

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134150/FO/2022

Date registered valid: 4 August 2022

Proposal: Change of use from Class E(a) Retail to 'flexible' Class E(a) Retail or Sui Generis Car Showroom together with associated shop front alterations.

Address: Unit 6 , New Cathedral Street, Manchester, M1 1AD

Ward(s): Deansgate Ward

Applicant: Manchester Nominee (1) Ltd & Manchester Nominee (2) Ltd C/o Agent

Agent (if any): Thomas Beard Pegasus Group 21 Ganton Street, London, W1F 9BN

Case officer: Eve Woolstencroft
Tel: 0161 234 4533
Email: eve.woolstencroft@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 7 October 2022

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 10 August 2022 Expired: 31 August 2022

Neighbour notifications

Printed: 10 August 2022 Expired: 31 August 2022

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of Site/Area

The application relates to a ground floor commercial unit located at 6 New Cathedral Street, which has a permitted use for retail (Class E). It is not located within a conservation area, but close to both the St Anns Square Conservation Area and the Cathedral Conservation Area. Taking into account the proposed works and distance from the designated Conservation Areas the proposal is not considered to affect either setting.

The building is purpose built for commercial uses as part of the redevelopment of the area following the 1996 IRA bombing in the city centre. The building contains a large department store as well as many smaller individual units that front the pedestrian highway of New Cathedral Street. The New Cathedral Street elevation of the building is largely frameless glass with stone pillars separating the individual units in the building.

The building opposite New Cathedral Street which contains Selfridges and M&S (retail) has a significantly less active frontage and as such is mainly constructed from glazing which is obscured. The wider surrounding area contains a variety of uses including residential apartments, a hotel shops, drinking establishments, banks, cafes and restaurants. As would be expected in a city centre location, advertisements are commonplace.

Description of Development

The submitted application seeks planning permission for a change of use from Class E(a) Retail to 'flexible' Class E(a) Retail or Sui Generis Car Showroom together with associated shop front alterations.

Consultations & Notification Responses

Local residents and Businesses were notified and 1 representation was received. Comments made can be summarised as follows:

-Concerns raised that the notification letter was not received on time.

- The principle of development is not considered acceptable or in accordance with the Development Plan policy.

-The site is allocated within Manchester Regional Centre, and the Primary Shopping Area of Manchester City Centre, as shown on Manchester City Council's Core Strategy Policies Map (2012). The site is also identified in the UDP as falling within RC20 'Area 3 Arndale Place/Market Street' of the City Centre.

-Policy CC2 'Retail' seeks to promote retail provision in the City Centre, and focus comparison retail development within the Primary Shopping Area. The policy goes on to state that: "Ancillary commercial and leisure services (such as those within the A Use Class) are also acceptable within the PSA, providing retail remains the predominant use and proposals do not conflict with other policies within the Local Development Framework".

-RC20 states that "the aim of an attractive, safe and accessible shopping environment will be further complemented by a favourable attitude towards proposals which would add to the level of activity on shopping frontages. Thus, whilst the predominantly retail character of the main shopping streets will be safeguarded, a limited introduction of uses such as public houses and cafes will be encouraged."

-Therefore, the policy position in the area is one that complementary uses are those within Class A - now Class E - and public houses (now Sui Generis). The type of use proposed is not that envisaged by the planning policy position and Planning Statement deliberately excludes this text at para 6.10. Furthermore, the applicant is so unsure of whether this is a complementary use they have submitted for a flexible use.

-The planning application is not consistent with the Development Plan and should be refused.

The comments raised are addressed on the issues section of this report.

Environmental Health – recommendation of a waste condition.

Highways – no objections, recommend that cycle parking is provided, and any boundary treatment is visually permeable from a distance of 600mm upwards.

Policy

Saved Unitary Development Plan Policies (1995)

Policy RC20 Area 3 Arndale Centre/Market Place

The policy outlines that this area is part of the Regional Shopping Centre and contains the major proportion of shopping floorspace in the City Centre, including numerous large multiples. The level and diversity of shopping facilities in the City Centre are a vital component of its regional role and character. The aim of an attractive, safe and accessible shopping environment will be further complemented by a favourable attitude towards proposals which would add to the

level of activity on shopping frontages. Thus, whilst the predominantly retail character of the main shopping streets will be safeguarded, a limited introduction of uses such as public houses and cafes will be encouraged. Similarly the introduction of further residential uses (e.g. at the upper level south of Market Street) will be encouraged.

Policy DC14 'Shop Fronts and Related Signs' states that the Council will seek to ensure that new shopfront proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premise are located. Shopfronts should allow full access for people whose mobility is impaired.

