

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139400/FO/2024

Date registered valid: 13 March 2024

Proposal: Flexible change of use of ground floor entrance area and associated first floor level from Class E(a) Retail to flexible use between Class E(a) Retail and Class F1(c) Museums, together with the installation of a new ground floor shopfront. Retention of Class E(a) Retail use for the rest of the building.

Address: 58 - 66 Market Street, Manchester, M1 1PW

Ward(s): Deansgate Ward

Applicant: Mr Hrvoje Haramincic, Museum of Illusions Manchester Ltd

Agent (if any): Mr Jimmy Lennon, MHA Architects

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

Recommendation: Approve

Date of recommendation: 08 May 2024

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 28 March 2024

Standard consultations:

Printed: 20 March 2024 Expired: 12 April 2024

Neighbour notifications

Printed: 27 March 2024 Expired: 19 April 2024

Site notice

Posted: 28 March 2024 Expired: 20 April 2024

Press advert

Published: 9 April 2024 Expired: 23 April 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

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

Tree Preservation Order: Not applicable

The site in question refers to a ground floor entrance to the first-floor unit and the associated first floor unit of 58-66 Market Street. This is located on a major pedestrianised street that sees a significant amount of footfall and is considered to be the main commercial street in Manchester City Centre.

The premises in question has operated as a shop for an extended period of time, it most recently was occupied by Sports Direct. The ground floor of the building is currently occupied by Tesco Metro and has been occupied by this operator for an extended period of time.

The surrounding uses are predominantly retail.

Description of Development

The proposal seeks a flexible change of use of the ground floor entrance area and associated first floor level from Class E(a) Retail to flexible use between Class E(a) Retail and Class F1(c) Museums, together with installation of new ground floor shopfront. Retention of Class E(a) Retail use for the rest of the building.

Related Applications

139588/AO/2024 - Installation of 2no. illuminated box fascia signs, 1no. projecting illuminated blade sign, 5no. projecting banner signs (4no. with text / logo, 1no. patterned only), and window vinyls to associated ground floor entrance and first floor unit window
Determination yet to be decided.

Consultations & Notification Responses

Highway Services - Consider the proposals to be acceptable from a Highways perspective.

Environmental Health - Recommended that conditions be added to control hours.

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.

Policy

The following policies are considered to be relevant to this application:

The **Manchester Core Strategy Development Plan Document 2012-2027** ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy SP1 - Spatial Principles
- Policy EC1 - Employment and Economic Growth in Manchester
- Policy EC3 - The Regional Centre
- Policy CC1 - Primary Economic Development Focus: City Centre and Fringe
- Policy CC5 - Transport
- Policy EN19 - Waste
- Policy DM1 - Development Management

Unitary Development Plan for Manchester

- Policy 18 - Conservation Areas
- Policy 26 - Development and Noise

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

- Policy JP-J 2 (Employment Sites and Premises)
- Policy JP-P1 (Sustainable Places)
- Policy JP-P3 (Cultural Facilities)
- Policy JP-P4 (New Retail and Leisure Uses in Town Centres)

National Planning Policy Framework (NPPF)

- Chapter 9 - Promoting Sustainable Transport
- Chapter 12 - Achieving Well-Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

And the **Listed Buildings and Conservation Areas Act 1990**.

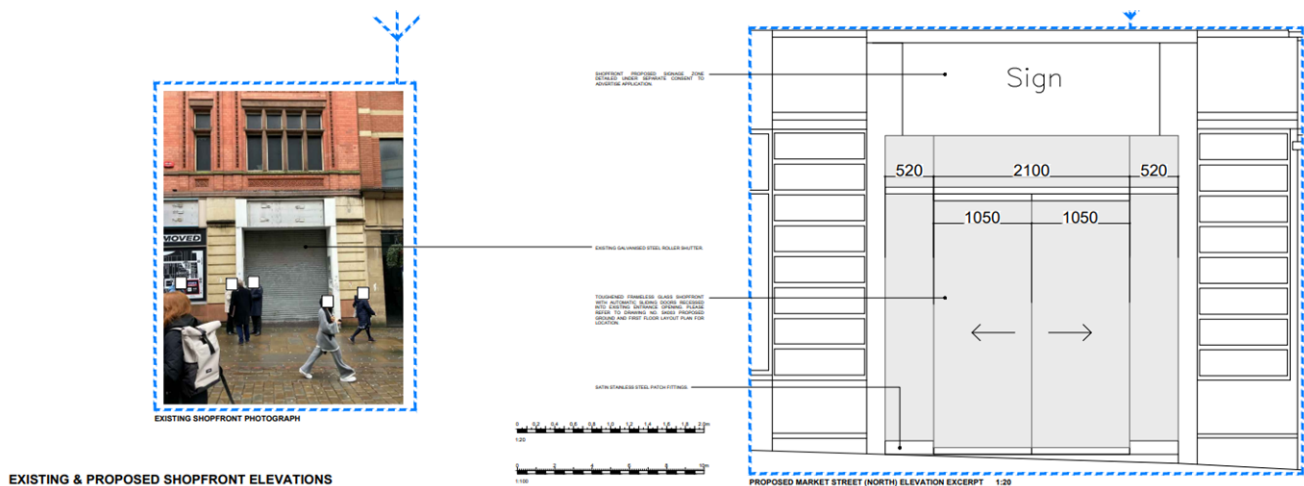
Issues

Principle of Development

The principle of the development is accepted. Museums are an appropriate use to have within the City Centre. The size of this museum is not considered to be too large to be incongruous to the surrounding predominantly retail uses. In addition, it is smaller in size compared to other nearby entertainment uses such as Roxy Ballroom and Urban Playground.

Visual Amenity

The entrance area will be changed from an open entrance, to a toughened frameless glass shopfront with automatic sliding doors recessed into the existing entrance opening.



Pictures of Existing Elevation and Drawing of Proposed Elevation

It is considered that these proposed works will bring a substantial improvement to the visual amenity of the entrance to this unit. There will be no other external works associated with this Planning Permission and therefore, no other works associated with this Planning Permission that will affect the visual amenity of the host building. The visual amenity of any accompanying adverts will be considered as a part of the accompanying advertisement consent application **139588/AO/2024**.

The shutter in place was approved under application 050451/FO/CITY1/96 and has remained in situ ever since. Whilst the removal of the shutter would have been preferred to improve the visual amenity of the unit, the retention of it is considered acceptable.

Impact on noise

There are no noise concerns with the proposed development. There will be no music played on site or any noise that is considered to require an acoustic assessment. The site is located on a busy shopping high street within the heart of the city centre. Any noise from comings and goings would be commensurate with that of a city centre environment. Opening hours would be controlled by way of planning condition.

Transport and Access

The site is well accessed by sustainable modes. Regular bus services, tram services and train services are available within walking distance of the site.

No parking is proposed within the application and considering the site's location and proximity to sustainable travel offer, this is acceptable in principle.

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

There is level access into the main entrance. Inside the entrance, there is a lift to enable all users who are not able to utilise the stairs to access the first-floor area, where the main section of the museum will be housed.

Public Safety

There are no public safety concerns associated with the proposed development.

Refuse and Servicing

Refuse collection and servicing will be managed as part of the existing Tesco servicing strategy accessed via New Market Lane.

Conclusion

Given the above, it is considered that the proposal is in accordance with the above policies and should be approved.

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

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents, received by Manchester City Council as the Local Planning Authority on 29 February 2024:

- Location Plan
- Proposed GF and 1F Layout Plan 1ML01-MHA-XX-XX-DR-A-SK003-S2-P2
- Existing and Proposed Shopfront Elevations 1ML01-MHA-XX-XX-DR-A-SK004-S2-P3

Received by Manchester City Council as the Local Planning Authority on 06 March 2024:

- Design and Access Statement

Received by Manchester City Council as the Local Planning Authority on 13 March 2024:

- Existing and Proposed Shopfront Sections 1ML01-MHA-XX-XX-DR-A-SK005 P1
- Heritage Statement
- Waste Proforma

Received by Manchester City Council as the Local Planning Authority on 17 April 2024:

- Outline Operational Management Strategy

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, and saved policies DC14 and DC18.1.

3) The premises shall not be open outside the following hours:

Monday to Friday - 10:00 to 20:00

Saturday - 10:00 to 22:00

Sunday - 10:00 to 20:00

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) The development, as hereby approved, gives permission for the premises, comprising of the ground floor entrance area and associated first floor level of 58-66 Market Street, to be used flexibly only as Class E(a) Retail and Class F1(c) Museums, pursuant to Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended), and for no other purpose.

For the avoidance of doubt, Class E(a) Retail use shall be retained for the rest of the building.

Reason - Pursuant to Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order (2015).

5) The details of the approved Waste Management scheme, outlined in the Waste Proforma received on 13 March 2024, shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In order to ensure that adequate provision is made within the development for the storage and recycling of waste in accordance with policies DM1 and EN19 of the Core Strategy for the City of Manchester.

6) The roller shutter, which has historical approval and is proposed to be retained as a part of this development, will be powder coated in an appropriate colour in order to improve the appearance of the shutter. Confirmation of the details of the colour to powder coat paint the shutter shall be submitted to the City Council as the Local Planning Authority prior to the occupation of the unit.

Reason - In the interests of visual amenity and in order to protect the character and appearance of this building and to ensure consistency in accordance with policies EN1, EN3, and DM1 of the Core Strategy, and saved policy DC18 of the Unitary Development Plan for the City of Manchester.

Informatives

1) Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email at highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

2) All gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Stall Opposite 163-164, Arndale Centre, Market Street, Manchester, M4 3AB
162A Arndale Centre, Market Street, Manchester, M4 3AB
60A Arndale Centre, Market Street, Manchester, M4 3AB
Basement At 36, Arndale Centre, Market Street, Manchester, M4 2HU
170 Arndale Centre, Market Street, Manchester, M4 2HU
Stall Opposite 162A, Arndale Centre, Market Street, Manchester, M4 3AB
164 Arndale Centre, Market Street, Manchester, M4 3AB
53 Arndale Centre, Market Street, Manchester, M4 2HU
Stall Opposite 28, Arndale Centre, Market Street, Manchester, M4 2HU
Basement, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Basement, 49 Market Street, Manchester, M1 1WR
Advertising Right JC Decaux Outside 52, Market Street, Manchester, M1 1PW
52 - 56 Market Street, Manchester, M1 1PW
68 - 70 Market Street, Manchester, M1 1PW
31 Arndale Centre, Market Street, Manchester, M4 2HU
Stall Side Of 97, Arndale Centre, Market Street, Manchester, M4 3AB
23 Arndale Centre, Market Street, Manchester, M4 3AB
49 Arndale Centre, Market Street, Manchester, M4 2HU
59 Arndale Centre, Market Street, Manchester, M4 3AB
174A Arndale Centre, Market Street, Manchester, M4 2HU
Stall Opposite 52, Arndale Centre, Market Street, Manchester, M4 2HU
181 Arndale Centre, Market Street, Manchester, M4 2HU
58 Arndale Centre, Market Street, Manchester, M4 3AB
28 Arndale Centre, Market Street, Manchester, M4 2HU
86A Arndale Centre, Market Street, Manchester, M4 2HU
51 Arndale Centre, Market Street, Manchester, M4 2HU
24A Arndale Centre, Market Street, Manchester, M4 3AB
89 Arndale Centre, Market Street, Manchester, M4 2HU
64 Arndale Centre, Market Street, Manchester, M4 3AB
97 Arndale Centre, Market Street, Manchester, M4 3AB
100 - 101 Arndale Centre, Market Street, Manchester, M4 3AB
Stall 2 Opposite 53, Arndale Centre, Market Street, Manchester, M4 2HU
180A Arndale Centre, Market Street, Manchester, M4 2HU
172 Arndale Centre, Market Street, Manchester, M4 2HU
Stall Opposite 16 - 18, Arndale Centre, Market Street, Manchester, M4 3AB
Unit Y2, Arndale Centre, Market Street, Manchester, M4 2HU
162B Arndale Centre, Market Street, Manchester, M4 3AB
Betfred, 182C Arndale Centre, Market Street, Manchester, M4 2HU
91 - 92 Arndale Centre, Market Street, Manchester, M4 2HU
29A Arndale Centre, Market Street, Manchester, M4 2HU
Manchester Donor Centre, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
First Floor, 58 - 66 Market Street, Manchester, M1 1PW
41 - 43 Market Street, Manchester, M1 1WR
7 Brown Street, Manchester, M2 1DA
165 Arndale Centre, Market Street, Manchester, M4 3AB
Cafe Opposite 31, Arndale Centre, Market Street, Manchester, M4 2HU
29 Arndale Centre, Market Street, Manchester, M4 2HU
Basement At 29, Arndale Centre, Market Street, Manchester, M4 2HU
9A Arndale Centre, Market Street, Manchester, M4 3AB

24 Arndale Centre, Market Street, Manchester, M4 3AB
Stall 1 Opposite 53, Arndale Centre, Market Street, Manchester, M4 2HU
168 Arndale Centre, Market Street, Manchester, M4 2HU
Lower Ground Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
37 Market Street, Manchester, M1 1WR
1 Brown Street, Manchester, M2 1DA
GVA GRIMLEY LIMITED, Third Floor And Fourth Floor, Norfolk House, 7 Norfolk Street,
Manchester, M2 1DW
19 Brown Street, Manchester, M2 1DA
87 Arndale Centre, Market Street, Manchester, M4 2HU
166 - 167 Arndale Centre, Market Street, Manchester, M4 2HU
Basement At 35 And 36, Arndale Centre, Market Street, Manchester, M4 2HU
175 Arndale Centre, Market Street, Manchester, M4 2HU
37 Arndale Centre, Market Street, Manchester, M4 2HU
163 Arndale Centre, Market Street, Manchester, M4 3AB
55 Arndale Centre, Market Street, Manchester, M4 2HU
162 Arndale Centre, Market Street, Manchester, M4 3AB
Metro Bank, 45 Market Street, Manchester, M1 1WR
48 - 50 Market Street, Manchester, M1 1PW
16 - 18 Arndale Centre, Market Street, Manchester, M4 3AB
35 Arndale Centre, Market Street, Manchester, M4 2HU
86 Arndale Centre, Market Street, Manchester, M4 2HU
Unit Z, Arndale Centre, Market Street, Manchester, M4 2HU
Stall Opposite 97, Arndale Centre, Market Street, Manchester, M4 3AB
61 Arndale Centre, Market Street, Manchester, M4 3AB
Stall Opposite 175, Arndale Centre, Market Street, Manchester, M4 2HU
90 Arndale Centre, Market Street, Manchester, M4 2HU
10A Arndale Centre, Market Street, Manchester, M4 3AB
88 Arndale Centre, Market Street, Manchester, M4 2HU
Third Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
174 Arndale Centre, Market Street, Manchester, M4 2HU
30 Arndale Centre, Market Street, Manchester, M4 2HU
20 Arndale Centre, Market Street, Manchester, M4 3AB
Stall 1 Opposite Unit Y2, Arndale Centre, Market Street, Manchester, M4 2HU
Toilets, Arndale Centre, Market Street, Manchester, M4 2HU
98 Arndale Centre, Market Street, Manchester, M4 3AB
99 Arndale Centre, Market Street, Manchester, M4 3AB
52 Arndale Centre, Market Street, Manchester, M4 2HU
171 Arndale Centre, Market Street, Manchester, M4 2HU
19 Arndale Centre, Market Street, Manchester, M4 3AB
182A - 182B Arndale Centre, Market Street, Manchester, M4 2HU
10B Arndale Centre, Market Street, Manchester, M4 3AB
161 Arndale Centre, Market Street, Manchester, M4 3AB
32 Arndale Centre, Market Street, Manchester, M4 2HU
36 Arndale Centre, Market Street, Manchester, M4 2HU
Arndale Centre, Market Street, Manchester, M4 3AB
Unit 2 At Store 3, Arndale Centre, Market Street, Manchester, M4 2HU
173 Arndale Centre, Market Street, Manchester, M4 2HU
Stall 2 Opposite Unit Y2, Arndale Centre, Market Street, Manchester, M4 2HU
169 Arndale Centre, Market Street, Manchester, M4 2HU
38 Arndale Centre, Market Street, Manchester, M4 2HU
22 Arndale Centre, Market Street, Manchester, M4 3AB
21 Arndale Centre, Market Street, Manchester, M4 3AB
First Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW

Ground Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Second Floor, Norfolk House, 7 Norfolk Street, Manchester, M2 1DW
Mezzanine Store Area At 29A, Arndale Centre, Market Street, Manchester, M4 2HU
180 Arndale Centre, Market Street, Manchester, M4 2HU
85 Arndale Centre, Market Street, Manchester, M4 2HU
50 Arndale Centre, Market Street, Manchester, M4 2HU
Unit Y1, Arndale Centre, Market Street, Manchester, M4 2HU

Appendix 2 – Planning constraints

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Upper King Street (Extension) Conservation Area 1985
Area Team Boundary - Name: CENTRAL