MANCHESTER CITY COUNCIL

# Planning

# Growth & Development

# Delegated officer report for planning application

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| **Application no.** | 143931/P3GPA/2025 |
| **Date registered valid:** | 9 September 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<br>Tel: 0161 219 2095<br>Email: jack.naven@manchester.gov.uk |
| **Recommendation:** | Refuse |
| **Date of recommendation:** | **28 October 2025** |

## Application Details

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

**Development type:** Notifications

**Date of site visit:** 1 October 2025

**Standard consultations:**
Printed: 18 September 2025 Expired: 9 October 2025

**Neighbour notifications**
Printed: 11 September 2025 Expired: 2 October 2025

**Site notice**
Posted: 15 September 2025 Expired: 6 October 2025

**Press advert**
Published: 16 September 2025 Expired: 30 September 2025

**Departure from Development Plan:** No

**Environmental Statement:** Not required

## Description of Site/Area

**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. MCC records highlight that the underground River Irwell tributary (Strangeways) is located within the site boundary.

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

The site is not located within a Conservation Area and is not within the setting of listed buildings.

## 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.

## Related Applications

**142194/P3GPA/2025** - Prior Approval for conversion of first and second floors from Offices (Class E) to 2 no apartments (Class C3).
***Refused April 2025.***

## 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 conditions be added to confirm that outstanding information is provided regarding acoustic mitigation and waste management. Confirmed various issues in the submitted acoustic report that require further clarification, these are detailed in further details in the issues section below.

**Flood Risk Management** - Have reviewed the submitted Flood Risk informative and confirmed that no condition is required in order to clarify Flood Risk issues.

**Environment Agency** - Have no objection in principle to the proposed development but if approved, wished to have some informative comments attached to the decision.

## 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 **Places for Everyone Plan - Joint Development Plan Document**, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st March 2024:

- Policy JP-Strat1 - Core Growth Area
- Policy JP-H1 - Scale, Distribution and Phasing of New Housing Development
- Policy JP-H3 - Type, Size and Design of New Housing
- Policy JP-H4 - Density of New Housing
- Policy JP-J2 - Employment Sites and Premises
- Policy JP-P1 - Sustainable Places
- Policy JP-P6 - Health
- Policy JP-S1 - Sustainable Development
- Policy JP-S4 - Flood Risk and the Water Environment
- Policy JP-G3 - River Valleys and Waterways

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

- Policy SP1 - Spatial Principles
- Policy CC1 - Primary Economic Development Focus : City Centre and Fringe
- Policy EC1 - Employment and Economic Growth in Manchester
- Policy EC3 - The Regional Centre
- Policy EC4 - North Manchester
- Policy EN1 - Design Principles and Strategic Character Areas
- Policy EN14 - Flood Risk
- Policy EN18 - Contaminated Land and Ground Stability
- Policy EN19 - Waste
- Policy H1 - Overall Housing Provision
- Policy DM1 - Development Management

**Saved Unitary Development Plan for Manchester** - The following saved UDP Policies are of relevance to this application:

- Policy DC5 - Flat Conversions
- Policy DC26 - Development and Noise

**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.

**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 ended on Monday 26 May 2025. Feedback from this public consultation is now being analysed and changes will be made where necessary. Once finalised the documents will be presented to each council to formally review and approve later in 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).

**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.

There are the only material planning considerations that the Local Planning Authority can assess this prior approval application by.

**Ground Contamination**

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

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, as well as the provision of policies JP-S1 and JP-G3 of Places for Everyone, and policies EN18 and DM1 of the Manchester Core Strategy (2012).

**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.

A Flood Risk Assessment was submitted with this application. Both MCC's Flood Risk Management Team (FRMT) and the Environment Agency (EA) were consulted on the application.

MCC's Flood Risk Management Team confirmed acceptance of the submitted Flood Risk Assessment and did not request that any condition be attached to any decision.

The Environment Agency confirmed that they have no objection in principle to the proposed development, on the basis that the FRA demonstrated that safe refuge to areas above the flood level had been proposed.

The EA did advise that this alone does not mean they consider that the access is safe, or the proposal is acceptable in this regard, but they did not object to the application and instead advised the application to consult with the emergency planners and the emergency services to confirm the adequacy of the evacuations.

Given the lack of objections from Flood Risk Management and the Environment Agency, it is considered that the proposal satisfies 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 policy JP-S4 of Places for Everyone, policies SP1, EN14 and DM1 of the Manchester Core Strategy (2012), and the NPPF, particularly paragraph 181 and footnote 63, and is therefore accepted 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 businesses 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.

A Noise Impact Assessment was carried out by Braiden Acoustics to assess the level of noise within the vicinity of the proposed apartments. This document has been submitted as a part of the application and has been reviewed by MCC's Environmental Health department.

The report recommended the following:

1) Windows of bedrooms to the rear / side should be upgraded to 4 / (6-16) / 6mm
2) All habitable rooms, except for lounges to the rear, should have mechanical ventilation; such a unit is the Sonair 3 by Titon.
3) Recommendations for the separating floors have been presented.
   **Second floor:** An extra 12.5mmr acoustic board should be added to the ceiling, so there are three acoustics boards in total.
   **First floor:** The ceiling of the first floor, in the shop, should have an independent ceiling constructed as per Floor Treatment in Approved Document E (ADE). The independent ceiling should be constructed as follows:
   - independent joists attached to the surrounding walls with additional support provided by acoustic hangers attached directly to the existing floor base.
   - 2 layers of 12.5mm Soundbloc (21kgm-2) with staggered joints.
   - an absorbent layer of mineral wool laid in the cavity, minimum thickness 100mm with a minimum density of 10 kg/m3.
   - Seal the perimeter of the of the independent ceiling with acoustic sealant. Stair treatment: The stairs should be treated in accordance with Diagram 4.8 in ADE

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.

The Environmental Health team noted that the submitted Noise Impact Assessment makes it apparent that the internal noise level criteria cannot be achieved with windows open and a scheme of mechanical ventilation will be required.

The assessment indicates that all rooms apart from the rear living room will require mechanical ventilation so that occupant do not need to open windows.

However, it would seem from the report that the rear living room still exceeds the criteria, albeit marginally, but this would still require mechanical ventilation so that occupants do not need to open windows other than for purge ventilation purposes. This means that recommendation in the table on page 11 of the Noise Impact Assessment is currently incorrect.

The Noise Impact Assessment makes it clear that the rear bedroom window will need replacing with the glazing performance recommended. The assessment indicates that there is only one skin of brickwork around the window, which was in poor condition with some visible gaps so this will need to be repaired and made good. The report does not include recommendations regarding this or any details of any repair work required in order to prevent noise disturbance.

The separating floor from the retail to the 1st floor apartment has not been installed as recommended with only 12.5mm acoustic board installed rather than 15mm as recommended. The report recommends that an extra 12.5mm acoustic board should be added to the ceiling so there are three acoustics boards installed in total. Environmental Health have accepted this recommendation.

The Noise Impact Assessment also recommends that there is no trickle ventilation within the window frame, so the proposed system will need ducting via the building façade. There is no assessment included of any façade penetrations for air intake / extract louvres associated with the mechanical ventilation to confirm the penetrations do not compromise the acoustic integrity of the façade and so there are concerns over potential noise disturbance as a result of this.

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.

Core Strategy Policy EC1 (Employment and Economic Growth in Manchester) identifies the City Centre Fringe, including Strangeways, to be within the Regional Centre, which is a key location for major employment growth.

Policy EC4 (North Manchester) identifies the site as sitting within the boundaries of City Centre Fringe, which is designated as being suitable for office led mixed use development.

It listed Strangeways as City Centre Fringe suitable for office (B1a) led mixed use development.

And states that Significant existing employment and economic development is found in Strangeways Employment Area north of the City Centre fringe, suitable for retention and growth of general industry, warehousing and distribution,

Policy CC1 (Primary Economic Development Focus: City Centre and Fringe) identifies that the City Centre is expected to accommodate 33ha and the City Centre Fringe 25ha of office or similar employment development. It further states that the City Centre and fringe will be considered a suitable location for the consideration of high-density buildings and commercially led mixed use schemes and that the focus for employment growth will be in B1a high density offices.

Policy CC1 (Primary Economic Development Focus : City Centre and Fringe) further confirms that the area is within the City Centre Fringe, stating that City Centre North extending into Strangeways and Collyhurst is within City Centre Fringe.

The site is also clearly shown to be within the boundary covered by the Great Ducie Street Strategic Regeneration Framework (2018) (SRF).

This document covers a large swath of land close to Manchester City Centre and sets out the future regeneration aspirations for this area.



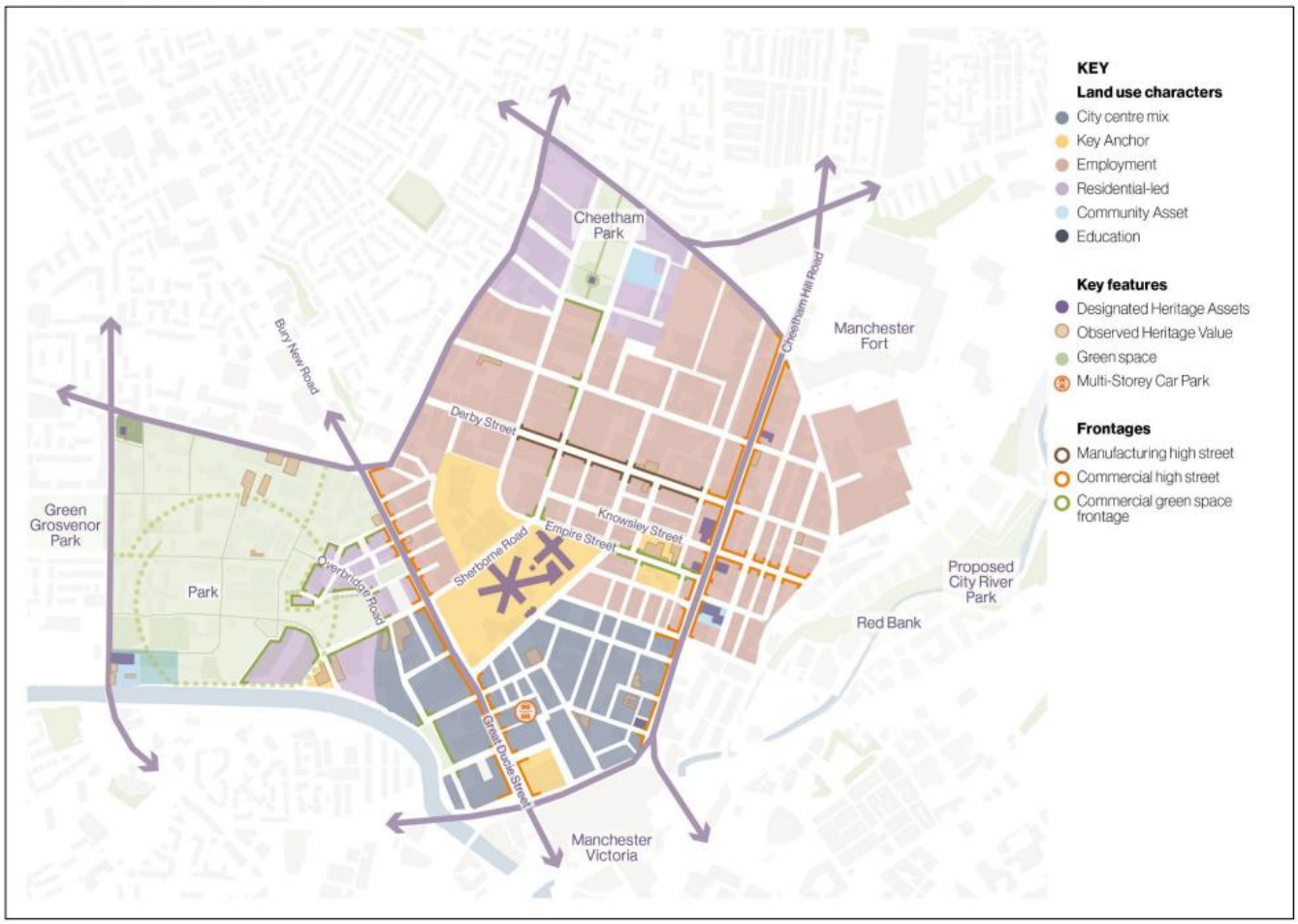

***Proposed Masterplan in Great Ducie Street SRF***

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.

The site comes under the Zone 2 (Mary Street) character area identified in the Great Ducie Street Strategic Regeneration Framework.

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’, with a commercial high street frontage.

Figure 4.2: Land Use Strategy Diagram




***Land Use Strategy Diagram in the Strangeways and Cambridge SRF***

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.

