MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	130008/P3MPA/2021
Date registered valid:	20 April 2021
Proposal:	Prior Approval for the change of use from retail shop (Use Class E) to a dwellinghouses (Use Class C3) with associated elevational alterations to facilitate the conversion
Address:	241 Briscoe Lane, Manchester, M40 2ST
Ward(s):	Miles Platting & Newton Heath Ward
Applicant:	Roy Chung 239 Briscoe Lane, Manchester, M40 2ST
Agent (if any):	Mr Miraj Miraj Architectural Design Ltd 60 Tweedale Street, Rochdale, OL11 1HH
Case officer:	Steven McCoombe Tel: 0161 234 4607 Email: steven.mccoombe@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	14 July 2021

Application details

Type of application: Prior approval- Mixed A1A2A3-Dwelling

Development type: Notifications

Date of site visit: 13 May 2021

Standard consultations:
Printed: 21 April 2021 Expired: 12 May 2021

Neighbour notifications
Printed: 21 April 2021 Expired: 12 May 2021

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

The application site relates to a part single, part double height building situated at the corner of Briscoe Lane and Ten Acres Lane – a traffic signalised junction.

The building is presently vacant and was formerly occupied by one of two retail units (Class E). The building is of predominantly masonry construction, incorporating a combination of flat roof and dual hipped roof elements. To the front, the building includes a roller shuttered shop front with fascia signage area above. To the front (north) and west, the building includes semi-open forecourt areas.

To the rear is a yard area, enclosed by a brick wall with piers. This backs onto a small area of informal open space, which includes a public right of way, which links Ten Acres Lane with residential properties along Surbiton Road and Edenbridge Road.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is situated at the junction of Briscoe Lane and Ten Acres and is mixed use in context, comprising residential dwellinghouses to the north, east and south and opposite a two-storey industrial warehouse to the west.

To the north-west, on the opposite side of Briscoe Lane, is an industrial site (former Mather and Platt Foundry), currently subject to an application pending consideration for 12 industrial units. The site is separate from the road by a raised grass embankment.

Description of development

Prior Approval is sought for the change of use of the building from a retail shop (Use Class E) to a dwellinghouse (Use Class C3), together with associated elevational alterations in order to facilitate the conversion.

The accommodation comprises living space on the ground floor, with 3 bedrooms to the first floor.

Elevationally, changes include, a new front entrance door, two new ground floor windows to the front, a new first window to the side and a new ground floor window and access door to the rear.

The application as originally submitted included an entrance porch. However, this element has subsequently removed, due not meeting the requirements for a prior approval conversion application.

In addition, an off-road parking space is proposed to the side of the property. An existing vehicle crossover existing off Ten Acres Lane.

To the rear an enclosed rear garden is proposed.

The application has been accompanied by a similar proposal for the other side of the building at 2439 Briscoe Lane for another dwellinghouse (130007/P3MPA/2021).

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Flood Risk Management – The site is within Flood Zone 1 and at low risk of surface water flooding and whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation. An informative is recommended with respect to surface water drainage.

Environmental Health – Conditions are requested with respect to construction management, air quality, EV points, waste management, acoustic insulation and ground conditions.

Greater Manchester Police – Various security measures are advised.

Highway Services - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

The plan suggests that off-street parking may be available. It is recommended that plans be submitted that show the proposed parking on site. Due to the location of Briscoe Lane / Ten Acres Lane junction it is unlikely that parking could be accommodated on the highway.

No details have been provided on where the vehicle and pedestrian access to the development is proposed. The location of the vehicular entrance to the site is requested for comment.

All individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway. It is also requested that the driveway is located at least 10m from the Briscoe Lane / Ten Acres Lane junction.

Should the planning application be approved, the applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Briscoe Lane and will require a crossing licence/agreement.

Following the receipt of revised plans showing a revised off-road parking and vehicular access arrangement, the vehicular access and cycle parking arrangement is considered acceptable.

Planning History

107461/FU/2014/N1

Change of use to place of worship (Use Class D1). *Refused 19 January 2015.*

072193/FO/2004/N1

Retention of 2 storage containers for a temporary period of 12 months. *Approved 11 August 2004.*

065130/FO/NORTH1/02

Retention of metal container for storage purposes adjacent to existing shop. *Approved 10 July 2002.*

043179/FO/NORTH2/93

Conversion of part of building from retail to wholesale, single storey rear extension, construction of mezzanine floor to form offices and reception area and elevational alterations. *Refused 6 July 1993.*

050874/FO/NORTH2/96

Formation of new vehicular crossing, new fencing/gates to site perimeter and construction of car park/turning areas. *Refused 16 January 1997*.

044321/FO/NORTH2/93

Conversion of part of building from retail to wholesale, single storey rear extension and erection of 1 metre high fence to back pavement. *Refused 2 December 1993.*

029671

Change of use from a vacant betting office to a shop. *Approved 8 September 1987.*

046173/FU/NORTH2/94

Alterations to front elevation and retention of security door. *Approved 18 April 1995.*

Issues

Class M of the Town and Country Planning (General Permitted Development) Order 2015 requires Local Planning Authorities to determine if prior approval is required to change the use of a retail shop to a dwellinghouse.

The issues for consideration include matters relating to transport and highways matters, contamination, flood risk, as well as the impact of the external appearance of the building and whether the proposed use is desirable in the area or capable of being used to re-provide the previous use and also whether it would have an adverse impact upon the sustainability of a key shopping area.

Under the provisions of the legislation, the floorspace of the application building cannot exceed 150 sqm. This is the case in this instance.

The building is also not listed or a scheduled monument. Neither is it situated within a conservation area, within a military explosives area site, safety hazard area or within a site of special scientific interest as required by the legislation.

No issues have been raised with respect to the relevant matters for consideration and therefore the proposal is considered acceptable.

The building is presently vacant. The re-use of the building for residential purposes would be desirable due to the period of vacancy and due to its immediate context within a residential neighbourhood.

Due to the out of centre location, the principally residential context and the period of vacancy, it is highly unlikely to have any detectable impact upon key retailing functions.

It is considered that the re-use of the building for residential purpose would uplift the appearance of what is presently a vacant frontage and which detracts from the vibrancy of the street. The reuse of the building, together with the elevational alterations proposed would not appear out of keeping, given the design of the host building which does not mirror the design of nearby dwelllinghouses. The changes are therefore considered acceptable and would also serve to improve natural surveillance and the appearance and function of the street-scene.

In terms of contamination, the proposal solely relates to a change of use, involving no works to the ground. There are no known risks or any other harmful levels of contamination believed to on site. Environmental Health have not raised any objection to the proposal on these grounds.

The property is situated within Flood Risk Zone 1 and therefore there is a low probability of flooding.

In relation to any transport or highways impact, one off road parking space is proposed to the side of the property. This is considered an acceptable ratio by Highways and is unlikely to result in trip generation that would impact local highway safety or operation.

It is also believed that there is sufficient on-street parking locally should the need arise. Furthermore, in contrast to the former retail use, it is considered that car movements and parking demand would be lesser for a single dwellinghouse than for a retail use, or for any other use capable of being accommodated within Class E.

Whilst Highways initially raised concerns about access from the highway following the originally proposed parking arrangement, due to its position, close to the traffic signalised junction, the

revised position of the parking space from the existing access off Ten Acres Lane, is now considered satisfactory.

In terms of waste management, there is sufficient space for bins to be stored in the rear yard and moved to the kerbside on the collection. A condition has been included which will require further detail in this regard, including details of recycling arrangements and frequency of collection.

Given the above, it is considered that the proposal satisfies the relevant matters for consideration and the proposed change of use is acceptable.

Whilst Environmental Health have requested various conditions including, acoustic insulation and air quality, it should be noted that such matters are not relevant considerations for prior approval applications under Class M.

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: Approve

Article 35 Declaration – None Required

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

0) The City Council is satisfied that this development has minimal impact on the local highway network and transport, that there are no known contamination or flood risks at the site, that the proposal would not lead to an inadequate level of retail facilities in the area and that the proposed external alterations are acceptable. The proposal therefore complies with the requirements of policies SP1, EN18, EN19, T2 and DM1 of the Manchester Core Strategy and the requirements of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with the location plan received by the City Council as Local Planning Authority on 20 April 2021, proposed elevation drawing received by the City Council as Local Planning Authority on 26 May 2021, proposed ground floor plan and parking arrangement received by the City Council as Local Planning Authority on 2 July 2021 and proposed first floor plan and roof plan received by the City Council as Local Planning Authority on 14 July 2021.

1) Notwithstanding details submitted, the dwellinghouse hereby approved shall not be occupied until scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as Local Planning Authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements required for fit out/construction will need discussion and agreement with MCC Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

2) The existing drainage should be surveyed to determine condition, capacity and connectivity, and to ensure it is fit to manage surface water from the proposed development. The applicant is encouraged to consider retrofit of sustainable drainage components. Green SuDS components are recommended.

Any re-surfacing of front driveway more than 5 sqm must be permeable in line with government guidance: https://www.gov.uk/government/publications/permeable-surfacing-of-front-gardensguidance

MCC records highlight that the underground Della Brook is located within close proximity to the site (approximately 40 m to the south-east of the site), while our records are frequently updated to ensure the highest level of accuracy, the records cannot guarantee 100% accuracy for all MCC underground assets. Therefore, we would request that the applicant informs the onsite contractor to remain observant and to take the appropriate safety precautions during excavation works. If any major unknown drainage assets are found beneath the site, then further investigation works should take place to identify the asset and MCC should be contacted immediately.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Ground Floor, Former Cws Ltd, Briscoe Lane, Manchester, M40 2SX
First Floor, Former Cws Ltd, Briscoe Lane, Manchester, M40 2SX
239 Briscoe Lane, Manchester, M40 2ST
Rajan Imports Main Building, Briscoe Lane, Manchester, M40 2ST
233 Briscoe Lane, Manchester, M40 2ST
186 Briscoe Lane, Manchester, M40 2SS
117 Ten Acres Lane, Manchester, M40 2SQ
114 Surbiton Road, Manchester, M40 2US
112 Surbiton Road, Manchester, M40 2US
235 Briscoe Lane, Manchester, M40 2ST
231 Briscoe Lane, Manchester, M40 2ST
190 Briscoe Lane, Manchester, M40 2SS
188 Briscoe Lane, Manchester, M40 2SS
184 Briscoe Lane, Manchester, M40 2SS
123 Ten Acres Lane, Manchester, M40 2TU

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH1