



NEXUS
PLANNING

501 Barlow Moor Road, Prior **Approval Application** Supporting Statement

On behalf of Southway Housing Trust

January 2022

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1 Introduction

- 1.1 This Supporting Statement has been prepared by Nexus Planning on behalf of Southway Housing Trust to support the submission of a Prior Notification application at the ground floor of 501 Barlow Moor Road for:

“Change of use of ground floor unit from an estate agent (Class E) to 1 no. bedsit apartment”

- 1.2 This application is made under Schedule 2 Part 3 Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.3 Class MA provides permitted development rights for the change from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses). This change of use is subject to prior approval of transport and highways impacts, contamination and flood risks on the site, consideration of noise from commercial premises, the provision of adequate natural light to habitable rooms, where the building is located in a Conservation Area or includes the change of use of the whole or part of the ground floor, impacts from general or heavy industry and loss of services, including nurseries and health centres.
- 1.4 The proposals will provide much needed accommodation for Rough Sleepers in Manchester, and the delivery of such schemes is supported by Manchester City Council. The Rough Sleeper accommodation provides shelter with self-contained amenities. As such, the unit will contain a small kitchenette, toilet and shower.
- 1.5 This Supporting Statement sets out that the change of use of the ground floor to one bedsit apartment falls within the definition of permitted development. It moves on to set out that the conversion of the building for this use will not result in any adverse impacts in respect of transport or highways, nor will it be at risk from contamination, flooding or noise from commercial premises. The proposed change will provide adequate natural light in all habitable rooms, and will not be impacted upon by general or heavy industry nor will it result in the loss of services by a registered nursery or health centre.

Application Documentation

- 1.6 This Supporting Statement has been prepared alongside a suite of plans and documents that form the planning application submission:
- Application Form;

- Location Plan; and
- Proposed and Existing Site Plan.

Report Structure

1.7 The remainder of this Statement is structured as follows:

- Section 2 – provides a description of application site and the surrounding area;
- Section 3 – provides a summary of the proposed development;
- Section 4 – includes a summary of the relevant national planning policy context;
- Section 5 – provides the assessment of the proposal against the relevant planning policy;
and
- Section 6 – sets out the overarching summary and conclusion in respect of the proposal
and its compliance with planning policy.

2 Site and Surroundings

The Application Site

- 2.1 The application relates to the ground floor unit at 501 Barlow Moor Road in Chorlton. The site comprises an end terrace plot at the junction of Barlow Moor Road and High Lane. The building itself is currently vacant.
- 2.2 501 Barlow Moor Road is a three-storey end of terrace unit, with an additional basement level, with a pitched roof and occupies a broadly triangular plot of land. The building comprises a ground floor commercial unit at ground floor, with an apartment situated on the upper floors. The footprint of the building covers the majority of the site, with the exception of a small area to the rear which is used for storage. The site is located within the defined boundary of Chorlton district centre.
- 2.3 Planning permission was granted in 2012 for the change of use of the ground floor unit from Class A1 to Class A2 to allow the former use of the unit as an estate agent operation. No further subsequent planning applications have been made. As such, the permitted use of the ground floor unit falls within the Class E Use Class.
- 2.4 The site is bound to the south and east by existing retail units along Barlow Moor Road. To the west of the site is a mixed retail and residential block, with an Educational Institution further to the west. To the north of the site are further retail units along Barlow Moor Road, and residential units extend along High Lane.
- 2.5 There are no nationally or locally listed buildings and structures within proximity to the site, nor is the site located within a Conservation Area. The site is located within Flood Zone 1.

Surrounding Area

- 2.6 The application site is located within a highly sustainable location, located within the defined boundary of Chorlton district centre and approximately 550 metres walking distance to the south of Chorlton Metrolink station.
- 2.7 The site is located in an area with a number of mixed uses. The site is surrounded by existing Class E Uses, with some local community uses, to the north, south, and east. Further to the east of the site along Sandy Lane and Zetland Road are a number of residential properties. Victorian villas extend along High Lane to the west of the site, alongside more modern buildings such as the four-storey

apartment building to the immediate west of the site, which includes ground floor retail uses and 4no. self-contained apartments.

Planning History

- 2.8 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.
- 2.9 The permitted use remains the Class A2 use (now Class E) approved through planning application ref. 099151/FU/2012/S1.
- 2.10 No further planning history has been identified for the site.

3 The Application Proposals

3.1 The proposed development is as follows:

“Change of use of ground floor unit from an estate agent (Class E) to 1 no. bedsit apartment”

- 3.2 The change of use will result in the provision of 1no. one bed bedsit apartment which will be provided on the ground floor of 501 Barlow Moor Road. This unit will extend to 37.4 sq.m. No works are proposed to the existing basement of the building. Access to the unit will be via the existing entrance location on the front elevation of 501 Barlow Moor Road.
- 3.3 The proposals will provide much needed accommodation for Rough Sleepers in Manchester, and the delivery of such schemes is supported by Manchester City Council. The Rough Sleeper accommodation provides shelter with self-contained amenities. As such, the unit will contain a small kitchenette, toilet and shower.
- 3.4 Refuse storage will be provided to the rear of the building, and waste collection will take place from the edge of the carriageway of Barlow Moor Road on collection day.
- 3.5 In order to convert the ground floor into the proposed residential use, minor external alterations are proposed as part of this application. These alterations include the infill of the existing shop front and replacement of the frontage, with new windows and doors added in this location. The existing shop signage above the shop front will also be removed.

4 Relevant Planning Policy and Legislation

4.1 This section provides an overview of legislation and planning policy relevant to the consideration of this application. The context to this application comprises the following legislation, policy and guidance:

- the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended);
- relevant National Planning Policy Framework policies; and,
- National Planning Practice Guidance.

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

4.2 Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides for permitted development rights for:

“Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.”

4.3 Paragraphs M.1 and M.2 of the 2015 Order (as amended) set out that these permitted development rights do not apply universally, and provides a list of exceptions where the provisions of Class MA of the 2015 Order (as amended) do not apply. Paragraph MA.1 states that:

“Development is not permitted by Class MA:

- 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;**
- 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;**
- c. if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;**
- 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;**
- 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;**
 - iii. **the Broads;**
 - iv. **a National Park; or**
 - v. **a World Heritage Site;**
- f. **if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or**
- g. **before 1 August 2022, if—**
 - i. **the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and**
 - ii. **the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.”**

4.4 Paragraph MA.1 section 2 sets out that the classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order include former Class A2 (financial and professional services) prior to the new Order taking effect from 1st September 2020.

4.5 Paragraph MA.2 sets out that where a development under Class MA(a) is proposed an application to the local authority to determine whether the prior approval is required prior to the beginning of the development. This list of factors as to which prior approval of the authority is required include:

- 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 dwellinghouses;**
- 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;**
- 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,**
the impact on the local provision of the type of services lost; and
- i. **where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.”**

National Planning Practice Guidance

- 4.6 Paragraph 26 of the ‘When is permission required?’ National Planning Practice Guidance sets out that prior approval ‘means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed’ and that ‘a local planning authority cannot consider any other matters when determining a prior approval application.’
- 4.7 Paragraph 28 of the Guidance states that the: **‘statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system’.**

5 Planning Appraisal

- 5.1 This section provides an assessment of the proposals and their accordance with the permitted development right exemptions and assessment criteria set out at Paragraphs M.1 and M.2 respectively of the 2015 Order (as amended).

Consideration of whether Permitted Development Rights apply

- 5.2 Paragraph MA.1 sets out that the permitted development right provided by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) does not apply in all circumstances. Of the exceptions listed under Paragraph MA.1, if one of these is considered to be applicable it is not considered possible to undertake the change of use under permitted development rights.

- 5.3 The proposal is considered against the exemptions listed under Paragraph MA.1 below.

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

- 5.4 The ground floor unit of 501 Barlow Moor Road has been vacant for a period of at least 3 months prior to the date of this application.

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;

- 5.5 Permission for the unit to operate as a Class A2 estate agents was granted in June 2012 through planning application ref. 099151/FU/2012/S1. Since September 2020 this use has been included within Class E. Accordingly, the use of the building fell within one or more of the classes identified for a continuous period of at least 2 years prior to the date of this application.

If the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

- 5.6 The floorspace to which this application relates, and which is to be converted by Class MA to 1no. bedsit apartment relates to the ground floor of 501 Barlow Moor Road and extends to 37.4 sq.m. The application therefore does not exceed the 1,500 sq.m threshold.

The building is in a site of special scientific interest; in a safety hazard area; in a military explosives storage area; a listed building; or a scheduled monument.

- 5.7 A search of Manchester's Interactive Proposals Map has confirmed that the site is not located on Article 2(3) land, is not within a site of special scientific interest, in a safety hazard area or military explosives storage area. The site is also not a listed building or a scheduled monument.

The building is within an area of outstanding natural beauty, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site.

- 5.8 A search of Manchester's Interactive Proposals Map has confirmed that the site is not located within an Area of Outstanding Natural Beauty, an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or a World Heritage Site.

If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained

- 5.9 The site is not occupied under an agricultural tenancy.

The proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021

- 5.10 The proposed development would not fall under a description within Class O of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Summary in respect of whether Permitted Development Rights apply

- 5.11 Given the above, it is clear that the Permitted Development Rights provided by Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) do apply.

Prior Approval Assessment Criteria

- 5.12 Paragraph MA.2 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and National Planning Practice Guidance requires local planning authorities to assess certain impacts of a development prior to any work on the proposal proceeding.

- 5.13 In order to establish the potential impacts of the proposed change of use, the proposal is assessed against the prior approval criteria set out at Paragraph MA.2 below.

Transport and highways impacts of the development

- 5.14 The application site is located within a highly sustainable location, located within the defined boundary of Chorlton district centre, which provides a diverse range of goods and service operators, which are considered easily capable of providing for the day-to-day needs of future residents.
- 5.15 In respect of public transport, the site is situated approximately 550 metres walking distance to the south of Chorlton Metrolink station from which services between East Didsbury and Manchester City Centre can be alighted. Furthermore, the site is located just 60 metres to the north of a bus stop on Barlow Moor Road. Services 23,25 and 85A provide frequent access to a range of destinations, including Manchester City Centre, Stockport, the Trafford Centre and a range of destinations throughout South Manchester.
- 5.16 In addition to the above, sufficient space is provided within the curtilage of the building for the storage of bicycles. Whilst it is considered unlikely that any residents would have access to a private vehicle, there is a small area of off-road parking provided at the front of 501 Barlow Moor Road.
- 5.17 Given the above, the site is in a highly sustainable location and any transport and highways impacts that arise as a result of the development will have a minimal impact on the surrounding network. Such an impact could not be considered to be unacceptable and as such prior approval in respect of highways and transport impacts is not required.

Contamination risks in relation to the building

- 5.18 There are no ground works required to convert the property to the proposed residential use. There are no uses in the vicinity of the site which represent a contamination risk to future residents. Given that it is not considered there is any contamination risk for future occupant, prior approval in respect of contamination risk is not required.

Flooding risks in relation to the building

- 5.19 The site is located within Flood Risk Zone 1 according to the Environment Agency's Flood Risk Map for Planning. This means that there is less than 0.1% or 1 in 1000 chance of flooding. Moreover, the proposal will not increase flood risk as no additional areas of hard standing or other impermeable surfaces are proposed as part of this application.
- 5.20 Therefore, prior approval with regards to flood risk is not required.

Impacts of noise from commercial premises on the intended occupiers of the development;

- 5.21 The building is an end terrace unit at the end of a retail parade at the junction of Barlow Moor Road and High Lane. The building is located adjacent to Brooklands estate agent to the east and a block of residential apartments to the west. These uses are not considered likely to generate a significant level of noise which would impact negatively upon the amenity of future occupiers of the development.
- 5.22 Accordingly, prior approval with regards to noise is not required.

Location in a conservation area or development involving the change of use of part or all of the ground floor;

- 5.23 The site is not located within a defined Conservation Area. The proposed development does include the conversion of the whole ground floor of 501 Barlow Moor Road to form one bedsit apartment. Alterations to the ground floor include the infill of the existing shop front and replacement of the frontage, with new windows and doors added in this location. The existing shop signage above the shop front will also be removed.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

- 5.24 The final paragraph of M.2, part (f), requires that all habitable room windows (including rooms used for sleeping or living) are provided with an adequate level of natural light. This does not include bathrooms, service rooms, corridors or hallways. The submitted drawings demonstrate that all habitable rooms will be served by windows and as such will receive adequate natural light. Accordingly, the proposal is considered to be consistent with the requirements of Paragraph MA.2 (f).

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

- 5.25 The surrounding area is mixed in nature, with a variety of residential and retail and professional services located in close proximity to the site. The site is not located in an area with any element of general or heavy industry, waste management, storage or distribution or any mix of these. As such the provisions of part (g) do not apply for this application.

Where the development involves the loss of services provided by a registered nursery, health-centre, and the impact on the local provision of the type of service lost

- 5.26 The proposal will not result in the loss of services provided by a registered nursery or health-centre. As such the provisions of part (h) do not apply for this application.

Summary of Prior Approval Assessment Criteria

- 5.27 It has been demonstrated above that the proposal will result in no potential impacts as set out at Paragraph MA.2 of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

6 Conclusions

- 6.1 This Supporting Statement has been prepared by Nexus Planning on behalf of Southway Housing Trust to support the submission of a Prior Notification application at 501 Barlow Moor Road for:

“Change of use of ground floor unit from an estate agent (Class E) to 1 no. bedsit apartment”

- 6.2 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 provides permitted development rights for the change from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses).
- 6.3 This change of use is subject to prior approval of transport and highways impacts, contamination and flood risks on the site, consideration of noise from commercial premises, the provision of adequate natural light to habitable rooms, where the building is located in a Conservation Area or includes the change of use of the whole or part of the ground floor, impacts from general or heavy industry and loss of services, including nurseries and health centres.
- 6.4 This statement has assessed the proposal against the criteria set out at Paragraphs MA.1 and MA.2 of Schedule 2 Part 3 Class MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). This has confirmed that the ground floor is suitable for conversion as permitted development and that this would give rise to no potential impacts in respect of transport or highways, nor will it be at risk from contamination, flooding or noise from commercial premises. The proposed change will provide adequate natural light in all habitable rooms, and will not be impacted upon by general or heavy industry nor will it result in the loss of services by a registered nursery or health centre.
- 6.5 Accordingly, it is submitted that prior approval can be given for these proposals.

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