Core strategy policy DM1 states that development should have regard for effects on amenity, including noise, specifically stating that this includes proposals which would be sensitive to existing environmental conditions, such as noise.

Policy SP1 states that development should make a positive contribution to the health, safety and wellbeing of residents.

UDP policy DC26 states that the Council intends to use the development control process to reduce the impact of noise on people living in the City.

It is considered for the reasons outlined above that the proposal would be contrary to these policies.

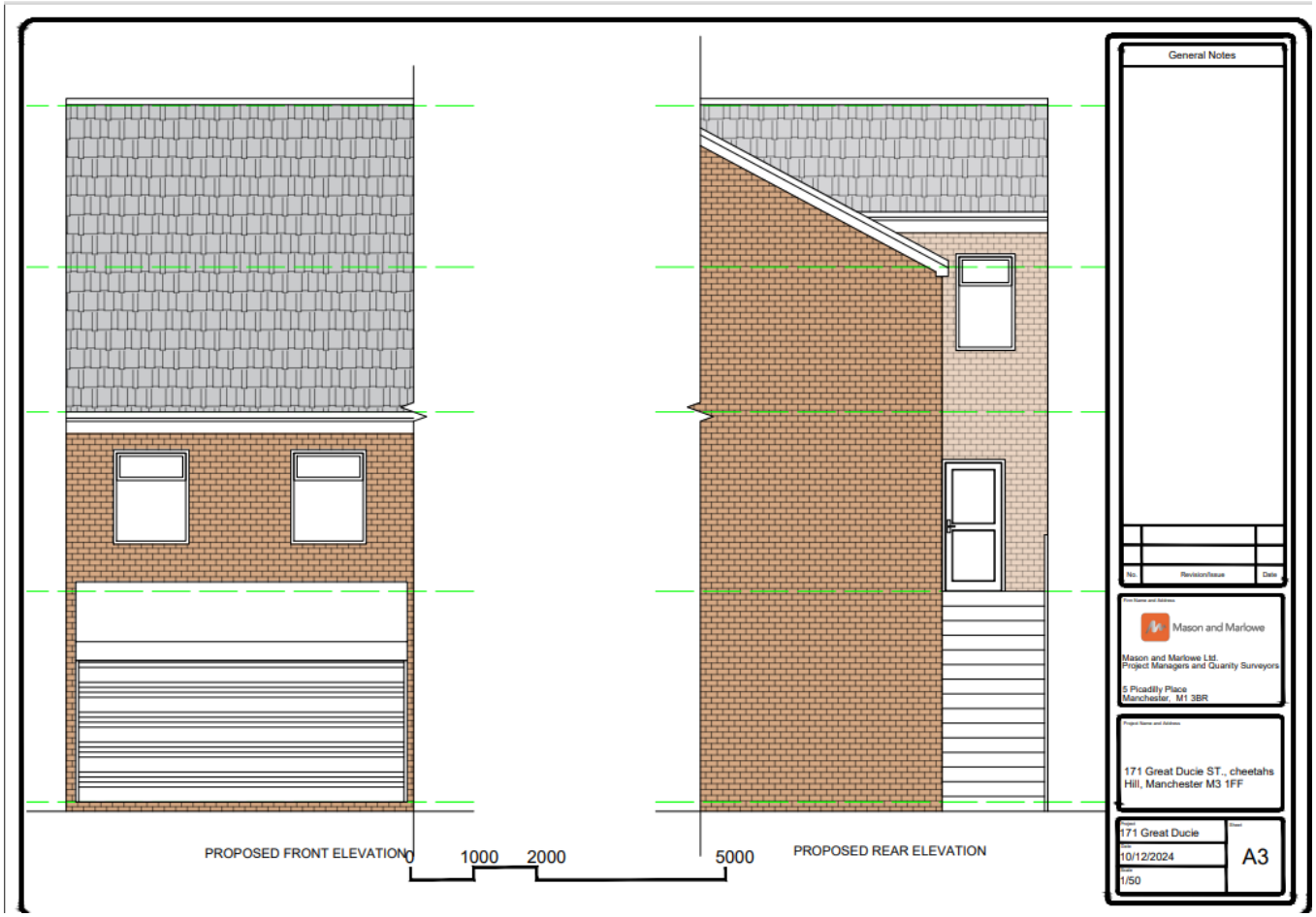
The impacts of noise from commercial premises on the intended occupiers of the development are considered to be unduly harmful and not satisfy the provisions of Schedule 2 Part 3 Class G (iii) of the Town and Country Planning (General Permitted Development) Order 2015, and is contrary to policies SP1, 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**

Assessing the provision of adequate natural light in all habitable rooms of the dwellinghouses in essential in determining this prior approval application.

As the Manchester Residential Quality Guidance notes “adequate natural light throughout the home is essential, not only in reducing the dependence on artificial light but also engendering a sense of health and well-being”.

It goes on the state that maximising natural daylight is important, with floor to ceiling heights at a minimum 2.4m in living and bedroom spaces. A minimum height of 2.5m will be strongly encouraged in all habitable areas. Added to this, there should be larger windows, particularly to living areas, with an aspect of the sky and direct views of external spaces such as gardens, courtyards, streets, parks and open spaces. The quality of daylight is also important. Where possible, there should be direct sunlight into living spaces.

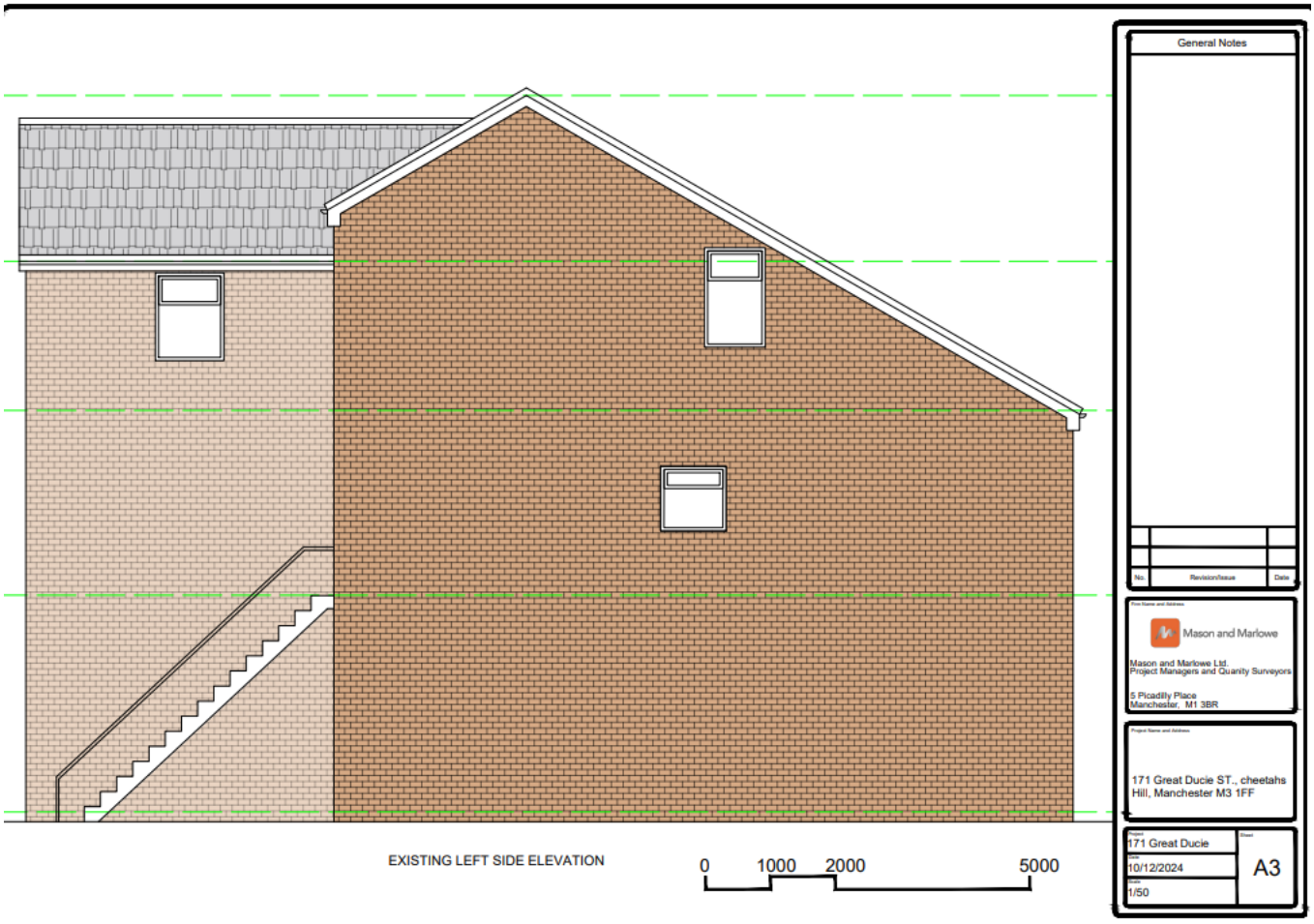



***Proposed Front and Rear Elevation (same as existing)***

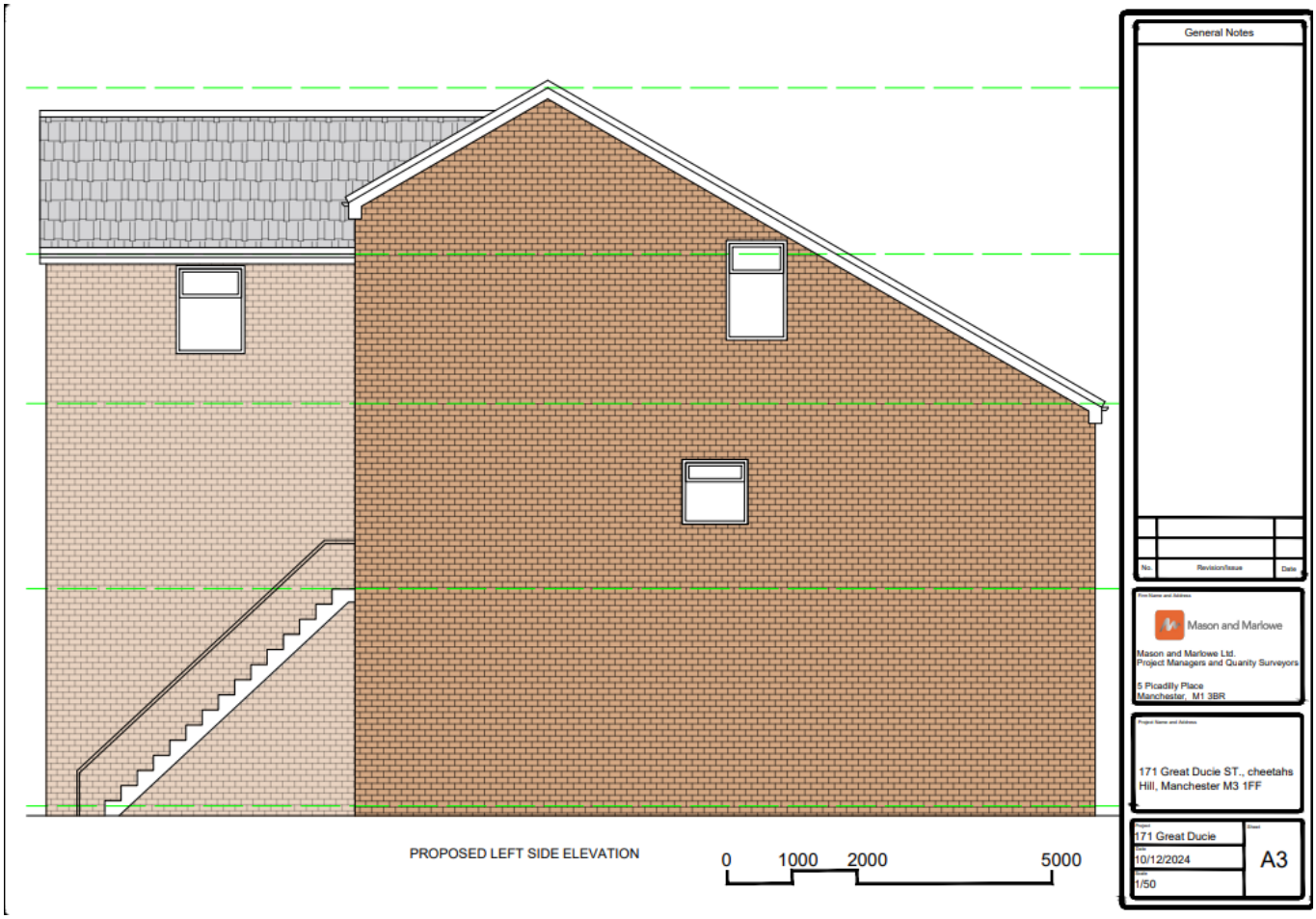
The front elevation has two windows at first floor level. Each window would provide natural light into each of the two bedrooms proposed in Apartment 01. Although the dimensions of the windows are not provided in the submission, measuring from the scaled drawings show these two windows to be 1.5 metres by 1.2 metres.