Manchester Core Strategy (2012)

Policy SP1 'Spatial Principles' states that the Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living. Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places, and protecting and enhancing the built and natural environment.

Policy EC3 'The Regional Centre' encourages employment generating uses and other commercial development within the Regional Centre. Proposals for town centre uses other than office development will be assessed in accordance with Policies C1 and C9, as appropriate.

Policy C1 'Centre Hierarchy' identifies Manchester City Centre as at the top of the centre hierarchy set out at Policy C1. It identifies the City Centre as the focus for comparison retail and commerce, culture, leisure and tourism.

Policy CC1 'Primary Economic Development Focus: City Centre and Fringe' states that provision of a range of economic development uses, such as retail, leisure, entertainment, cultural and tourism facilities will be encouraged in the City Centre, in line with Policy C1, to support the development of a vibrant employment location attractive to businesses, employees and visitors to the City Centre.

Policy CC2 'Retail' seeks to promote retail provision in the City Centre, and focus comparison retail development within the Primary Shopping Area. The policy goes on to state that ancillary commercial and leisure services are also acceptable within the Primary Shopping Area, providing retail remains the predominant use and proposals do not conflict with other policies within the Local Development Framework.

Policy EN1 'Design Principles and Strategic Character Areas' states that development in Manchester is expected to follow the seven principles of urban design and opportunities for good design to enhance the overall image of the City should be fully realised. Within the City Centre Character Area, development should contribute positively to the experience at street level and to the rich pattern of activity in the area.

Policy DM1 Development Management development should have regard to a number of matters, including appropriate siting, layout, scale, form, massing, materials, and details; together with the impact on the surrounding area and its character. Development will also need to regard the effects on amenity, including privacy, noise, vibration, air quality and road safety, as well as refuse storage and collection.

Principle of Use

Paragraph 86 of the NPPF makes it clear that Local Planning Authorities should promote the long-term vitality and viability of town centres by allowing them to grow and diversify through responding to changes in the retail and leisure industries, allowing a suitable mix of uses and reflecting the distinctive characters of the centre.

The proposed car showroom use, whilst represents the loss of a retail unit within the Primary Shopping Area, would function similarly to a shop and it is not considered to undermine the function of the Primary Shopping Area. The submission details that unlike a usual Car showroom, customers will visit the showroom to view and learn about Genesis brand and cars before purchasing them and cars would not be driven from the unit, but purchased online and delivered to the customers homes. The proposed use would generate footfall in a similar way to a retail use within the Primary Shopping Area and maintain an active frontage to New Cathedral Street in keeping with adjacent retail uses.

Permission is sought for a flexible use as a Car Showroom or Retail, this would enable the site to revert to being used for Class E(a) retail under Class V and therefore not result in permanent loss of retail use from the unit as if the Car Showroom use ceases the unit can be readily used for retail. A condition would be imposed to ensure that no vehicles can be picked up from the site.

Amenity

The nature of the proposed car showroom use, is to showcase cars and products, similar to any other retailer. The proposed flexible use of the unit as a retail/car showroom is therefore not considered to give rise to any undue disturbance beyond the existing permitted retail use that would harm the amenity of any neighbouring uses.

Highways impacts

The proposed development differs from a traditional automotive manufacture. All the sales take place online whilst the physical space showcases the cars and provides information about the vehicle brands. No vehicles will be delivered or picked up on-site.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Considering the site's location and proximity to sustainable travel offer, this is acceptable in principle. As such, no parking concerns are raised from a Highways perspective.

Cycle Parking

Highways have recommended that secure cycle parking is provided for staff and visitors internally within the unit. Whilst the provision of secure cycle parking in curtilage is preferred, in this instance it is noted that the site is in a highly sustainable location within the City Centre and the applicant has identified existing cycle parking available for use for staff and visitors which includes 6 to the south of the site (3 on St Mary's Gate and 3 on Market Street) – 53m, 5 to the west of the site along Deansgate – 135m, 6 to the south-west of the site further along Deansgate, just south of junction with St Mary's Gate – 145m, 6 to the north-west of the site along Victoria St – 180m. Given the size of the unit and that the existing retail use has no secure cycle parking, on balance the lack of secure cycle parking is considered acceptable in this instance.

Waste

The submitted waste strategy has been considered by Environmental Health officers and is considered acceptable.

