

Planning

Growth & Development

Delegated officer report for planning application

Application no. 142194/P3GPA/2025

Date registered valid: 18 February 2025

Proposal: Prior Approval for conversion of first and second floors from Offices (Class E) to 2 no apartments (Class C3)

Address: 171 Great Ducie Street, Manchester, M3 1FF

Ward(s): Cheetham Ward

Applicant: Mr Murtaza Nafees

Agent (if any): Dr Kanadi Jagafa, Mason and Marlowe Ltd

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refused

Date of recommendation: 14 April 2025

Application Details

Type of application: Prior Approval - Class E to mix inc C3

Development type: Notifications

Date of site visit: 14 March 2025

Standard consultations:

Printed: 20 March 2025 Expired: 10 April 2025

Neighbour notifications

Printed: 19 February 2025 Expired: 12 March 2025

Site notice

Posted: 14 March 2025 Expired: 4 April 2025

Press advert

Published: 25 February 2025 Expired: 11 March 2025

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

This application relates to a two storey end terraced shop unit in a row of 6 units. The unit in question is situated on the end of this row.

There are no previous planning permissions for the site.

The ground floor premises appear to be a long-established retail shop.

The applicant states in the Design and Access Statement submitted alongside the application that the property operated retail on the ground floor and offices on the upper floors.

The site is located in the Strangeways employment allocation (as stated in EC1 and EC4 in the Core Strategy). The area is suitable for the retention and growth of general industry, warehousing and distribution which is seen a priority for this area.

The application site is located on Great Ducie Street, a major arterial route into the City Centre, and is situated directly opposite Strangeways Prison.

The site is located within Flood Zone 3. The site is also located in the Great Ducie Street Strategic Regeneration Framework and the emerging Strangeways and Cambridge Strategic Regeneration Framework.

Description of Development

The proposal seeks prior approval for conversion of first and second floors from Offices (Class E) to 2 no apartments (Class C3).

The application for the change of use has been applied for under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015.

Consultations & Notification Responses

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Highway Services - Requested that if the application were to be approved, that conditions be added to clarify waste management arrangements.

Environmental Health - Requested that if the application were to be approved, that conditions be added to confirm waste management arrangements.

MCC Flood Risk Management – Confirmed that the development is in Flood Zone 3 and the proposed use will have a vulnerability classification of 'More Vulnerable'. They advised that the Environment Agency should be consulted on this application and deferred to them.

Environment Agency – Confirmed that in the absence of a Flood Risk Assessment (FRA), that they object to this application and recommend that permission is refused.

Policy

The following policy and guidance are considered relevant to the consideration of this application:

Town and Country Planning (General Permitted Development) Order 2015

Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015, as amended, allows for prior approval applications to be made for development consisting of a change of use of a building from Class E to a mixed use for any purpose within Class E and as up to 2 flats;

Before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) contamination risks in relation to the building;
- (ii) flooding risks in relation to the building;
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste.

The Adopted Core Strategy for the City of Manchester (2012)

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

CC9 (Design and Heritage) advises that design of new buildings will need to be of the highest standard in terms of appearance and function. The standards and guidance explained in other LDF policies should be the basis for the approach to design, with particular attention to be given to the City Centre context and character.

Development in Manchester City Centre should preserve or enhance the heritage assets that have been identified, including listed buildings, conservation areas and scheduled ancient monuments.

The Council will support high density and mixed-use development in the City Centre, but developers must recognise the specific design challenges that must be overcome to ensure complementarity of function and form. New development must support the range of uses the Council expects in the City Centre and contribute to a coherent and integrated physical environment.

SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to improve access to jobs, services and open space, and provide good access to sustainable transport provision.

EN1 (Design Principles and Strategic Character Areas) advises that development provide opportunities for good design to enhance the overall image of the City should be fully realised and both reinforce and enhances the local character. It also advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

EN14 (Flood Risk) states that in line with the risk-based sequential approach contained within PPS25, development should be directed away from sites at the greatest risk of flooding, and towards sites with little or no risk of flooding; this should take account of all sources of flooding identified in the Manchester-Salford-Trafford Strategic Flood Risk Assessment (SFRA).

In addition to the requirements for site-specific Flood Risk Assessments (FRAs) set out in PPS25, an appropriate FRA will also be required for all development proposals, including changes of use, on sites greater than 0.5ha within Critical Drainage Areas (CDAs) and Canal Hazard Zones identified in the SFRA.

It advises that the City of Manchester contains many sections of rivers which are culverted or 'hidden'; where these are indicated in the SFRA beneath the proposed development site, further investigation will be required and the development proposal should take this into account; where feasible and appropriate development should seek to open up culverted/hidden rivers to reduce the associated flood risk and danger of collapse, taking advantage of opportunities to enhance biodiversity and Green Infrastructure.

EN19 (Waste) states that the Council will require developers to demonstrate how the sustainable waste management needs of the end user will be met.

DM1 (Development Management) states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The Unitary Development Plan (UDP) for the City of Manchester (1995)

The Unitary Development Plan was adopted in July 1995. Coinciding with the adoption of the Core Strategy in 2012 significant proportions of the UDP have been replaced; however, a number of policies were saved on 11 July 2012 and remain extant.

DC26.1 (Development and Noise) states 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; and
- b) the implications of new development being exposed to existing noise sources which are effectively outside planning control.

Manchester Residential Quality Guidance 2016

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester.

To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 39 square metres.

Places for Everyone (2024)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the ten boroughs which make up Greater Manchester.

The following policies are considered relevant to this application:

JP-H3 (Type, Size and Design of New Housing) states that all new dwellings must:

1. Comply with the nationally described space standards; and
2. Be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable.

JP-H4 (Density of New Housing) states that new housing development should be delivered at a density appropriate to the location, reflecting the relative accessibility of the site by walking, cycling and public transport, in accordance with the minimum densities set out below.

Great Ducie Street Strategic Regeneration Framework (SRF) (2018)

The Great Ducie Street SRF wraps around the former Boddingtons Brewery SRF. The focus of this SRF is on the surrounding area but under pins the same principles regarding the regeneration of the area into a new, missed use neighbourhood. The SRF advocates the opportunity to facilitate greater synergies between existing businesses in the framework area and emerging development. The vision is to develop a strong sense of place and community, which reflects the principles of the Boddingtons SRF, to deliver residential accommodation balanced by non-residential uses. The vision also sets out that development should significantly increase the density within this area to something that is commensurate to the scale of development within the city centre.

Strangeways and Cambridge Strategic Regeneration Framework (Emerging - Not yet formally adopted)

Although not formally adopted yet, Salford City Council and Manchester City Council are collaborating on a joint commission to develop a Strategic Regeneration Framework (SRF) for the combined Strangeways and Cambridge regeneration area with the aim of reimagining areas that have long been affected by counterfeit crime, poor quality built environment and flooding issues. This work will build upon previous strategic work and take into consideration existing SRFs and Development Frameworks within Manchester and Salford to address the wider area holistically, taking account of the known issues.

The public consultation period for the SRF ends on **Monday 26 May 2025**.

National Planning Policy Framework (NPPF) (2024)

Decisions should accord with the requirements of the National Planning Policy Framework (NPPF) (2024), which sets out the Government's Planning Policies for England and how these are expected to be applied.

The following sections are of relevance to this application:

Section 12 (Achieving well-designed places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It specifically states that:

"Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Developments should help to raise the standard of design more generally in an area and fit in with the overall form and layout of their surroundings" (paragraph 139).

At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", **(paragraph 11).**

This is further explored in paragraph 8, which confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective
- b) a social objective and
- c) an environmental objective.

Issues

Principle of Development

Under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) contamination risks in relation to the building;
- (ii) flooding risks in relation to the building;
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste.

Flood Risk

The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding.

The National Planning Policy Framework (paragraph 181, footnote 63) states that a Flood Risk Assessment (FRA) must be submitted when development is proposed in such locations.

The submitted Design and Access Statement incorrectly states that the property is located in Flood Zone 1 (an area with a low probability of flooding) and that the application therefore does not require a flood risk assessment.

An FRA is vital to making informed planning decisions, especially for a site located in Flood Zone 3. In its absence, the flood risks posed by the development are unknown.

Even though the development relates to the upper floors of the site and not the ground floor, an FRA must be submitted for this development to demonstrate that the upper floors will remain safe during a flood event, and that an emergency access/egress plan will be safe during a flood event.

This position was confirmed by the Environment Agency, who were consulted on the application, and stated that the lack of a Flood Risk Assessment on a site in Flood Zone 3 is sufficient reason for refusing permission.

MCC's Flood Risk Management Team deferred to the Environment Agency in their consultation response.

Due to the lack of a Flood Risk Assessment, the proposal does not satisfy the provisions of Schedule 2 Part 3 Class G (ii) of the Town and Country Planning (General Permitted Development) Order 2015, as well as the provision of policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012), and the NPPF, particularly paragraph 181 and footnote 63, and is therefore refused on Flood Risk grounds.

Noise

The application site is located in a well-established employment area known as Strangeways, which is characterised by long standing businesses.

The operation of these existing business has the potential to have a significant adverse effect on a residential use in their vicinity as a result of noise and disturbance, particularly from 24 hours servicing and other operations, and this must be appropriately assessed.

In their consultation response, Manchester City Council's Environmental Health team considered that there is some potential for noise disturbance to future occupiers of the flats, from the ground floor commercial premises and other actual or potential sources of noise near the site, including local commercial/industrial premises.

No noise assessment was submitted with the application in order to demonstrate that there would not be noise disturbance to residential occupants of the application site.

In terms of the future of the area, the emerging regeneration context for the area supports employment led developments. Meaning that the surrounding commercial/employment led context of the potential for noise and disturbance from the surrounding area is unlikely to change going forward.

In the Great Ducie Street Strategic Regeneration Framework (2018), the application site is designated in the proposed masterplan as having a proposed commercial use. This is a material planning consideration.

In the Strangeways and Cambridge Strategic Regeneration Framework, which is currently out for public consultation and is not yet formally adopted, the application site in question is designated as 'City Centre Mix'.

The Strangeways and Cambridge SRF clarifies that in the emerging policy context, a 'city centre mix' could include consideration of hotel, retail, leisure, entertainment, cultural and tourism facilities development in the area, subject to wider policy.

It is therefore considered that the change to a residential use is not compatible with supporting the employment objectives for the area and could lead future residents to be vulnerable to noise and disturbance associated with those uses which could undermine these businesses which remain a priority for the area.

Based up the surrounding context and the lack of supporting evidence to demonstrate that the premises can be protected from surrounding noise/residential amenity concerns, it is considered

that it would be unreasonable to locate a sensitive residential use which would be vulnerable to such noise. This could also undermine these businesses which would be contrary to the agent of change principles as outlined in paragraph 200 of the NPPF.

The impacts of noise from commercial premises on the intended occupiers of the development are considered to be unduly harmful and not satisfy the provisions of Schedule 2 Part 3 Class G (iii) of the Town and Country Planning (General Permitted Development) Order 2015, policies SP1, EC1, EC4, CC1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 Unitary Development Plan for the City of Manchester (1995), the NPPF, and the provisions of Great Ducie Street Strategic Regeneration Framework, Strangeways and Cambridge Strategic Regeneration Framework, and the application is therefore refused on these grounds.

Natural Light to Habitable Rooms

All bedrooms and habitable rooms would benefit from sufficiently sized windows which would afford satisfactory natural light.

All apartments also accord with the Council's internal space standards as set in the Council's Residential Quality Guidance document.

On this basis, the standard of accommodation is considered satisfactory in accordance with Schedule 2 Part 3 Class G (iv) of the Town and Country Planning (General Permitted Development) Order 2015.

Waste Management

Environmental Health sought clarification as to whether the residential waste would either be collected as part of a commercial waste contract, or whether a separate secure residential storage area not accessible by the commercial use can be provided within the curtilage of the property.

Highway Services also sought further details in regard to waste management at the site.

Both statutory consultees agreed that if the application were to be approved, an appropriate condition could have been included which would have required further details to be submitted and agreed in order to alleviate these any concerns over the waste management.

If the waste management details submitted via condition were deemed appropriate, then the waste management at the property would have been considered satisfactory in accordance with Schedule 2 Part 3 Class G (V) of the Town and Country Planning (General Permitted Development) Order 2015.

Ground Contamination

There will be no breaking of ground involved in the proposed scheme as the proposal relates to the upper floors.

Therefore, there are no ground contamination concerns and this element is considered satisfactory in accordance with Schedule 2 Part 3 Class G (i) of the Town and Country Planning (General Permitted Development) Order 2015.

Conclusion

Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 lays out 5 specific provisions that must be satisfied in order for the Local Planning Authority to approve.

Whilst there were no concerns over Ground Contamination, Natural Light to Habitable Rooms, or Waste Management associated with the application, due to the lack of information provided to alleviate concerns over flooding risks in relation to the building, which are vital for an application site located in Flood Zone 3, and due to the concerns outlined above about the surrounding noise impacts and the potential affect these noise impacts could have on the residential amenity of the residential occupiers, the application is therefore refused on both grounds, for the reasons outlined above, in accordance with the policies and provisions outlined above.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Refuse

Reasons for recommendation to refuse

1. The application site is located in a well-established employment area known as Strangeways which is characterised by long standing businesses. The operations of these existing business could have a significant adverse effect on a residential use in their vicinity as a result of noise and disturbance (particularly from 24 hours servicing and other operations). The emerging regeneration context for the area supports employment

led developments also. It is not considered that the residential use is compatible with supporting the employment objectives for the area and it would be unreasonable to locate a sensitive residential use which would be vulnerable to such noise in line with the Agent of Change Principles. The impacts of noise from commercial premises on the intended occupiers of the development would be unduly harmful and not satisfy the provisions of Schedule 2 Part 3 Class G (iii) of the Town and Country Planning (General Permitted Development) Order 2015, policies SP1, EC1, EC4, CC1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 Unitary Development Plan for the City of Manchester (1995), the NPPF, and the provisions of Great Ducie Street Strategic Regeneration Framework, Strangeways and Cambridge Strategic Regeneration Framework.

2. The application site lies within Flood Zone 3 and there is no information within the submission that demonstrates that the upper floors will be safe during a flood event. The proposal does not satisfy the provisions of Schedule 2 Part 3 Class G (ii) of the Town and Country Planning (General Permitted Development) Order 2015, as well as the provision of policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012), and the NPPF, particularly paragraph 181 and footnote 63.

Appendix 1 – List of consultees & neighbours notified

Environment Agency
Highway Services
Environmental Health
MCC Flood Risk Management

Unit 1 To 3, 18 Sherborne Street, Manchester, M3 1FE
Unit 6C, 18 Sherborne Street, Manchester, M3 1FE
Unit 6B, 18 Sherborne Street, Manchester, M3 1FE
Unit 6A, 18 Sherborne Street, Manchester, M3 1FE
Unit 5, 18 Sherborne Street, Manchester, M3 1FE
Unit 4, 18 Sherborne Street, Manchester, M3 1FE
3 Thompson Street, Cheetham, Manchester, M3 1LU
12 Sherborne Street, Manchester, M3 1FE
Ground Floor And First Floor, Sherbourne Works, Barker Street, Manchester, M3 1EE
Ground Floor, Sherbourne Works, Barker Street, Manchester, M3 1EE
18 Sherborne Street, Manchester, M3 1FE
167 - 169 Great Ducie Street, Manchester, M3 1FF
173 Great Ducie Street, Manchester, M3 1FF

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Flood Zones Type 2 (low to medium risk) -
Flood Zones Type 3 (high risk) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL