Planning Statement

58-60 King Street and 64-66 King Street, Manchester

Application for Prior Approval for Conversion of Upper Floors to Residential Use

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1. Introduction

1.1 This Statement has been prepared by Savills (UK) Ltd on behalf of Glasgow City Council as administrating authority for Strathclyde Pension Fund c/o DTZ Investors (the '**Applicant**').

1.2 It has been prepared to accompany two 'prior approval' applications to change the use at 58-60 King Street and 64-66 King Street in Manchester, from office (Class B1a) to residential (Class C3) under Class O of the General Permitted Development Order 2015 (as amended) ('**GPDO**').

1.3 Savills had previously obtained prior approval applications for both sites on 8 May 2015 which expired on 8 May 2018 (Application Reference: 108350/P3JPA/2015/C1 and 108351/P3JPA/2015/C1) (the '**2015 Permissions**'). A copy of the planning permissions are included at **Appendix 1**. The 2015 Permissions confirm that the proposed conversion to dwelling houses is permitted development and that the applications should be 'approved'.

1.4 This Statement establishes that the change of use of the office floorspace to residential apartments represents permitted development as the conversion will not generate any adverse transport or highways impacts, or be at risk from contamination, flooding or noise from commercial premises.

1.5 The remainder of the Statement is structured as follows:

Section 2.0 The Application Site
Section 3.0 Legislation and Planning Policy
Section 4.0 The Proposed Development
Section 5.0 Planning Assessment
Section 6.0 Summary and Conclusion

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2. The Application Site

2.1 The application relates to the change of use of the upper floors of 58-60 King Street and 64-66 King Street. The north west of the ground floor of 64-66 King Street is also included in this application, where access is proposed. The property is bound by Four Yards to the east. A plan of the application sites are shown on Drawing Ref: DTZ/KS/SLP.

2.2 The application site is located within the St Ann's Square Conservation Area, but is not itself listed. The adjoining property is also owned by the Applicant (62 King Street) and is Grade II listed.

2.3 The application is situated in the commercial and professional centre of Manchester. King Street is renowned for its exclusive retail offering and high quality office space. In recent years however the area has experienced an increased incidence of vacant units as a result of the prevailing economic downturn.

2.4 The buildings currently provide office accommodation on the first, second, third and fourth floors, whilst the basement, ground floor and part of the first floor unit accommodates Cath Kidston and Kuoni Travel Ltd. The office accommodation is accessed via a staircase and lift which are accessed from a ground floor entrance located in the northwest corner of the building. All of the office suites are currently vacant.

The Surrounding Area

2.5 The site is located in the heart of the City Centre and benefits from the wide array of shops, amenities, services, facilities and employment opportunities that this brings. In terms of access by public transport, the site is located within close proximity to a high number of bus stops; tram stops located at Cross Street, Market Street and St Peter's Square; and is within walking distance of Victoria, Oxford Road and Manchester Piccadilly Railway Stations. It follows that the application site is in a highly sustainable location in close proximity to services, facilities and public transport links.

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3. Legislation and Planning Policy

3.1 The relevant section of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('**GPDO**') is set out below.

Class O of the General Permitted Development Order

3.2 In March 2016 the government confirmed that permitted development rights allowing the change of use from office (use class B1(a)) to residential (use class C3) would be made permanent from April 2016, by an amendment to the GPDO. Class O of the GPDO applies to office conversions to dwellinghouses and states that permitted development relates to:

> *"Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule".*

3.3 Development is not permitted under Class O if:

a) *"the building is on article 2(5) land and an application in respect of the development is received by the local planning authority on or before 30th May 2019;*
b) *the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—*
    i. *on 29th May 2013, or*
    ii. *in the case of a building which was in use before that date but was not in use on that date, when it was last in use;*
c) *the site is, or forms part of, a safety hazard area;*
d) *the site is, or forms part of, a military explosives storage area;*
e) *the building is a listed building or is within the curtilage of a listed building; or*
f) *the site is, or contains, a scheduled monument".*

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3.4 Development under Class O of the GPDO is permitted subject to consideration of the following technical matters:

a) Transport and highways impacts of the development;
b) Contamination risks on the site;
c) Flooding risks on the site; and
d) Impacts of noise from commercial premises on the intended occupiers of the development.

Article 4 Directions

3.5 Local Planning Authorities ('**LPA**') have the ability to remove the operation of permitted development rights in specified locations, which can relate to individual buildings or the whole of their administrative area. They do so by adopting an Article 4 Direction which can either come into force immediately or after a deferred period.

3.6 The Site is located outside of the red line boundary designating Manchester City Council's City Core Article 2(5) land, as confirmed by 'Map 1.19 Manchester City Council' (Source: Department for Communities and Local Government, 2018) (**Appendix 2**).

National Planning Policy Framework

3.7 The permitted development rights provisions require the decision maker to have regard to the National Planning Policy Framework (February 2019) ('**the Framework**') as if the application were a formal planning application. Case law has established that this requirement does not allow the Council to have regard to the Framework in relation to issues other than those specified (i.e. other than transport and highways impacts, contamination risks, flooding risks and noise impacts).

3.8 The wording of the GPDO is considered unambiguous and makes clear that regard should only be had to the Framework insofar as it is relevant to the subject matter of the prior approval.

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4. The Proposed Development

4.1 This section describes the development proposals for which prior approval is being sought.

4.2 The application relates to the change of use of the upper floors of 58-60 King Street and 64-66 King Street. The south west corner of the ground floor of 64-66 King Street is also included in this application, where access is proposed.

4.3 It is proposed to change the use of the first, second, third and fourth storeys of the buildings from their current office use (Class B1a) to use as 15 no. apartments (use class C3) and ancillary development to the ground floor of 64-66 King Street.

4.4 No external alterations are proposed to the buildings which would otherwise necessitate the need for a planning application. The proposed conversion can be delivered exclusively through internal alterations to reconfigure the existing layout.

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5. Planning Assessment

5.1 This section assesses the potential to change the use of the application site from: office (use class B1(a)) to residential (use Class C3) utilising the provisions for permitted development under Class O of the GPDO.

5.2 It also assesses the potential transport or highways impacts of the proposed change of use and whether there would be any risks as a result of: contamination; flooding risks; or noise to intended occupiers.

5.3 Class O of the GPDO Section 3 sets out a series of criteria as to when development is not expressly permitted[1]. The application site is able to benefit from the provisions established by Class O of the GPDO as:

a) The building is not on article 2(5) land and an application in respect of the development will be received by the LPA prior to 30th May 2019;
b) The lawful use for the upper floors of King Street is 'offices' within Class B1(a);
c) The site is not, nor does not form part of, a safety hazard area;
d) The site is not, nor does it form part of, a military explosives storage area;
e) The building is not listed nor is it within the curtilage of a listed building; and
f) The site is not, nor does it contain, a scheduled monument.

5.4 Accordingly, the proposed change of use should benefit from express permission pursuant to Class O of the GPDO subject to demonstrating no unacceptable impacts in regard to the four prior approval assessment criteria, including Highways, Contamination, Flood Risk and Noise. These are assessed individually below.

Transport and highways

[1] See Paragraph 3.3.

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5.5 The existing office accommodation does not provide any car parking for occupiers, and the proposed residential use will similarly not provide any car parking. In terms of movements it is considered that the proposed C3 use of the property would have less of an impact in terms of traffic generation than the existing office use.

5.6 A similar scheme at 16-18 King Street did not provide any car parking facilities, and the City Council's conclusion for this scheme was that the development would have 'minimal impact on the local highways network and transport', and therefore the proposal complied with relevant highways policies including the Framework (Application Reference: 107025/P3JPA/2014/C1) (**Appendix 3**). The same conclusion should apply to this scheme at 58-60 King Street and 64-66 King Street, particularly given the below material considerations.

5.7 The site is in a highly accessible and sustainable location within the heart of the City Centre with excellent access to all its facilities and services, ensuring residents are not reliant on travel by private car. Furthermore, the site benefits from established bus, tram and national rail infrastructure within close proximity.

5.8 It is therefore not necessary for private car parking facilities to be provided. Indeed the lack of provision will promote non-ownership of cars and encourage people to use public and sustainable transport modes.

5.9 The site's highly accessible location will mean future residents are unlikely to own a car. For any future residents that do have a car there are a number of public car parks within the vicinity of the site, the closest being the NCP multi-storey car parks at the Arndale Centre and Market Place on Blackfriars Street.

5.10 In summary, it is considered that the proposed use will not result in a material increase in the character of traffic in the vicinity of the site, rather the proposed change to residential use is likely to result in fewer comings and goings than the existing office uses. Prior approval with regards to highway impacts is therefore not required.

Contamination

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5.11 The subject property is set at the back of pavement and occupies the entirety of the site. As set out in Section 4, there are no physical works proposed to facilitate the conversion of the floorspace to residential uses that would require planning permission. There are no below ground works or excavations proposed and therefore there is no risk of contamination for future occupants or contractors. Prior approval with regards to contamination is not required.

Flood Risk

5.12 The application site is in Flood Zone 1 meaning it only has a 'low probability of flooding (defined as being a 1 in 1,000 year event). The Framework and Planning Practice Guidance ('**PPG**') confirm that dwelling houses within Class C3 are a permitted land use within Flood Zone 1 (see Table 3: Flood Risk Vulnerability Classification in PPG).

5.13 The proposed development will not increase flood risk on the site or in the local vicinity as there are no new areas of hard standing or impermeable surfaces. As set out in Section 4, all works to convert the floorspace are internal and thus do not generate a requirement for planning permission.

5.14 Furthermore, the application site is not identified as an area where there are critical drainage problems or known issues with capacity.

Noise Impact

5.15 Since the grant of the 2015 Permissions, a new technical matter has been introduced by the GPDO. In Part 3 of Schedule 2, Class O which is the relevant legislation for residential conversion of offices, developers have to consider the 'impacts of noise from commercial premises on the intended occupiers of the development'.

5.16 Accordingly, an Acoustic Design Review has been submitted with the applications which demonstrates that proposed dwelling houses are not at a material risk from excessive levels of noise that would harm future amenity for potential occupiers.

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5.17 There are a number of established residential land uses along King Street, including through recent conversions at:

- 16-18 King Street;
- 34-36 King Street and 23, 25 and 35 South King Street;
- 51 King Street (opposite the Site);

5.18 The other surrounding land uses are predominantly offices (Class B1(a)) or small scale commercial uses, almost exclusively within Class A.

5.19 There are no land uses within the immediate vicinity of the application site that have the potential to generate levels of noise or disruption through operation that would adversely affect the living conditions or the wider environment at the application site. This is confirmed within the Acoustic Design Review, which at Section 5 confirms that there was no audible element of retail noise from the commercial units at ground floor and (part) first floor level within existing office spaces. We conclude that noise levels within the dwellings will be in accordance with recommended internal noise levels.

5.20 In summary, there is no material risk of unacceptable noise from commercial premises on the intended occupiers of the development and therefore the proposed development is deemed acceptable on noise impact grounds.

Summary

5.21 The assessment has demonstrated that the prior approval application for the change of use of the floorspace at the application site from 'office' to residential dwelling houses should be approved. The reasons are summarised below:

- The upper floors at 58-60 King Street and 64-66 King Street qualifies for change of use under permitted development;
- There are no Article 4 Directions restricting permitted development; and

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- The supporting documents demonstrate that there are no highways impacts, flooding or contamination risks associated with the site, and no noise impacts from nearby commercial premises.

5.22 The assessment and conclusion accords with the 2015 Permission granted by the LPA. Importantly, apart from the consideration of noise which was not a material consideration at the time, the same technical conclusions were reached by the LPA in its assessment of the 2015 Permissions (see **Appendix 1**).

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6. Summary and Conclusion

6.1 The application site is at 58-60 King Street and 64-66 King Street. The existing, lawful use of the upper floorspace is as an 'office' within Class B1(a).

6.2 Under Class O of the GPDO, office floorspace can be converted to residential (Class C3) without the need to obtain planning permission. There are no Article 4 Directions that explicitly remove the provisions of the GPDO and therefore the express change is acceptable in principle.

6.3 A prior approval application is however necessary to determine whether the change from office to residential will have any:

- Transport or highways impacts;
- Risk from contamination;
- Risk of flooding; and
- Noise implications from commercial premises for the intended occupiers.

6.4 The Applicant has demonstrated that there are no unacceptable risks (highway, contamination or flooding) and that there are no unacceptable risks to the amenity of future residents (noise).

6.5 We conclude that the change of use from office to residential accords with Class O of the GPDO and we respectfully request that the application is 'approved' and prior approval is granted.

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Appendix 1 - Planning Permission References: 108350/P3JPA/2015/C1 and 108351/P3JPA/2015/C1

MANCHESTER CITY COUNCIL

Planning

Lucy Harrison
Telephone: 0161 234 5795
l.harrison1@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Savills Planning
Savills
Belverdere
12 Booth Street
Manchester
M2 4AW

Date: 8 May 2015

Dear Sir or Madam,

Class J, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015
Application No.: 108350/P3JPA/2015/C1
Description: Notice of prior approval for conversion of first, second, third and fourth floor offices into seven residential apartments (Use Class C3).
Location: 58 -60 King Street, Manchester, M2 4LY

Whilst the City Council is satisfied that there are no known contamination or flood risks at the site, the prior approval of the City Council as local planning authority is required as to the transport and highway impacts of the proposal. Under the provisions of paragraph W of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 prior approval is granted for the development subject to the following conditions:

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Savills letter dated 4 March 2015;

The email from Rebecca Harper of Savills to the City Council as local planning authority dated 05/05/2015;

Savills Supporting Statement dated 4 March 2015; and

Drawing numbers 9650 L01, 9650 L04, 9650 P20, 9650 P21, 9650 P22, 9650 P31, 9650 P32, 9650 P33 and 9650 D01.

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.

2) Notwithstanding the details given in the approved drawings and documents, no development shall commence unless and until a scheme that will provide for the needs of

future residents, who may wish to have the use of a motorcar in respect of their domestic needs, which shall include details of the arrangements to be put in place and shall also identify the parties who will be responsible for managing the scheme, has been submitted to and approved in writing by the City Council as local planning authority. Any scheme approved in discharge of this condition shall be operational at all times that any residential units are occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future, pursuant to policies CC5 and DM1 of the Core Strategy and the National Planning Policy Framework.

Any changes to the external appearance of the building will require the submission of further planning applications, as appropriate.

Please note that this document does not grant any permission under Building Regulations. If you require further information regarding compliance with Building Regulations, please contact Building Control on 0161 234 4490 or by email to building.control@manchester.gov.uk.

Yours faithfully,



Julie Roscoe
Head of Planning, Building Control & Licensing

MANCHESTER CITY COUNCIL

Planning

Lucy Harrison
Telephone: 0161 234 5795
l.harrison1@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Savills Planning
Savills
Belverdere
12 Booth Street
Manchester
M2 4AW

Date: 8 May 2015

Dear Sir or Madam,

Class J, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015
Application No.: 108351/P3JPA/2015/C1
Description: Notice of prior approval for conversion of first, second, third and fourth floor offices into eight residential apartments (Use Class C3).
Location: 64 - 66 King Street, Manchester, M2 4ND

Whilst the City Council is satisfied that there are no known contamination or flood risks at the site, the prior approval of the City Council as local planning authority is required as to the transport and highway impacts of the proposal. Under the provisions of paragraph W of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 prior approval is granted for the development subject to the following conditions:

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Savills letter dated 4 March 2015;

The email from Rebecca Harper of Savills to the City Council as local planning authority dated 05/05/2015;

Savills Supporting Statement dated 4 March 2015; and

Drawing numbers 9650 L01, 9650 L04, 9650 P20, 9650 P21, 9650 P22, 9650 P31, 9650 P32, 9650 P33 and 9650 D01.

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.

2) Notwithstanding the details given in the approved drawings and documents, no development shall commence unless and until a scheme that will provide for the needs of

future residents, who may wish to have the use of a motorcar in respect of their domestic needs, which shall include details of the arrangements to be put in place and shall also identify the parties who will be responsible for managing the scheme, has been submitted to and approved in writing by the City Council as local planning authority. Any scheme approved in discharge of this condition shall be operational at all times that any residential units are occupied.

Reason - The development does not provide sufficient car parking facilities and in order to provide alternative arrangements (e.g. parking leases with car parking companies; car sharing; or car pool arrangement) for the needs of future, pursuant to policies CC5 and DM1 of the Core Strategy and the National Planning Policy Framework.

Any changes to the external appearance of the building will require the submission of further planning applications, as appropriate.

Please note that this document does not grant any permission under Building Regulations. If you require further information regarding compliance with Building Regulations, please contact Building Control on 0161 234 4490 or by email to building.control@manchester.gov.uk.

Yours faithfully,



Julie Roscoe
Head of Planning, Building Control & Licensing

Appendix 2 - Article 2(5) Land

MANCHESTER CITY COUNCIL

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Appendix 3 - Planning Permission Reference: 107025/P3JPA/2014/C1

MANCHESTER CITY COUNCIL

Planning

Lucy Harrison
Telephone: 0161 234 5795
l.harrison1@manchester.gov.uk

P O Box 532 Town Hall
Manchester M60 2LA

Mr Mike Hopkins
JLL
One Piccadilly Gardens
Manchester
M1 1RG

Date: 27 November 2014

Dear Sir or Madam,

Class J, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended)
Application No.: 107025/P3JPA/2014/C1
Description: Notice of prior approval for conversion of first, second and third floor offices into five apartments (Use Class C3).
Location: 16 - 18 King Street, Manchester, M2 6AG

The City Council is satisfied that this development has minimal impact on the local highway network and transport and that there are no known contamination or flood risks at the site and the proposal therefore complies with policies SP1, T2 and DM1 of the Manchester Core Strategy and policies in the National Planning Policy Framework. Therefore, consent is hereby granted in accordance with the following plan and information accompanying application 107025/P3JPA/2014/C1, including :

The JLL letter dated 26 September 2014, received by the City Council as local planning authority on 3 October 2014; and

drawing numbers 001 and L(0)016.

Any changes to the external appearance of the building will require the submission of further planning applications, as appropriate.

Please note that this document does not grant any permission under Building Regulations. If you require further information regarding compliance with Building Regulations, please contact Building Control on 0161 234 4490 or by email to building.control@manchester.gov.uk.

Yours faithfully,

Julie Roscoe
Head of Planning, Building Control & Licensing