

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141487/P3MAP/2024	
Date registered valid:	11 November 2024	
Proposal:	Prior Approval for change of use of commercial floorspace to 9x self-contained units with associated cycle and refuse storage.	
Address:	102-104 Market Street, Manchester, M1 1PB	
Ward(s):	Deansgate	Ward
Applicant:	Vicknam Holdings Ltd	
Agent (if any):	Mr Davide Bertaggia Hybrid Planning & Development	
Case officer:	Max Tel: 0161 219 Email: maximillian.gibson@manchester.gov.uk	Gibson 6359
Recommendation:	Approve	
Date of recommendation:	27/12/2024	

Application details

Type of application: Prior approval- Class E-Dwell (Class MA)

Development type: Notifications

Date of site visit: 20 November

Standard consultations:

Printed: 12 November 2024 Expired: 3 December 2024

Neighbour notifications

Printed: 12 November 2024 Expired: 3 December 2024

Site notice

Posted: 12 November 2024 Expired: 3 December 2024

Press advert

Published: 19 November 2024 Expired: 10 December 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Upper King Street (Extension) Conservation Area 1985

Tree Preservation Order: Not applicable

Description of area

The area relates to Market Street, a busy commercial thoroughfare in Manchester's City Centre. The

Description of development

The development relates to the conversion of the upper floors of 102 -104 Market Street into apartments via Class MA of the GPDO, which allows for conversion of commercial premises into residences. The development would see the introduction of 9no. apartments with associated bicycle storage and refuse storage.

Consultations & Notification Responses

Publicity - a notice was displayed nearby to the site informing passers-by of the development. A press notice was placed in the local press advertising the works as those affecting a conservation area. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

Environmental Health - Conditions are recommended in relation to acoustic insulation, refuse management, external plant and air quality.

Highways Services - some concerns regarding impact on adopted highway and traffic, therefore conditions requiring servicing management plan and construction management plan recommended.

Issues

The Town and Country Planning (General Permitted Development) (England) Order 2015

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(b)unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

(d)if land covered by, or within the curtilage of, the building—

(i)is or forms part of a site of special scientific interest;

(ii)is or forms part of a listed building or land within its curtilage;

(iii)is or forms part of a scheduled monument or land within its curtilage;

(iv)is or forms part of a safety hazard area;

(v)is or forms part of a military explosives storage area;

(e)if the building is within—

(i)an area of outstanding natural beauty;

(ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii)the Broads;

(iv)a National Park; or

(v)a World Heritage Site;

(f)if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g)before 1 August 2022, if—

(i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a)the following classes of the Schedule as it had effect before 1st September 2020—

(i)Class A1 (shops);

(ii)Class A2 (financial and professional services);

(iii)Class A3 (food and drink);

(iv)Class B1 (business);

(v)Class D1(a) (non-residential institutions - medical or health services);

(vi)Class D1(b) (non-residential institutions - crèche, day nursery or day centre);

(vii)Class D2(e) (assembly and leisure - indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b)on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost, and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building]

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

"(e) where—

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";

(b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";

(c) after sub-paragraph (6) there were inserted—

"(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";

(d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5), (6) and (6A)";]

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order

and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.]

Principle

Class MA of the Town and Country Planning (General Permitted Development) Order 2015 requires local planning authorities to determine if prior approval is required in respect of conditions MA.2 (2), paragraphs (a) - (h) which includes: transport impacts, contamination, flooding, noise impact, conservation area impact, natural light to habitable rooms, impact on residential occupiers in an area of non-domestic land uses and loss of nursery or health centre provisions.

Based on the submitted application it is considered that the proposal meets the requirements of MA.1.

