

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132693/P3MAP/2022

Date registered valid: 31 January 2022

Proposal: Prior Approval for change of use from Use Class E (Commercial, Business and Service) to Class C3 (Dwellinghouse)

Address: 501 Barlow Moor Road, Manchester, M21 8AG

Ward(s): Chorlton Park Ward

Applicant: Southway Housing Trust, C/o Agent

Agent (if any): Mrs Heather Lindley-Clapp, Nexus Planning, Eastgate, 2 Castle Street, Manchester, M3 4LZ

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 10.03.2022

Application details

Type of application: Prior approval- Class E-Dwelling

Development type: Notifications

Standard consultations:

Printed: 31 January 2022 Expired: 21 February 2022

Neighbour notifications

Printed: 31 January 2022 Expired: 21 February 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

Description of site/building/area

The property lies at the end of a commercial parade fronting Barlow Moor Road as it turns the corner into High Lane. The property is currently divided into a basement (no change), sales floor at ground floor with stairs to a one bed flat above (at first and second floor) from the side (no change to the access to or to the one bed flat.

The planning history of the site relates to its previous use as a Class A2 unit, with an application (ref. 099151/FU/2012/S1) for the change of Use from Retail (Class A1) to Estate Agent (Class A2) approved in June 2012.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Prior Approval for change of use from Use Class E (Commercial, Business and Service) to Class C3 (Dwellinghouse)

Consultations & Notification Responses

One objection has been received on the basis that "changing the premises to a bed sit, erodes the street scene and will reduce pedestrians footfall and have a negative impact on the businesses and Chorlton. Whilst also setting a precedence for all to convert the high street into bedsits. This would be a travesty, when we have a vibrant high street in existence, whilst other councils are desperately trying to regenerate the high street, such as Trafford Borough who have been commended for their initiative.

Highway Services - The proposed dwelling is not expected to generate trips that will impact local highway safety or operation. It should be noted that driving over the footway to access forecourt car parking is not preferred however this is an existing situation that also occurs at adjacent units. Cycle storage is indicated at the rear of the property for 2 bicycles - this is welcomed. The store should be secure and weatherproofed - to be conditioned. No reference is made to on-site car parking - given the district centre location this is acceptable in principle. A bin store is located to the rear and it is expected that bins will be brought to the highway on collection days and returned to the store once emptied - this arrangement is considered appropriate.

Environmental Health – Recommend conditions relating to sound insulation, refuse and air quality. (Only condition relating to sound insulation has been appended as the other matters fall outside of the control of this prior approval process).

MCC Flood Risk Management - Based on the provided evidence, we recommend no drainage condition for this application.

Issues

This application is made under Schedule 2 Part 3 Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class MA states development is permitted so long as certain criteria is satisfied:

- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval; YES
- (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval; YES
- (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres; NO
- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area; NO
- (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site; NO

Prior approval is required for:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—
 - (i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 (f) the provision of adequate natural light in all habitable rooms of the dwelling houses;
 (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
 (h) where the development involves the loss of services provided by—
 (i) a registered nursery, or
 (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4), the impact on the local provision of the type of services lost.
 (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.”

The ground floor of the premises would change from a Class E sales unit to a one bed bedsit (C3) for the accommodation of an individual rough sleeper accessed from the back of footpath.

Elevational alterations to the shop front would be made to create a door and window with the infilled shopfront being replaced with a rebuilt frontage finished in white render. This would be acceptable in appearance terms in this particular location in the street scene.

There would be cycle parking and bin storage in an external yard to the rear of the premises (bin storage has been provided and is not subject to the prior approval controls as such a condition as recommended by Environmental Health requiring the submission of a waste management strategy is not appended). Highways have commented that this cycle storage should be secure and weatherproofed.

There are no objections from Highways subject, subject to a condition in regards to cycle storage as set out above.

Environmental Health and Flood Risk Management have not raised any issues about the contamination or flood risks on site.

Environmental Health do require that acoustic insulation is put in place, which is set out in a condition.

There would be adequate light availability to the one bed bedsit proposed from the window provided to the front elevation.

The property is not located within a Conservation Area and it is not considered that the use of this end unit would undermine the function of the shopping parade in this location. (Previously used as Auctioning 4 U - vacant Sept 2008, Boho's – unopened Aug 2009, Estate Agent Oct 2012/Aug 2014, Hot Dogs Grooming May 2015 /May 2016 / Aug 2016 / March 2017 / June 2018, European Shop July 2019, Hot Dogs Grooming Nov 2020 / Aug 2021 source Google Street imaging)

Legislation sets out that development must be completed within a period of 3 years starting with the prior approval date and that any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

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

Condition(s) to be attached to decision for approval

1. The development hereby approved shall be carried out in accordance with the following drawings and documents:

Cover letter dated 13 January 2021

The completed application forms

Site Location Plan (Whiteley Eaves, ref: 478_001_501 001)

Existing Plans and Elevations (Whiteley Eaves, ref: 478_001_501 002)

Proposed Plans and Elevations (Whiteley Eaves, ref: 478_001_501 006)

Planning Statement

Received 13 January 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2. Prior to the first occupation of the development hereby approved further details of a secure cycle parking shall be provided. Following approval of those details, the secure cycle parking shall be implemented and retained in association with approved use.

Reason - To assist promoting the use of sustainable forms of travel to the development pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD.

3. a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Barlow Moor Road and Sandy Lane shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Where applicable (entertainment/music): Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

b) Prior to first occupation of the residential units, a verification report shall be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic consultant's report. The report shall also undertake post completion testing to confirm that the internal noise criteria have been met. Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance, pursuant to Policy DM1 in the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

List of those notified on Uniform

Appendix 2 – Planning constraints

Article 4 Direction - Removal of PD Rights Change of Use from Class C3 to Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Area Team Boundary - Name: SOUTH