

Your Ref: PP-13437565
Our Ref: HPD/DB/24/096
Date: 1st November 2024

Planning,
Manchester City Council,
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Dear Sir/Madam,

RE: APPLICATION FOR PRIOR APPROVAL – TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015, SCHEDULE 2, PART 3, CLASS MA

On behalf of our client, Vicknam Holdings Ltd, we hereby enclose an application for determination as to whether the prior approval of Manchester City Council (MCC) is required for the change of use of 102-104 Market Street, Manchester from a use falling within Class E to a use falling within Class C3 (dwellinghouses) to form 9 no. dwellings. This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended; in particular Schedule 2, Part 3, Class MA.

Accordingly, please find enclosed the following package of application documentation:

- Completed Class MA Prior Approval Application Form;
- Location Plan with site edged in red (scale 1:1,250), prepared by Ackroyd Lowrie;
- Existing and Proposed Drawings, prepared by Ackroyd Lowrie;
- Class MA Planning Letter prepared by Hybrid Planning & Development (this document);
- Transport Assessment prepared by SK Transport;
- Noise Impact Assessment prepared by KP Acoustics; and
- Internal Daylight Assessment, prepared by NRG Consulting.

The requisite Class MA application fee of £1,195 (including service charge) shall be paid to Manchester City Council in acknowledgement of this application.

1) DESCRIPTION OF SITE AND SURROUNDING AREA

The application site fronts Market Street which is one of the principal retail streets in the city centre of Manchester. The building is bounded by Market Street to the north and Fountain Street to the east. To the south and west are commercial premises. The surrounding area comprises of a mix of uses including commercial retail units at ground floor level and residential units and / or offices on the upper floors of nearby buildings.

The building is currently used for retail use at ground floor level, whilst the upper floors have historically been in commercial (office) use (Use Class E). Access to the floors is obtained off Fountain Street. The offices have been vacant for a number of years now.

The application does not include the ground floor retail unit that is accessed from Market Street. The site is car free with no on-site car parking or vehicle access point.

The site is not locally listed or a listed building but is located within the Upper King Street Conservation Area, as shown in figure 1 below. It is considered that the value and positive contribution that 102-104 Market Street makes to the character and appearance of Conservation Area is principally derived from its external appearance, and most notably the street facing façade, which has remained relatively unaltered.

2) PLANNING HISTORY

From an inspection of the Council's on-line records, the site has an extensive planning history, mostly relating to installation of new shop fronts and erection of adverts. However, the following planning history in relation to the site is relevant:

- LPA ref: 111842/FO/2016/C1 - Change of use of the 2nd, 3rd and 4th floor to residential (Use Class C3) to create 6 residential apartments. Approved 24 October 2016.
- LPA ref: CDN/19/0451 - Discharge of Conditions 3 (Refuse), 5 (Secure by design) and 7 (NSE1) relating to application 111842/FO/2016/C1. Approved 22 August 2022.

The site has been previously granted planning permission (LPA ref: 111842/FO/2016/C1), sought the change of use from vacant office space to form six flats. The application was never implemented. Notwithstanding, we are of the view that the application site continues to benefit from an established Class E and is eligible to seek permission via Schedule 2, Part 3, Class MA of the GPDO.

3) PROPOSED DEVELOPMENT

The applicant proposes to convert the upper floors at 102-104 Market Street, Manchester into 9 no. flats comprising 3no. 1 bed 2-person flats, 3no. 2 bed 3-person flats and 3no. studio flats. The ground floor would remain in retail use falling under Class E.

The housing mix will comprise the following:

First Floor

- 1-bed 2-person 52sqm
- 2-bed 3-person 64sqm
- Studio 40sqm

Second Floor

- 1-bed 2-person 53sqm
- 2-bed 3-person 68sqm
- Studio 40sqm

Third Floor

- 1-bed 2-person 53sqm
- 2-bed 3-person 69sqm
- Studio 40sqm

Access to all nine residential units will be through the existing access located off Fountain Street. A bin store is provided in the entrance area. Cycle parking is provided for residents at a rate of one space per dwelling. Visitor cycle parking is already available in the local area.

No external alterations are proposed as part of this application.

4) TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ENGLAND ORDER 2015

The Town & Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class MA (as amended 2021) permits the change of use of a building from Class E (Commercial, Business and Service) to Class C3 (Dwellinghouses) without requiring planning permission, subject to specified conditions, limitations and restrictions.

'Class MA' of the GPDO (2015) states at MA.1. (1) that development is not permitted by Class MA:

- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (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; or*
 - 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.*

MA.1. (2) goes on to state '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 – creche, 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.*

In accordance with MA.2. (2), before beginning the 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.*

Development under Class MA must be completed within a period of 3 years starting with the prior approval date, and any dwellinghouse permitted by virtue of Class MA must remain in use as a dwellinghouse and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

5) CLASS MA QUALIFYING ASSESSMENT

Before considering whether the prior approval of the Local Planning Authority is required, an assessment must first be undertaken to determine whether the proposal constitutes permitted development under the terms of Class MA. In accordance with criteria (a) to (g) of Paragraph MA.1 (1), the below assessment confirms that the proposals qualify as permitted development under Class MA:

- (b) The building has historically been in commercial Class E use, comprising retail at ground floor and offices above.
- (d) The application site is not a SSSI, is not listed (nor located within the curtilage of a listed building), is not a scheduled monument (nor located within the curtilage of a scheduled monument), is not in a safety hazard area, and nor is it located within a military explosive storage area.
- (e) The application site is not located within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of Section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park, or a World Heritage Site.
- (f) The application site is not occupied under an agricultural tenancy.
- (g) the application is made after 1 August 2022 and therefore this criterion is not relevant.
- (h) The development does not meet the fire risk condition.

For these reasons, it is considered that the proposal constitutes permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class MA (as amended 2021).

6) CLASS MA PRIOR APPROVAL

Notwithstanding, in accordance with MA.2. (2), the following section considers the relevant Prior Approval matters in turn.

Transport Impacts

The site is located in the town centre and has no vehicular access. It is highly sustainable in terms of its proximity to the town centres shops, services and transport links. Indeed, the site is well served by a variety of sustainable modes of transport. It benefits from exceptional transport links.

The accompanying Transport Assessment by SK Transport confirms that the site occupies an accessible location which relates well to local amenities and is well served by active travel and public transport routes. The assessment confirms that the site has a GMAL of 8 which indicates an exceptional level of accessibility.

The entrance arrangements to the building will be retained as existing and in line with that found acceptable by MCC when a previous residential application was consented. The entrance is on Fountain Street and the assessment shows that the footways on Fountain Street are in excess of the 2m width required. Cycle parking is provided for residents at a rate of one space per dwelling. Visitor cycle parking is already available in the local area.

A bin store is provided in the entrance area, which is in line with the arrangement found acceptable by MCC when discharging the waste condition attached to the previous residential consent (LPA Ref: CDN/19/0451). Loading provision is available on Phoenix Street (loading bay) and Market Street (time restricted loading area) that can be used by service vehicles. As such, in view of the previous consent, and that the proposed loading arrangements are not unusual in this city centre location, the refuse collection arrangements are considered acceptable.

An impact assessment has been undertaken in line with standard appraisal methods using TRICS data. This shows that the development will not generate any traffic in the peak hours and will generate a minimal level of service movements across the day. Based on this it is concluded that the development will not have an impact on highway operation.

The development is car free, and the assessment concludes that the site occupies a suitable location for such living. This is in line with the existing site arrangements and the car free residential development previously consented. As such, it is considered that the transport and highways impact of the development are acceptable, and safe access is provided for the proposed flats.

Contamination Risks

The application site is not located on land that is known to be previously contaminated and the proposal does not include any works that will break ground. It is not considered that there will be any contamination issues arising as a result of the proposal.

Flooding Risks

The application site is located within Flood Zone 1, and therefore at the lowest risk of flooding. The development will utilise the existing premises and will not increase the built volume or amount of hardstanding

on the site. The drainage to the site would remain unaltered.

The proposed development would therefore not lead to an increase in the risk of flooding to the property itself, or to surrounding buildings. Accordingly, there is no risk of flooding and the change in land use is acceptable in flood risk terms.

Noise from Commercial Premises

The surrounding area is mixed use in nature comprising of predominantly residential and commercial uses. KP Acoustics have prepared a Noise Impact Assessment which accompanies this application. The report sets out a scheme of suitable noise mitigation measures to ensure that the future residential units are adequately protected from all external noise sources, including road traffic noise and noise from nearby commercial properties.

Overall, it is considered that the proposal satisfies the requirements of (d)(iii). The applicant would accept an appropriately worded condition in respect of noise mitigation.

It is therefore considered that the site is appropriate for residential development and there would be no adverse impacts of noise from commercial premises on the intended occupiers of the development.

Sustainability of Conservation Area

Where the building is located in a Conservation Area, and the development involves a change of use of the whole or part of the ground floor, the LPA may consider the impact of that change of use on the character or sustainability of the Conservation Area.

The application site is located within the Upper King Street Conservation Area. The conservation area is characterised by a mix of commercial uses at ground floor level and residential uses or offices on the upper floors.

The Class MA Prior Approval proposal seeks the change of use of the upper floors only. The existing frontage along Fountain Street and Market Street shall remain unaltered, ensuring vitality of the Conservation Area. No external alterations are proposed as part of this application.

Accordingly, it is not anticipated that the change of use will impact on the character or sustainability on the Conservation Area. The character of the Conservation Area shall, likewise, be protected given that the proposals do not seek any external alterations which could harm the building.

Quality of Accommodation

The Gross Internal Areas for the proposed 9no. units as well as the individual bedroom sizes meet the National space standards. The size of the proposed units and bedrooms would be policy compliant. All the layouts would also be adequately flexible and functional. It has been demonstrated that all habitable rooms will benefit from more than adequate natural light. As such, the proposal results in dwellings offering an acceptable quality of accommodation and accessibility in accordance with National Space Standards.

Natural Light in Habitable Rooms

An Internal Daylight Assessment was produced by NRG Consulting to accompany the application. The report concluded that the assessed rooms have meet the minimum standards and recommendations prescribed by the BRE guidance for internal daylight.

Loss of Nursery or Health Services

The development does not involve the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

Fire Safety

Whilst the development will contain more than 2 dwellings, the building is not more than 18 metres in height and does not contain 7 or more storeys.

As such, and in accordance with Article 9A of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the development does not meet the fire risk condition, and therefore, it is not considered necessary to receive prior approval in this regard.

7) PART W REQUIREMENTS

Paragraph W of the GPDO 2015 (as amended) states that the following provisions apply where under Part W a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required. Paragraph W (2) states that the prior notification application should be accompanied with the following information:

- (a) A written description of the proposed development – *the description of development should read as: Prior Notification for the change of use of a commercial unit (Class E) to 9 no. self contained flats (Class C3).*
- (b) A plan indicating the site and showing the proposed development – *a site location plan and set of existing and proposed floor plans, elevations and sections is enclosed with this submission.*
- (ba) A statement specifying the net increase in dwellinghouses proposed by the development - *this information is included within this covering letter, seven dwellings are proposed.*
- (bc) A floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses – *these details are included within the scaled set of accompany drawings.*
- (c) The developer's contact address – *Vicknam Holdings Ltd C/O Alliance Managing Agents Ltd, 6 Cochrane House, Admirals Way, Canary Wharf, London E14 9UD*
- (d) The developer's email address if the developer is content to receive communications electronically – *all correspondence to be sent via Hybrid Planning & Development Limited – dbertaggia@hpduk.com*

8) CONCLUSION

We trust that you have sufficient information to consider this application for the change of use of 102-104 Market Street, Manchester, M1 1PB from Commercial Use (Class E) to residential (Class C3) comprising nine self-contained flats.

We believe that sufficient information has been provided to allow the change of use detailed above to be considered acceptable in accordance with Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notwithstanding, should any additional information be required or if you have any questions, please do not hesitate to contact me (07716 643550 / dbertaggia@hpduk.com) in the first instance.

Yours faithfully,

D. Bertaggia

Davide Bertaggia MSc MRTPI
PLANNER