Given the size and siting of these windows, this would give sufficient natural light provision in to these two rooms.

On the rear elevation, there is a window at second floor that would face into the living room/kitchen area for Apartment 02. This window measures at 1.5 by 0.9 metres and as can be seen from the proposed floor plans for the Second Floor (shown later in the report), in conjuncture with another window on the side elevation, which is also 1.5 by 0.9 metres, would provide sufficient natural light for the living room/kitchen area of Apartment 02.




***Existing Left Side Elevation***

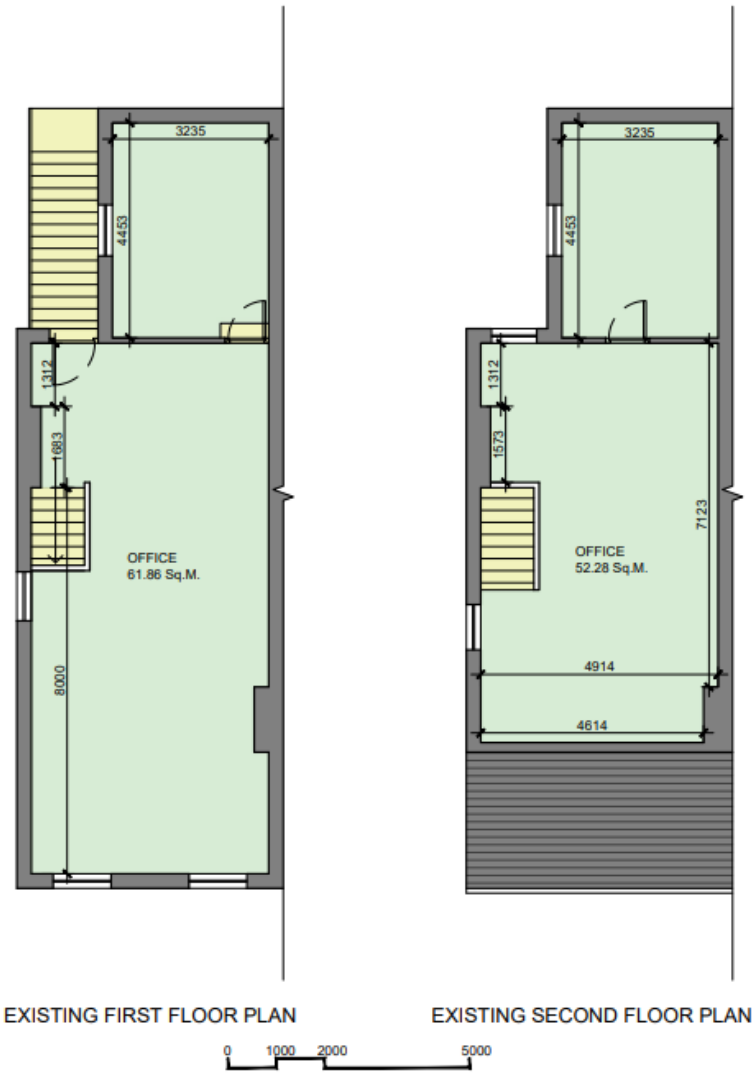



***Proposed Left Side Elevation***

For the proposed living room area for Apartment 01, there is a single window that measures 0.9 metres by 0.9 metres. The living room area is nearly 62sqm. Additionally, this window is located right next to a wall abutting the stairwell that goes up to the second floor. As can be seen on the proposed floor plan, the wall to the staircase will block the light from reaching a significant amount of this living room area.

The existing and proposed floor plans show that there is a window that would provide natural light to the kitchen area for Apartment 01.

However, on both the existing and proposed elevational drawings, this window is not shown.




***Existing floor plans***




***Proposed floor plans***

On the site visit carried out, there was a structure in place over this elevation and it could not be determined from the site visit whether this window exists in situ or not. See the photographs below. This structure is also unauthorised and has never been granted planning permission.



***Site photo from rear of the property (1)***



***Site photo from rear of the property (2)***



***Google Street View (2016)***

The structure obscuring this elevational has been in place for a number of years. Going back to 2016 on Google Street View, when the structure obscuring is not in place, it appears that this window was bricked up at this point in time.

The drawings submitted are clearly inaccurate in this regard, as the existing and proposed floor plans show a window in place on the side elevation at first floor level, whilst the existing and proposed elevational drawings do not. The inaccuracy of the submission means that the Local Planning Authority cannot accurately assess whether sufficient natural light has been provided to this particular room.

If the window is not currently in place, or if the staircase is currently in place, then an elevational alteration would be required, which would require planning permission and could not be approved under a prior approval application.

In any event, and notwithstanding the unauthorised nature of the staircase and means of access, there is an unacceptable relationship between the window (which is necessary to provide natural light and ventilation) and the stair case for means of access. There would be an unacceptable impact on residential amenity to the occupants of the affected apartment as a result of comings and goings to from use of the staircase and potential for loitering which would create poor quality living accommodation from noise and disturbance.

In addition, with the staircase shroud in place, no natural light could reasonably be provided to this window if it is in situ.

The window to the bedroom of Apartment 02, located on the side elevation at second floor level, is 1.3 metres by 1 metre. Considering its siting and the size of the window respective to the size of the bedroom, this is considered to provide sufficient natural light to this room.

Places for Everyone policy JP-P1 states that places should be comfortable and inviting, with indoor and outdoor environments, addressing microclimate issues such as sunlight.

Core Strategy policy DM1 states that development should have regard for effects on amenity, including light.

SP1 states that developments in all parts of the city should create well designed places that make a positive contribution to the health, safety, and well-being of residents.

UDP saved policy DC5 states that in determining planning applications to convert property to flats, the Council will have regard to the standard of accommodation for the intended occupiers of the premises and will normally refuse permission for any developments which do not provide accommodation to the Council's current approved standards.

The lack of natural light provided to certain habitable rooms, as detailed in the section above, is deemed to be contrary to these policies.

On this basis, for the reasons outlined above, the provision of adequate natural light in all habitable rooms is not considered to be satisfactory in accordance with Schedule 2 Part 3 Class G (iv) of the Town and Country Planning (General Permitted Development) Order 2015, and is contrary to policy JP-P1 of Places for Everyone (2024), policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 Unitary Development Plan for the City of Manchester (1995), the NPPF, and the application is therefore refused on these grounds.

**Waste Management**

Environmental Health confirmed that sufficient details had not been submitted concerning waste management.

They confirmed that a scheme for the storage and disposal of refuse must be submitted to and approved in writing by the City Council as the Local Planning Authority and confirmed that new developments must have refuse storage space for segregated waste collection and recycling, with internal and external storage areas are required.

Highway Services also sought further details in regard to waste management at the site. Requesting that clarification is sought on the waste collection point and refuse vehicle servicing route and should be demonstrated on a dimensioned plan.

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.

**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 ground to refuse the application over Ground Contamination, Flood Risk, or Waste Management matters associated with the application, due to the lack of information provided to alleviate concerns over the level of natural light that would be provided to residents, 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 polices 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 refusal**

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 businesses 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 also supports employment led developments. It is not considered that the residential use is compatible with supporting the employment objectives for the area and it would therefore 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) On the basis of the information submitted within the application, the City Council is not satisfied that the proposal would result in acceptable living standards for the proposed occupants of either flat proposed due to the inadequate provision of natural light to habitable rooms, which would be unduly harmful to the health and amenity of any residential occupiers of the flat. Furthermore, due to inaccuracies and inconsistencies in the submitted drawings, the provision of adequate natural light into all habitable rooms forming part of the development has not been adequately demonstrated. The proposal is therefore not considered to be satisfactory in accordance with Schedule 2 Part 3 Class G (iv) of the Town and Country Planning (General Permitted Development) Order 2015, and is contrary to policy JP-P1 of Places for Everyone (2024), policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC5 Unitary Development Plan for the City of Manchester (1995), the Manchester Residential Quality Guidance, and the NPPF.

## Appendix 1 – List of consultees & neighbours notified

Environment Agency
Highway Services
Environmental Health
MCC Flood Risk Management

3 Thompson Street, Cheetham, Manchester, M3 1LU
Ground Floor And First Floor, Sherboure Works, Barker Street, Manchester, M3 1EE
Ground Floor, Sherboure Works, Barker Street, Manchester, M3 1EE
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) -
Flood Zone Plus Climate Change -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL