

Delegated Officer Report

Summary of application details

Application reference: 145429/FO/2026

Application type: Full planning permission

Proposal: Creation of padel complex (Class E(d)) with ancillary cafe and office space, with associated external alterations.

Site address: 16 - 18 Mary Street Manchester M3 1DZ

Ward(s): Cheetham

Date application valid: 03 July 2026

Applicant name: Mr Ian Malyan

Agent (if any):

Case officer: Michael Pearson

Recommendation: Refuse

Date of recommendation: 12/08/2026

Description of site, building and/or area

The application relates to the two storey industrial unit present 16 – 18 Mary Street. The property is completed in walls of green ribbed cladding and painted brick, with profiled roof sheets also coloured green. The front of the site along Mary Street features a front service yard lined by green mesh fencing. Access to the rear of the site is possible from an unpaved access road off of Sherborne Street. The rear of the site is characterised by various self-seeded shrubs and grasses. The application site lies in use as a wholesaler.

The neighbouring area lies to the north of the extremities of Manchester City Centre, in the areas covered by the Great Ducie Street and Strangeways SRFs, with said areas to become new commercial and residential districts of Manchester City Centre. The character of the immediate area is largely commercial, with a mix of various industrial uses being present within the street scene. A high number of small scale commercial units are then present to the east of the site along Bury New Road and Great Ducie Street. Neighbouring points of note are HM Prison Manchester, formerly Strangeways Prison, to the north-east of the application site and the River Irwell to the south.

Description of development

The application seeks planning permission for the creation of a padel tennis complex (Class E(d)), with ancillary café and office space, with associated external alterations.

The proposal at ground floor would see 6no padel courts, WCs, an internal bin store and café. Offices would then feature at mezzanine level.

Externally, 4no car parking spaces would feature within the front service yard. To the rear of the site vegetation would be cleared with 2no external padel courts, 3no parking spaces and cycle storage facilities proposed. External alterations to the application property itself comprise of the installation of additional cladding to cover the property's low level painted brick, and the installation of a replacement front entrance and additional timber door to the property's Mary Street elevation.

Proposed hours of opening are as follows:

- Monday – Saturday: 06:00 – 02:00
- Sundays and Bank Holidays: 09:00 – 00:00

Relevant planning history

076407/JO/2005/N1 - Variation of Condition No.5 of planning application Ref 062104/FO/North1/01 to permit use of car park as a public car park – Refused September 2005.

062104/FO/NORTH1/01 – Creation of car park – Approved July 2001.

Consultation, notification and publicity responses

Publicity – A site notice was published; neighbouring properties were notified of the proposals by letter. One letter of support was received, the reasons cited for supporting the proposals are summarised below:

- There is an under supply of padel courts with Manchester. The proposal would help meet local demand with particular reference to singles courts.

Arborist – No objection.

Canal & Rivers Trust – No objection.

Environment Agency – Objection on grounds of insufficient information in regard to the protection of ground water from contaminants.

Environmental Health – No objection subject to conditions relating to fumes, hours of opening, hours of deliveries and servicing, external lighting, acoustics, external plant, a noise management plan, and waste management.

Flood Risk Management – Further information in relation to the protection of ground water from contaminants, surface water drainage, safeguarding information relating to Fairy Lane Brook, emergency flood planning and flood resilience measures.

Greater Manchester Ecology Unit – The proposals are applicable to the statutory 10% biodiversity net gain.

Greater Manchester Police – No objection received.

Highway Services – No objection subject to conditions requiring the submission of a travel plan, schedule of highway works, electric vehicle charging provision, car park management plan, cycle parking provision and a construction management plan, as well as informatives relating to highway works.

MCR Active – Insufficient information has been provided in order to determine if there is a material need for the development, how/if this will benefit the local community, and if the courts provided meet technical criteria for the sport.

Salford City Council – Concerns are raised over the proposed use not being in line with the long-term vision of the area, and the adequacy of the submitted noise impact assessment.