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 in a positive and pro-active manner to seek solutions to issues arising in relation to dealing with the planning application. Officers also worked with the applicant during the planning application process to deal with comments raised by consultees.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

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 the City Council, as Local Planning Authority on 23 June 2022:

Proposed Floor Plans (ref. M0008-SK1 Rev. P02);
Existing and Proposed Shopfront Elevations and Sections (ref. M0008-SK2 rev. P02)
Planning Statement Dated May 2022 Ref: P22-0553

Received by the City Council, as Local Planning Authority on 04 August 2022:

Waste Management Proforma received by the City Council, as Local Planning Authority on 04 August 2022 and email from agent dated 28 September 2022

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policy DM1 and policy SP 1 of the Manchester Core Strategy.

3) The development shall be carried out in accordance with the Waste Management Proforma received by the City Council, as Local Planning Authority on 04 August 2022 and email from agent dated 28 September 2022 and be the waste management arrangements for any subsequent permitted change of use under Use Class E.

The refuse arrangements 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 and SP1 of the Manchester Core Strategy

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the commercial unit hereby approved shall be used as Class E(a) (excluding convenience retail and gymnasium) or a Car Showroom (Sui Generis) use and no other use.

Reason - To ensure the satisfactory development of the site and in the interest of residential and visual amenity, pursuant to policy DM1 of the Manchester Core Strategy.

5) No vehicles sold on-site shall be delivered or picked up on-site.

Reason - In the interests of highway safety and amenity in accordance with policies SP1 and DM1 of the Core Strategy

6) The windows at ground floor shall be retained as a clear glazed window opening at all times and views into the premises shall not be screened or obscured in any way unless they relate to service areas.

Reason - The clear glazed window(s) is an integral and important element in design of the ground level elevations and are important in maintaining a visually interesting street-scene consistent with the use of such areas by members of the public, and so as to be consistent with saved policy DC14 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Transport For Greater Manchester

26 - 28 Deansgate, Manchester, M3 1RH
Premier House, 22 Deansgate, Manchester, M3 1PH
11 New Cathedral Street, Manchester, M1 1AD
Harvey Nichols Group, The Shambles, New Cathedral Street, Manchester, M1 1AD
Astley House, 23 Deansgate, Manchester, M3 4AH
ZARA, 1 New Cathedral Street, Manchester, M1 1AD
Marks And Spencer, 7 - 17 Market Street, Manchester, M1 1PT
Unit 4, 1 Deansgate, Manchester, M3 1AZ
Unit 3, 1 Deansgate, Manchester, M3 1AZ
Unit 5, 1 Deansgate, Manchester, M3 1AZ
Apartment 906, 1 Deansgate, Manchester, M3 1AZ
Apartment 807, 1 Deansgate, Manchester, M3 1AZ
Apartment 109, 1 Deansgate, Manchester, M3 1AZ
Flat 1202, 1 Deansgate, Manchester, M3 1AZ
Flat 1104, 1 Deansgate, Manchester, M3 1AZ
Unit 2, The Shambles, New Cathedral Street, Manchester, M1 1AD
Unit 1, 19 New Cathedral Street, Manchester, M1 1AD
Flat 104, 1 Deansgate, Manchester, M3 1AZ
Flat 904, 1 Deansgate, Manchester, M3 1AZ
Flat 306, 1 Deansgate, Manchester, M3 1AZ
Flat 207, 1 Deansgate, Manchester, M3 1AZ
Flat 702, 1 Deansgate, Manchester, M3 1AZ
Flat 905, 1 Deansgate, Manchester, M3 1AZ
Flat 208, 1 Deansgate, Manchester, M3 1AZ
Flat 808, 1 Deansgate, Manchester, M3 1AZ
Flat 801, 1 Deansgate, Manchester, M3 1AZ
Flat 204, 1 Deansgate, Manchester, M3 1AZ
Dom's Tavola Calda, 40 - 42 Deansgate, Manchester, M3 1RH
30 Deansgate, Manchester, M3 1RH
34 - 36 Deansgate, Manchester, M3 1RH
Basement And Ground Floor, Astley House, 23 Deansgate, Manchester, M3 4AH
First Floor And Second Floor, Premier House, 22 Deansgate, Manchester, M3 1PH
Flat 1103, 1 Deansgate, Manchester, M3 1AZ
Flat 804, 1 Deansgate, Manchester, M3 1AZ
Flat 502, 1 Deansgate, Manchester, M3 1AZ
Flat 803, 1 Deansgate, Manchester, M3 1AZ
UGG, 3 New Cathedral Street, Manchester, M1 1AD
Unit 7, The Shambles, New Cathedral Street, Manchester, M1 1AD
15 New Cathedral Street, Manchester, M1 1AD
Unit 4, New Cathedral Street, Manchester, M1 1AD
Unit 8, New Cathedral Street, Manchester, M1 1AD
Unit 5, The Shambles, New Cathedral Street, Manchester, M1 1AD
3 St Mary's Gate, Manchester, M1 1BZ
1 St Mary's Gate, Manchester, M1 1BZ
5 St Mary's Gate, Manchester, M1 1PX
Flat 601, 1 Deansgate, Manchester, M3 1AZ
Flat 402, 1 Deansgate, Manchester, M3 1AZ

Flat 508, 1 Deansgate, Manchester, M3 1AZ
Flat 1201, 1 Deansgate, Manchester, M3 1AZ
Flat 401, 1 Deansgate, Manchester, M3 1AZ
Flat 501, 1 Deansgate, Manchester, M3 1AZ
Flat 102, 1 Deansgate, Manchester, M3 1AZ
Flat 705, 1 Deansgate, Manchester, M3 1AZ
Flat 408, 1 Deansgate, Manchester, M3 1AZ
Flat 507, 1 Deansgate, Manchester, M3 1AZ
Flat 210, 1 Deansgate, Manchester, M3 1AZ
Flat 106, 1 Deansgate, Manchester, M3 1AZ
Flat 404, 1 Deansgate, Manchester, M3 1AZ
Flat 707, 1 Deansgate, Manchester, M3 1AZ
Flat 503, 1 Deansgate, Manchester, M3 1AZ
Flat 101, 1 Deansgate, Manchester, M3 1AZ
Flat 506, 1 Deansgate, Manchester, M3 1AZ
Flat 203, 1 Deansgate, Manchester, M3 1AZ
Flat 308, 1 Deansgate, Manchester, M3 1AZ
Flat 304, 1 Deansgate, Manchester, M3 1AZ
Flat 703, 1 Deansgate, Manchester, M3 1AZ
Flat 406, 1 Deansgate, Manchester, M3 1AZ
Flat 607, 1 Deansgate, Manchester, M3 1AZ
Flat 201, 1 Deansgate, Manchester, M3 1AZ
32 Deansgate, Manchester, M3 1RH
Flat 704, 1 Deansgate, Manchester, M3 1AZ
Flat 1001, 1 Deansgate, Manchester, M3 1AZ
Flat 701, 1 Deansgate, Manchester, M3 1AZ
Flat 602, 1 Deansgate, Manchester, M3 1AZ
Flat 407, 1 Deansgate, Manchester, M3 1AZ
Flat 1101, 1 Deansgate, Manchester, M3 1AZ
Flat 202, 1 Deansgate, Manchester, M3 1AZ
Flat 105, 1 Deansgate, Manchester, M3 1AZ
Flat 605, 1 Deansgate, Manchester, M3 1AZ
Flat 302, 1 Deansgate, Manchester, M3 1AZ
Flat 305, 1 Deansgate, Manchester, M3 1AZ
Flat 1003, 1 Deansgate, Manchester, M3 1AZ
Flat 706, 1 Deansgate, Manchester, M3 1AZ
Flat 108, 1 Deansgate, Manchester, M3 1AZ
Flat 504, 1 Deansgate, Manchester, M3 1AZ
Flat 405, 1 Deansgate, Manchester, M3 1AZ
Flat 205, 1 Deansgate, Manchester, M3 1AZ
Flat 307, 1 Deansgate, Manchester, M3 1AZ
Flat 901, 1 Deansgate, Manchester, M3 1AZ
Flat 110, 1 Deansgate, Manchester, M3 1AZ
Flat 209, 1 Deansgate, Manchester, M3 1AZ
Flat 303, 1 Deansgate, Manchester, M3 1AZ
Flat 603, 1 Deansgate, Manchester, M3 1AZ
Flat 805, 1 Deansgate, Manchester, M3 1AZ
Flat 505, 1 Deansgate, Manchester, M3 1AZ
Flat 107, 1 Deansgate, Manchester, M3 1AZ
Flat 604, 1 Deansgate, Manchester, M3 1AZ
Flat 806, 1 Deansgate, Manchester, M3 1AZ
Flat 206, 1 Deansgate, Manchester, M3 1AZ
Flat 1002, 1 Deansgate, Manchester, M3 1AZ
Ramada Renaissance Hotel, Blackfriars Street, Manchester, M3 2EQ

Flat 103, 1 Deansgate, Manchester, M3 1AZ
Flat 403, 1 Deansgate, Manchester, M3 1AZ
Flat 301, 1 Deansgate, Manchester, M3 1AZ
Flat 606, 1 Deansgate, Manchester, M3 1AZ
Flat 708, 1 Deansgate, Manchester, M3 1AZ
24 Deansgate, Manchester, M3 1RH
1 Exchange Square, Manchester, M3 1BD
38 Deansgate, Manchester, M3 1RH

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
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL