisfactorily with noise. and storage and disposal of refuse.

In view of the above it is considered that the proposal has the potential to add to the area's vibrancy and contribute to the character of the emerging Mayfield Area. The proposals are therefore considered to be acceptable in principal.

Issues

The main issues for consideration relate to the impact of the proposed use on the amenity of surrounding occupiers, level access, crime and disorder and highway safety. The main policies that relate to the proposals are policies CC1-CC10 (various City Centre policies), SP1 (Spatial Principles), EN1 (Design Principles and Strategic Character Areas) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester, and saved policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester, and SPD Guide to Development in Manchester, alongside the overarching revised National Planning Policy Framework.

Amenity

At pre-application stage the Applicant sought advice from Environmental Health as to the requirements of a noise survey. Environmental Health confirmed no noise survey was required in this instance, given the lack of nearby sensitive receptors. The developer requested operating hours as set out above and these hours are considered to be acceptable.

Given the recent flexibility permitted by the amended Use Class Order, the City Council consider it necessary to restrict the use classes permitted to operate within the unit to Class E(d). This is on the basis that the wider area, known as Mayfield, which is subject to a massive Strategic Regeneration Framework, which is being currently delivered, means the area will change rapidly in the near future. As such it is appropriate to restrict the permitted uses within Class E, in the interest of safeguarding future uses amenity in the area. The Applicant / Agent has agreed to such a condition, and as such a restrictive use condition has been recommended within this report.

The proposals do not include any external changes to the unit.

It is therefore considered that the development accords with Policies SP1 (Spatial Principles) and DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester and saved policy DC26 (Development and Noise) of the Unitary Development Plan for the City of Manchester.

Travel

As highways have commented, in comparison to the current use (albeit unoccupied use) of B8 the proposed change to a D2 (gymnasium) use would be unlikely to generate any significant increase in vehicular trips. Highways have accepted that given the sustainable location, a large proportion of trips will be undertaken by non-private vehicles, and are likely to form part of linked trips associated with other businesses within the City Centre.

The developer has indicated that a small number of internal cycle storage spaces will be made available for staff and clients. The provision is considered as appropriate in this context given the proposed use.

Servicing and Waste

Given the intended use the development is not anticipated to generate any significant servicing needs. A minimal amount of waste is anticipated to be generated by the proposed use and therefore the strategy is considered to be acceptable by Highways.

Crime

Greater Manchester Police have confirmed that they have no objection to the proposal and are happy to support the application subject to recommended physical and operational security measures being implemented. These measures are accepted by the Applicant and would be secured by a condition recommended in this report.

Given this, the proposals are considered to be in accordance with policy DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester.

Disabled access

The proposal has level access from street level and the unit has no changing levels. Therefore full access into and throughout the unit would be possible.

Given this, the proposals are considered to be in accordance with policy DM1 (Development Management) of the Adopted Core Strategy for the City of Manchester.

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

The City Council as Local Planning Authority has worked with the applicant / agent in a positive and proactive manner. Further information was sought during the determination process and appropriate conditions were included with the agreement of the applicant / agent.

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:

Location Plan Drawing No. A100, stamped and received by the City Council as Local Planning Authority on 11 December 2020.

Drawings No. A101, 102, 104, 105, 106, stamped and received by the City Council as Local Planning Authority on 11 December 2020.

Drawing No. A103, stamped and received by the City Council as Local Planning Authority on 08 February 2021.

Cover letter, stamped and received by the City Council as Local Planning Authority on 11 December 2020.

Agent letter regarding GMP recommendations (dated 06 January 2021), stamped and received by the City Council as Local Planning Authority on 06 January 2021.

Operations and maintenance document, stamped and received by the City Council as Local Planning Authority on 06 January 2021.

Waste Management Proforma, stamped and received by the City Council as Local Planning Authority on 11 December 2020.

Email correspondence from Frances Lennon (dated 08 February 2021) regarding internal cycle storage, stamped and received by the City Council as Local Planning Authority on 08 February 2021.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies, T2, EN19, SP1 and DM1 of the City of Manchester Core Strategy.

3) The operation of the development hereby permitted shall be restricted to the following permitted hours (inclusive):

Monday to Saturday 06:00 - 22:00; and
Sunday 06:00 - 20:00

Reason - To protect the amenity of the occupants of the wider premises once the development hereby approved is occupied, pursuant to the City of Manchester Core Strategy policy DM1 and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

4) Prior to the first occupation of the development the details regarding space and facilities for bicycle parking submitted and hereby approved shall be fully implemented, retained and permanently reserved for bicycle parking in accordance with the following documents:

Drawing No. A103, stamped and received by the City Council as Local Planning Authority on 08 February 2021.

Email correspondence from Frances Lennon (dated 08 February 2021) regarding internal cycle storage, stamped and received by the City Council as Local Planning Authority on 08 February 2021.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to transport mode, pursuant to policies SP1, T1 and T2 of the City of Manchester Core Strategy.

5) The development hereby approved shall be fully implemented and thereafter operated in full accordance with details, relating specifically to operational management, crime & security issues, set out in the following submitted documents:

Agent letter regarding GMP recommendations (dated 06 January 2021), stamped and received by the City Council as Local Planning Authority on 06 January 2021.

Operations and maintenance document, stamped and received by the City Council as Local Planning Authority on 06 January 2021.

For the avoidance of doubt the GMP recommendations, operational and maintenance strategies as set out clearly in the above documents shall be fully implemented and retained while the use remains in operation thereafter.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy and to reflect the guidance contained in the revised National Planning Policy Framework.

6) Notwithstanding the approved plans and documents as specified in condition 2, the planning permission hereby granted is for a development that has full access into and throughout the site and into and throughout all areas of the unit/building for all persons, including those whose mobility is impaired.

Reason - To ensure that satisfactory disabled access is provided by reference to the provisions of policy DM1 of the Manchester Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the premises shall only be used for the purposes of indoor sport, recreation or fitness (not involving motorised vehicles or firearms) as defined by Class E(d) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) and for no other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification).

Reason - To safeguard future residential amenity and maintain a sustainable neighbourhood as this area is due to rapidly change in the future through the Mayfield Strategic Regeneration Framework (SRF), pursuant to policies SP1 and DM1 of the Manchester Core Strategy and the principles for sustainable development set out in the revised National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
High Speed Two (HS2) Limited
Network Rail

Network Rail Maintenance Depot, 6 Ducie Street, Manchester, M1 2JS
Mayfield Storage And Distribution, Temperance Street, Manchester, M12 6HW
Amato Food Products Ltd, 6 St Andrew's Square, Manchester, M1 2NS
10 Nether Street, Manchester, M12 6HY
Mast O2 10653, 4 Travis Street, Manchester, M1 2NY
Mast 3 M0140, 4 Travis Street, Manchester, M1 2NY
Car Spaces, 4 Travis Street, Manchester, M1 2NY
Mayfield Storage, Fairfield Street, Manchester, M1 2QF
GRUB, Arches 5 And 6, Temperance Street, Manchester, M12 6HR
Arch 107, Temperance Street, Manchester, M12 6HR
104 Temperance Street, Manchester, M12 6HR
Arch 108, Temperance Street, Manchester, M12 6HR
Arch 100, Temperance Street, Manchester, M12 6HU
Arch 8, Temperance Street, Manchester, M12 6HR
Arch 7, Temperance Street, Manchester, M12 6HR
Arch 105, Temperance Street, Manchester, M12 6HR
Arch 103, Temperance Street, Manchester, M12 6HR
Unit 5, 101 Fairfield Street, Manchester, M1 2WG
CITY CENTRE GARAGE, Unit 4, 101 Fairfield Street, Manchester, M1 2WG
Unit 3, 101 Fairfield Street, Manchester, M1 2WG
Unit 2, 101 Fairfield Street, Manchester, M1 2WG
Unit 1, 101 Fairfield Street, Manchester, M1 2WG
4 Travis Street, Manchester, M1 2NY
Arch 108E, North Western Street, Ardwick, Manchester, M1 2WR
Arch 108D, North Western Street, Ardwick, Manchester, M1 2WR
Arch 108C, North Western Street, Ardwick, Manchester, M1 2WR
Arch 108B, North Western Street, Ardwick, Manchester, M1 2WR
Arch 108A, North Western Street, Ardwick, Manchester, M1 2WR
Arch 102, North Western Street, Ardwick, Manchester, M12 6DY
Arch 101, North Western Street, Ardwick, Manchester, M12 6JL
Unit 7, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Unit 6, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
33 Rachel Street, Manchester, M12 6HG
Unit 4, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Unit 2, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Unit 1, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Unit 8, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
Units 1- 2 And 2A, Bond Street Industrial Estate, Bond Street, Manchester, M12 6HW
GREATER MANCHESTER WEST MENTAL HEALTH, The Bridge, 104 Fairfield Street, Manchester, M1 2WR
100 - 102 Fairfield Street, Manchester, M1 2WR
Unit 5, Bond Street Industrial Estate, Bond Street, Manchester, M12 6HW
94 - 98 Fairfield Street, Manchester, M1 2WR
Arch 1, Sheffield Street, Manchester, M1 2ND
Old Sorting Office, St Andrew's Street, Manchester, M1 2AH

107 Fairfield Street, Manchester, M1 2WG
99 North Western Street, Ardwick, Manchester, M12 6JL
Unit 3, Hoyle Street Industrial Estate, Hoyle Street, Manchester, M12 6HG
2 Helmet Street, Manchester, M1 2NT
Emitex House, 31 St Andrew's Street, Manchester, M1 2AH

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: CITY2