Relevant policies

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

- Policy JP-Strat1 – Core Growth Area
- Policy JP-Strat2 – City Centre
- Policy JP-S4 – Flood Risk and the Water Environment
- Policy JP-J1 – Supporting Long-Term Economic Growth
- Policy JP-J2 – Employment Sites and Premises
- Policy JP-J4 – Industry and Warehousing Development
- Policy JP-G8 – A Net Enhancement of Biodiversity and Geodiversity
- Policy JP-P7 – Sport and Recreation

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 EC2 – Existing Employment Space
- Policy CC1 – Primary Economic Development Focus (City Centre and fringe)
- Policy EC4 – North Manchester
- Policy C1 – Centre Hierarchy
- Policy C9 – Out-of-centre Development
- Policy EN1 – Design Principle and Strategic Characters Areas
- Policy EN11 – Quantity of Open Space, Sport and Recreation
- Policy EN14 – Flood Risk
- Policy EN15 – Biodiversity and Geological Conservation
- Policy EN17 – Water Quality
- Policy EN18 – Contaminated Land and Ground Stability
- Policy EN19 – Waste
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy CC10 – Industrial and Commercial Uses
- Policy DC26 – Noise and Development

National Planning Policy Framework (NPPF)

- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Draft National Planning Policy Framework (2025)

The government has published a consultation National Planning Policy Framework which is intended to improve housebuilding rates through a clearer, more predictable and faster policy basis for decision and plan making. Whilst this is a draft NPPF for consultation it is considered that the development proposals are in accordance with the general thrust of policy contained within it.

Other Legislative Requirements

Assessment

Principle of the Development

Loss of employment land

The application site, as previously mentioned, lies within an area for employment to the north of the City Centre boundary.

The application site is located within the Strangeways Employment Area, identified under Core Strategy Policy EC4 (North Manchester) as a key location for the retention and growth of general industrial, warehousing and distribution activities. The area performs an important economic function within the city and has a long-established role as a mixed industrial and commercial location. Furthermore, the site is designated for industrial and commercial uses within the Unitary Development Plan and under the Great Ducie Street SRF, reflecting its continued strategic significance as an employment area. On this basis, the proposal is also contrary to Core Strategy Policy EC4 and the Great Ducie Street SRF.

This proposal would result in a loss of employment land with a leisure use. Policy EC2 requires development that would see the loss of employment space and sites to demonstrate that the existing use is unviable in terms of business operations, building age and format;; that the existing use is incompatible with adjacent uses; that the existing use is unsuitable for employment having had regard to the Manchester-Salford – Trafford SFRA; or on balance, the proposals are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use.

The submission has been accompanied by supporting information that notes the current tenant on site is due to vacate in the near future, however, this does then not go onto to explore why the application site is no longer suitable for employment use nor why such a use is incompatible with adjacent uses. Significantly, no robust market evidence has been submitted to establish a lack of demand for the premises and neither has a comprehensive and independently verifiable marketing exercise been undertaken over a reasonable period to demonstrate that the property has been actively marketed for employment purposes without success. Further, there is little evidence to suggest that the building suffers from physical, operational or locational constraints that would prevent its continued use for employment purposes. It should be noted that the local area is populated by a large number of employment/industrial uses. It is also considered that the proposed benefits of the proposal, this being expanded padel court provision within the area, would not be so great as to warrant going against the Core Strategy's vision and spatial objectives. Given this, the proposals fail to meet the criteria set out within Core Strategy Policy EC2 and is thus contrary to it.

A similar decision has also recently been issued by the City Council at 11 Sherbourne Street (ref. 145539/FO/2026) which was similarly refused on loss of employment grounds.

Out of centre use

Although the loss of employment is not acceptable, consideration has been given to the fact this is an indoor sports use outside of a defined town centre.

Policy C9 of the Core Strategy requires that development of town centre uses in locations outside a centre are inappropriate and will not be supported unless, amongst other things, that there are no sequentially preferable sites, or allocated sites, within the area the development is intended to serve that are available, suitable and viable. The submission has not been accompanied by a sequential test that explores if other potential locations for the proposed use have been considered and discounted, and that if there are any other viable site that would not see the loss of employment land if the proposals were implemented. Furthermore, the submission has not been accompanied by information setting out why the premises is no longer suitable for continued employment use. In light of this information, the proposal is contrary to Core Strategy Policy C9.

Regeneration

The application would see the change of use of an existing warehouse/wholesaler to an indoor sport use, that specifically of a padel court (Class E(d)). As outlined above, the application site is located within the area covered by the Great Ducie Street and Strangeways SRFs which seek to transform the area covered by them over the coming decades to form a new development featuring both residential and commercial premises.

The Great Ducie Street SRF separates the area that it covers into six separate zones that will go on to form their own distinct neighbourhoods. The application site falls within Zone two of these six, named the Mary Street area. The SRF states that this area is to be a commercial led destination, being an area to attract modern businesses whilst providing facilities that could support the wider business base in Strangeways.

The proposed use is incompatible with the ongoing regeneration of the Mary Street area and would undermine such efforts to transform the area to that of a high quality commercial led destination. This is worsened by how the proposal would see the loss of existing employment space which would undermine the regeneration of the area further.

The siting of such a use within this location, at the cost of the loss of employment space, leads the development to be contrary to Places for Everyone Plan Policy JP-Strat1 and JP-Strat2, Manchester Core Strategy Policies SP1, EC2, CC1, C9 and DM1, the Great Ducie Street Strategic Regeneration Framework and the National Planning Policy Framework. For the sake of completeness, the proposal's impact on residential amenity, visual amenity, ecology, flood risk, sports facility provision, ground conditions, highway safety and waste management are assessed below.

Residential Amenity

The application site resides in a largely commercial area, though within the coming years a higher number of residential properties are likely to be present within the wider area as it continues to be regenerated, additionally, residential dwellings are present across the River Irwell to the south of the site. The submission has been accompanied by an acoustic assessment, and the proposed hours of opening would be a maximum of 06:00 – 02:00. Environmental Health within their consultation response have stated that the submitted acoustic report is inadequate on the basis that daytime baseline measurements have not been carried out for the full duration of the proposed hours, nor have they been measured at local residential receivers; and that the assessment only accounts for four out of the proposed eight courts being in use at once. Within their consultation response Environmental Health have also requested that the hours of the proposed outdoor courts be restricted and informed by an acoustic study. Despite the inaccuracy of the submitted information it is not considered to be of such an extent to warrant a refusal, with the matters raised by Environmental Health likely being able to be controlled by planning condition. Subject to conditions that would address such matters, it is considered that the

development is acceptable in this regard and accords with Core Strategy Policy DM1, Saved Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Visual Amenity

As mentioned previously within this report, the application property is a two storey industrial building, with walls of green ribbed cladding and painted brick, with profiled roof sheets also coloured green. The property's rear elevation features a finish of red brick of an unknown age. The application property is not considered to contribute positively to the local street scene, with it being a typical example former industrial buildings within the Strangeways area that have been subject to unsympathetic 20th century alterations and extensions. The submission would see the site's front elevation slightly altered with the extension of the property's green ribbed cladding over its low level painted brick, and the insertion of a replacement door and new door to the property's Mary Street elevation. To the rear of the site, two padel courts with elevations of aluminium glazed framing and netting would be installed. The alterations to the rear of the site, whilst unlikely to be found acceptable if installed within a prominent location, however in this instance the development would be screened from view by being situated at the rear of the application site and are likely to only be partially visible from views across the River Irwell along Springfield Lane. On this basis, the courts are found to have a visual impact that would not cause such visual harm as to justify a refusal.

The proposed alterations to the front of the application site are likely to negatively impact the appearance of the property, with the product specification of replacement cladding, nor the remediation works and exact details on the proposed entrance surround works being confirmed. Notwithstanding this, it is considered that negotiation and planning condition could resolve these matters and are not so significant as to warrant refusal. On these grounds and subject to planning conditions that would require the submission of exact and final details on these matters, the proposal is acceptable in this regard and therefore accords with Core Strategy Policies SP1, EN1 and DM1, and the National Planning Policy Framework.

Provision of Sport Facilities

The proposal would see the provision of a padel court on site. MCR Active within their consultation response have stated that in order to determine the acceptability of the proposal and its adherence to Manchester's Sport Strategy objectives, a statement articulating the community benefits of the proposal, the need for padel courts in this location, as well as a technical specification of the courts, is required to be submitted. It is considered that the absence of this information would not justify a refusal and could be secured by planning condition in the event of an approval. Subject to such a condition that would require the submission of technical specification and supporting statement, the development is considered acceptable in this regard and would accord with Places for Everyone Plan Policy JP-P7, Core Strategy Policies EN11 and DM1, and the National Planning Policy Framework.

Ecology

The application site, as mentioned previously is an industrial building, with an area of land to its rear populated by a high number of self-seeded plant species. The submission has been accompanied by a biodiversity net gain metric calculation document. The document notes that no habitat units are present on site, though it does note that "colonisers growing up through gravel/concrete parking area" are present on site. Additionally, the submitted application form notes the biodiversity net gain condition is applicable to the development. Upon conducting a site visit, it is clear that there are a large number of self-seeded plant species that would be required to be removed in order to allow the installation of the proposed external padel courts and parking area, see photographs below.



Photographs of rear of application site (Dated July 2026)

The Greater Manchester Ecology Unit have stated within their consultation response that the statutory biodiversity net gain requirement would apply to the proposed development.

Due to the presence of a high number of plants within the site edge red, it is considered the submitted biodiversity net gain metric calculation document is inaccurate and thus it cannot be ascertained what the statutory biodiversity uplift must be in order for the development to be compliant with national requirements. In light of this, it is considered that it cannot be determined if the application will have an acceptable impact and thus, the proposal is unacceptable in this regard and fails to accord with Places for Everyone Plan Policy JP-G8, Manchester Core Strategy Policies SP1, EN15 and DM1, and the National Planning Policy Framework.

Flood Risk

The application site lies within both Flood Zone 2 and 3, where the risk of flooding is highest. Flood Risk within their consultation response note that no surface water drainage information has been provided, nor any information in regard to flood warning and evacuation plans, as well as flood resilience measures. Additionally, Flood Risk have also identified that the culverted Fairy Lane Brook may be located beneath the site, and no safeguarding measures in regard to it have been identified. The creation of outdoor padel courts and car and cycle parking facilities would see some change in the amount of hard standing on site. It is also noted however there are traces of hard standing to the rear of the site which is now overgrown with self-seeded plant species. It would be expected the proposal confirm the amount of hard standing currently on site, how this would change, and the proposed drainage channels for any expansion of hard standing. Additionally, flood warning and evacuation plans, as well as flood resilience measures could be secured by planning condition in the event of an approval. Further to the above, notwithstanding the lack of information in regard to flood risk, it is considered that the absence of this information would not justify a refusal and could be secured by planning condition in the event of an approval.

Subject to planning conditions that would require the aforementioned information, the proposal is acceptable in this regard and accords with Places for Everyone Plan Policy JP-S4, Core Strategy Policies EN14 and DM1, and the National Planning Policy Framework.

Ground Conditions

The proposals would see some ground works as a result of the provision of external padel courts, parking facilities and cycle storage facilities to the rear of the site. As existing, this area is covered by some hard standing and self-seeded plant species. The submission has not been accompanied by any supporting information to confirm the ground conditions on site nor how deep penetrations or general ground work would be. The Environment Agency object to the proposals on the grounds that the area to the rear of the site had historically been used as a landfill and thus presents a high risk of contamination that could be mobilised during construction and then pollute ground waters. This is of particular concern given that the controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer and secondary aquifer. The Environment Agency confirm that in the absence of supporting information in the form of a desk study, site walkover, conceptual model and initial risk evaluation, the risk is considered unacceptable. Flood Risk then second this objection. On this basis, the risks associated with the development are considered too great to be able to delegate to planning condition in the event of an approval, and therefore the proposal would present an unacceptable risk to local ground and groundwater conditions contrary to Core Strategy Policies EN18 and DM1, and the National Planning Policy Framework.

Highway Safety

As stated previously within this report, the application site lies along the extremities of the northern boundary of Manchester City Centre. The site is within walking distance of public transport links at Victoria Railway Station and bus stops along Great Ducie Street/Bury New Road. As part of the development 7no car parking spaces would be provided, together with cycle storage facilities. Highway Services have requested that in the event of an approval, planning condition be used to secure the submission of a full travel plan, electric vehicle charging provision, car parking management plan, full cycle parking facilities, and a construction management plan. In addition to this however, Highway Services are not satisfied that car parking proposals to the front and rear of the site are spacious enough to allow for vehicle entry and exit from the site in forward gear, and have therefore requested revised parking arrangements supported by swept path analyses be submitted for consideration. This concern is not considered to be sufficient enough to warrant grounds for refusal and could be secured by planning condition in the event of an approval. Subject to such a condition, as well as those that would secure the aforementioned information, the development is acceptable in this regard and thus accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Waste Management

The development would see the creation of a secure waste store located at ground floor that would house 1no 1000L general waste bin, 1no 1000L food waste bin, and 1no 750l dry recycling bin. Environmental Health have stated that the frequency of collections should be confirmed, and that an additional mixed recycling bin should be provided. Notwithstanding that this information has not been provided, it is considered its absence would not justify a refusal and could be secured by planning condition in the event of an approval. Subject to a condition that would require the aforementioned information, the proposal is acceptable in this regard and accords with Core Strategy Policies EN19 and DM1, and the National Planning Policy for Waste.

Conclusion

In light of the above, it has been determined that the proposed indoor sports use would be located in an out of centre location, with no justification, and would be incompatible with the delivery and regeneration of the Mary Street area that is to be a commercial led development/neighbourhood by virtue of it not being an employment use. Additionally, insufficient information has been submit in order to be able to determine if the proposals impacts on local ecology would be acceptable and that no unacceptable risk would be posed to local ground conditions. On this basis, the proposal is contrary to Places for Everyone Plan Policy JP-Strat1, JP-Strat2 and JP-G8, Manchester Core Strategy Policies SP1, EC2, CC1, EN15, EN18 and DM1, the Great Ducie Street Strategic Regeneration Framework and the National Planning Policy Framework and is therefore recommended for refusal.

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: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, the issues identified are considered to be so fundamental that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Reasons for refusal

- 1) The proposed change of use would result in the unjustified loss of employment floorspace within the Strangeways Employment Area. Insufficient evidence has been provided to demonstrate that the premises are no longer viable or suitable for continued employment use, including through appropriate marketing evidence. The loss of an industrial/warehouse unit to a leisure use would undermine the strategic objective of maintaining and enhancing the supply of employment land and premises in this designated employment location. The use is also incompatible with the ongoing regeneration of Strangeways and Great Ducie Street, in specific reference to the Mary Street area, which seeks to retain the employment uses through the areas ongoing transformation into a high quality commercial-led destination. The proposal is therefore contrary to Policies JP-J2 and JP-J4 of the Places for Everyone Joint Development Plan (2024),

Policies DM1, EC1, EC2 and EC4 of the Manchester Core Strategy (2012), saved Policy CC10 of the Manchester Unitary Development Plan (1995), the Great Ducie Street Strategic Regeneration Framework (2018), the Strangeways and Cambridge Strategic Regeneration Framework (2025), and the National Planning Policy Framework.

- 2) The proposed padel court sport use (Class E(d)) is a main town centre use this is an out of centre location. The application is not supported by a sequential test. There is insufficient evidence to demonstrate that there are no other sequentially preferable sites within a defined centre. This is contrary to the provisions of Places for Everyone Plan Policy JP-Strat1, JP-Strat2, JP-J2 and JP-J4, Manchester Core Strategy Policies SP1, EC2, CC1, C9 and DM1, the Great Ducie Street Strategic Regeneration Framework and the National Planning Policy Framework.
- 3) The proposal has been accompanied by insufficient and inaccurate information to establish the number of habitat units on site, therefore, the number of habitat units required for the development to meet the statutory biodiversity net gain cannot be obtained, and no replacement planting nor off-site habitat units are proposed as part of the development. The proposals would therefore see an unacceptable loss of onsite habitat, with no compensatory planting, and is therefore contrary to Places for Everyone Plan Policy JP-G8, Manchester Core Strategy Policies SP1, EN15 and DM1, and the National Planning Policy Framework.
- 4) The development does not include any information on ground contamination conditions on site nor how potential contaminants would be controlled during the construction process. Due to the sensitivity of controlled waters, with a principal aquifer and secondary aquifer being present, the development presents an unacceptable risk to local ground and groundwater conditions and is therefore contrary to Core Strategy Policies EN18 and DM1, and the National Planning Policy Framework.