Notwithstanding the above, the local planning authority is required to assess the development with regard to the conditions set out in MA.2 (2) as discussed below:

Given the City Centre location, the lack of on site car parking is considered acceptable, as the site could be accessed easily via public transport and on foot. There is a Metrolink line within eyeline of the front of the property, with the Market Street tram stop within a minute's walk of the property. However, Highway Services have assessed the application and have some concerns about the constrained nature of the site, which is on the corner of the Fountain Street, which sees heavy vehicular traffic, and Market Street, a busy commercial thoroughfare, with tramlines at the development site end of both roads. To ensure both the construction and operation of the scheme is managed in such a way to avoid detrimental impact on the adopted highway and public safety, conditions are attached requiring the submission of a construction management plan and servicing management plan. Provided this is adhered to, no harmful Highways impacts are envisaged.

It is not considered that noise breakout will be a significant issue that would cause any undue loss of amenity to both existing and prospective occupiers. A condition has been included which requires that the flats be acoustically insulated in accordance with a scheme to be submitted and agreed, in order to ensure prospective occupiers are protected from any undue noise impact associated with Market Street and neighbouring commercial uses. Provided this adhered to, no harmful noise impact is envisaged.

The site is within Flood Zone 1, in an area that is susceptible to surface water flooding (less & middle).

The site is located at a busy, city centre, commercial location where existing uses are likely to be affected by residential uses. The upper floors subject to this application had been previously used as offices but had been vacant for a significant amount of time. The site does fall within the Upper King Street Conservation Area. Class MA only permits internal alterations and the applicant has confirmed via email that there would be no external alterations associated with the development. This would ensure there is no impact on the character or appearance of the conservation area.

All habitable rooms benefit from windows which would afford satisfactory natural light and all unit would comply with the Council's internal space standards. On this basis, the standard of accommodation is considered satisfactory.

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: Approve

Condition(s) to be attached to decision for approval

1) The City Council is satisfied that this development would have no material, harmful impact on the local highway network and transport, that there are no known contamination or flood risks at the site, that satisfactory arrangements can be made with regard to the management of noise and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, T2 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester. and the requirements of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with the ground floor plan, stamped as received by the City Council as Local Planning Authority on 28 March 2024 and the site location plan, stamped as received by the City Council as Local Planning Authority on 10 April 2024.

2) Notwithstanding the submitted documents, prior to the commencement of the development hereby approved, a construction management plan shall be submitted to and approved in writing by the City Council, as Local Planning Authority. This shall include the following:

- the types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.
- a site plan for the development during the construction phase, to show the holding area and appropriate waste storage location.

- contractor parking and ongoing construction works in the locality, including consultation with local residents. This is particularly important given the constrained location and the need for existing adjacent properties to be able to continue to go about their business.
- details of an emergency contact telephone number.

The approved details shall be implemented in full as part of the development.

Reason - to protect the amenity of surrounding occupiers and in the interest of public safety and highways management pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

3) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Market Street, Fountain Street and surrounding routes shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises such as the neighbouring commercial premises and ground floor retail premises.

The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00)	30 dB LAeq (individual noise events shall not exceed 45 dB L _{Amax,F} by more than 15 times)
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Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
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Due to the proximity of the development to the metrolink line it shall be necessary for vibration criteria to apply which can be found in BS 6472: 2008 "Guide to evaluation of human exposure to vibration in buildings". Groundborne noise/re-radiated noise shall also be factored into the assessment and design.

Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal 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 internal noise criteria.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for Manchester (1995)

4) Notwithstanding the submitted documents, prior to the commencement of the development hereby approved, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) The details of the approved scheme 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 pursuant to policies DM1, SP1 and EN19 of the Manchester Core Strategy (2012)

5) Notwithstanding the submitted documents, prior to the commencement of the development hereby approved, a servicing management plan shall be submitted to and approved in writing by the City Council, as Local Planning Authority. This shall detail the frequency and location of all deliveries and servicing to the development, in conjunction with neighbouring units. The approved details shall be implemented in full as part of the development.

Reason - in the interest of highways safety and network management pursuant to policies DM1 and SP1 of the Manchester Core Strategy (2012).

6) The cycle parking scheme indicated on the submitted information (Drawing - Proposed 1216-(16)-102 FLOOR PLAN received by the City Council, as Local Planning Authority, on 11/11/2024) shall be provided prior to the first occupation of the flats hereby approved and be retained and permanently reserved for cycle parking.

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 mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 1, 1 Sickle Street, Manchester, M2 1DL
Flat 5, 1 Sickle Street, Manchester, M2 1DL
Flat 1, 14 Fountain Street, Manchester, M2 2AA
Flat 12, 1 Sickle Street, Manchester, M2 1DL
Unit 5 Halle Place, Arndale Centre, Market Street, Manchester, M1 1PT
Unit 10 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
51 - 55 Market Street, Manchester, M1 1WR
48 Arndale Centre, Market Street, Manchester, M4 2HU
Flat 3, 1 Sickle Street, Manchester, M2 1DL
Flat 6, 1 Sickle Street, Manchester, M2 1DL
Upper Mall, Arndale Centre, Market Street, Manchester, M4 2EA
27 Arndale Centre, Market Street, Manchester, M4 2HU
Unit 11 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
Flat 2, 1 Sickle Street, Manchester, M2 1DL
Flat 4, 14 Fountain Street, Manchester, M2 2AA
Flat 16, 1 Sickle Street, Manchester, M2 1DL
Unit 824 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
Betfred, 8 High Street, Manchester, M4 1QB
Unit 3 Halle Place, Arndale Centre, Market Street, Manchester, M1 1PT
Flat 14, 1 Sickle Street, Manchester, M2 1DL
Flat 17, 1 Sickle Street, Manchester, M2 1DL
84 Arndale Centre, Market Street, Manchester, M4 2HU
Units 23 To 25 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AT
Lower Mall, Arndale Centre, Market Street, Manchester, M1 1WR
49 Market Street, Manchester, M1 1WR
Unit 32A, Lower Mall Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
Flat 4, 1 Sickle Street, Manchester, M2 1DL
Flat 3, 14 Fountain Street, Manchester, M2 2AA
47 Market Street, Manchester, M1 1WR
35 Market Street, Manchester, M1 1WR
Unit 826 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
16 Fountain Street, Manchester, M2 2AA
Basement To First Floor, 86 - 88 Market Street, Manchester, M1 1PD
Third Floor And Fourth Floor, 86 - 88 Market Street, Manchester, M1 1PD
Flat 11, 1 Sickle Street, Manchester, M2 1DL
Flat 9, 1 Sickle Street, Manchester, M2 1DL
Flat 15, 1 Sickle Street, Manchester, M2 1DL
Units 20 And 21 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
57 Market Street, Manchester, M1 1WR
33 Market Street, Manchester, M1 1WR
1A High Street, Manchester, M4 1QB
Unit 825 Upper Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 2EA
48A Arndale Centre, Market Street, Manchester, M4 2HU
Unit 4 Halle Place, Arndale Centre, Market Street, Manchester, M1 1PT
Flat 2, 14 Fountain Street, Manchester, M2 2AA
Flat 8, 1 Sickle Street, Manchester, M2 1DL
Flat 7, 1 Sickle Street, Manchester, M2 1DL
Flat 10, 1 Sickle Street, Manchester, M2 1DL
Unit 11 Halle Place, Arndale Centre, Market Street, Manchester, M1 1PT

Units 31 And 32 Lower Mall, Arndale Centre, 98 Corporation Street, Manchester, M4 3AJ
Marsden Way South, Arndale Centre, Market Street, Manchester, M1 1WR
HOLLAND & BARRETT, 105 Market Street, Manchester, M1 1NN
First Second Floor And Third Floors, 90 - 100 Market Street, Manchester, M1 1PB
Flat 18, 1 Sickle Street, Manchester, M2 1DL
Flat 13, 1 Sickle Street, Manchester, M2 1DL
54 Arndale Centre, Market Street, Manchester, M4 2HU
93 Arndale Centre, Market Street, Manchester, M4 2HU
Tim Hortons, 107 Market Street, Manchester, M1 1NN

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL