MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127184/P3MPA/2020
Date registered valid:	18 June 2020
Proposal:	Prior Approval for change of use of the first and second floors of the building from Retail (Class A1) to dwellinghouse (Class C3) involving associated elevational alterations
Address:	81 - 83 Wilmslow Road, Manchester, M14 5SU
Ward(s):	Rusholme Ward
Applicant:	Mr Darr Rolex Books 81 - 83 Wilmslow Road, Manchester, M14 5SU
Agent (if any):	Mr Phil Armstrong Whitebox Architecture Ltd 8 Church Hill, Knutsford, WA16 6DH
Case officer:	Linda Marciniak Tel: 0161 234 4636 Email: l.marciniak@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	3 August 2020



Application details

Type of application: Prior approval- Mixed A1A2A3-Dwelling

Development type: Notifications

Date of site visit: None

Standard consultations:
Printed: 23 June 2020 Expired: 14 July 2020

Neighbour notifications
Printed: 23 June 2020 Expired: 14 July 2020

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 concerns the first and second floors above a ground floor A1 (non-food) retail unit within a parade of mixed commercial, A3 and sui generis uses within Rusholme District Centre.

Access to the upper floors is taken internally or via the rear entrance which opens onto an alleyway off Dagenham Avenue to the north.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area
The Rusholme District Centre is overwhelmingly represented by A3 restaurants, cafes and takeaways with other specialist Asian retail and commercial services either side of Wilmslow Road. Residential land uses make up the majority of hinterland to the east and west.

The site is within a sustainable transport location on Wilmslow Road a key north-south radial route served by numerous frequent bus services and a recently completed off-road cycle lane. It is close to the hospitals and universities to the north and Platt Fields Park to the south.

Description of development
Prior Approval for change of use of the first and second floors of the building from Retail (Class A1) to dwellinghouse (Class C3) involving associated elevational alterations.

The elevational alterations include internal rearrangement of stairs to the basement and installation of rooflights.

The plans have been amended since first submission to change the use of one of the bedrooms at first floor to storage for the ground floor A1 retail use as the regulatory head height could not be achieved for a bedroom.

The proposal creates 2 x 2-bedroom flats with kitchens and living rooms at first floor and bedrooms and bathrooms at second floor. Flat 1 is 75.48m^2 whilst Flat 2 is 72.54m^2 giving a total floorspace of 148.02m^2.

Access is via the rear yard which opens onto an alleyway off Dagenham Road to the north.

Cycle parking is proposed within the ground floor hallway.

Consultations & Notification Responses

Neighbour notifications - No comments received.

Highway Services - Comments:
The site is located adjacent to the eastern side of the adopted highway Wilmslow Road, bound to the north with Dagenham Road and to the south by Denison Street. There is a segregated cycle lane adjacent to the front of the site, offering excellent cycle connectivity across the surrounding area.

In comparison to the former consented retail use, the conversion into a residential dwelling is likely unlikely to generate any considerable change in trip levels.

Whilst Highways would prefer off-street parking to be provided for residential units, it is acknowledged that there is no land availability to provide any parking for residents. As such, it is accepted that vehicles will be expected to park on-street in the locality. The sustainable location of the site is also appreciated, therefore residents are likely to travel on the public transport network or walk/cycle to the development.

The servicing requirements of the site are likely to be reduced when compared to the retail consented use. All waste should be stored within the site's curtilage, and transferred for collection when necessary. No bins should remain on the adopted highway outside of collection times to prevent obstruction to passing footway users.

In principle, Highways have no objection to the development proposals.

Environmental Health - Comments:

NSE4
Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road and nearby commercial activities 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 scheme shall be completed before any of the dwelling units are occupied.

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

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

Living Rooms (daytime - 07.00 - 23.00)	35 dB LAeq
Gardens and terraces (daytime)	55 dB LAeq

Upon completion of the development and before first occupation of the residential units, a verification report will 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 has 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.

REF*
Before the development commences a scheme for the storage and disposal of refuse shall be 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.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

Reason - In the interests of amenity and public health.

*The proforma/ Waste Management Strategy must include the following information:
Estimated volumes and types of waste produced by the development;
Details of internal and external stores for both waste and recycling, including any plans and designs;
Location of the proposed collection point and details of the route the collection vehicle will take;
Details of how waste will be transferred between stores and to the collection location; and
Details of number and capacity of bins proposed and collection frequency.
Other details as per 'Waste Proforma v1.0' - refer to guidance at:
http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

10 units or below = low rise
11 or above = high rise

The applicant needs to show the different bins, sizes and quantity for each apartment.
Information for Developers guidance documents can be downloaded using the following link:
http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

Greater Manchester Police - Comments:
Having looked the proposals we have fundamental concerns with the application in relation to the security of: the proposed flat; the prospective residents; resident's vehicles (including bicycles); and, that of surrounding residential property.

Observations of the site and surroundings:

The site is in a mixed area consisting of predominately retail and hot food takeaway's in close proximity.

The entrance to the proposed first floor flat is at the rear of the property which is located via the alleyway from Dagenham Road

To access the property residents would have to walk around the back of the property in question and then gain access via a rear yard gate.

The area appears to have no lighting and is quite secluded away from natural or passive surveillance.

Risk Assessment
During the evening hours there is no indication on the plans that there will be lighting to rear of the site.

The entrances to all of the proposed flat is situated to the rear and sufficiently secluded as to prompt concerns regarding the security of this flat. Visitors, as well as residents themselves, would have to access the rear elevation in order to enter the flat.

There are provisions for parking for potential residents and visitors, but this on Dagenham Road which appears to already be oversaturated with vehicular movement throughout the course of a day due to the high number of retail units and hot food takeaways in close proximity.

Summary
I have considered ways of making the development more secure, including: the use of access controls at the access gate; the use of security rated entrance doors; and, additional lighting on the building. However, there are other issues that are more difficult to address, i.e. the lack of surveillance to the rear, the quality of the street environment, and the isolation of the property at night-time.

For the reasons set out above, I do not consider the development will provide a sufficiently safe and secure development for future or existing residents

Issues

Principle

The application is made under a Prior Approval within the terms of Class M of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 as amended.

Class M confirms permitted development as any development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class Order from a use falling within Class A1 (retail) and Class A2 (financial and professional services) of that schedule provided certain criteria are met.

The detail within the regulations states that development under Class M1 is not permitted when:

(a) the building was not used for one of the uses referred to in Class M(a) -
(i) on 20th March 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
(c) the cumulative floor space of the existing building changing use under Class M exceeds

150 square metres;
(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
(g) the building is -
(i) on article 2(3) land;
(ii) in a site of special scientific interest;
(iii) in a safety hazard area;
(iv) in a military explosives storage area;
(v) a listed building; or
(vi) a scheduled monument.

Class M development is permitted subject to the condition that before beginning the 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;

(a) transport and highways impacts of the development,
(b) contamination risks in relation to the building,
(c) flooding risks in relation to the building,
(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
(e) the design or external appearance of the building,

Paragraph W of the Order gives guidance on the procedure for applications for prior approval and states that the local planning authority should have regard to the revised National Planning Policy Framework as if the application were a planning application.

Paragraph W states (3): The local planning authority may refuse an application where, in the opinion of the authority -

(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include –

(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated; or
(c) details of proposed building or other operations.

Transport and highways impacts

The location of the site is deemed to be highly accessible by public transport services with regular bus services along Wilmslow Road, a dedicated cycle lane and 100% provision for cycle storage facilities within the building.

Although Highway Services would prefer dedicated parking, they acknowledge the site constraints in the limited space available and do not object to the proposal on this basis.

The location is also considered to be highly sustainable by proximity to the city centre and so is walkable in addition to the above two options.

Should future occupiers be car owners, it is considered unlikely that 2 x 2-bedroom flats will result in an unsustainable level of parking demand to the detriment of residential amenity, network capacity and highway safety.

A condition is included to ensure that the cycle parking provision is implemented prior to first use or occupation.

Contamination risks

There are no known contamination risks at the site.

Flood risk

There are no known flood risks associated with the site. There are no alterations to floor levels and all changes of use occur at first and second floor.

Desirability:

Part (d) of paragraph M.2 requires an assessment to be made as to whether it is undesirable for the building to change use because of the impact on:

i) adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area,

The site is within the Rusholme District Centre which has evolved as a key Asian food and drink destination with independent A1 retailers having a lower profile than A3, A4 and A5 land uses. Assessment is therefore only required against Part d(i).

Part d(i)

The first and second floors of the A1 retail unit have not offered A1 retail floorspace historically, being ancillary storage space associated with the ground floor A1 use.

The application states that the introduction of new technology over stock control means that the space at first and second floors is now surplus for the storage needs of the business. The ground floor also retains a large area of storage at the rear of the shop which the applicant had deemed sufficient to serve the business demands. A small area (approx.9m^2) is retained as

storage at first floor on the basis that the regulatory head height cannot be achieved for living accommodation. The loss of ancillary storage at first and second floor is otherwise deemed acceptable.

Furthermore, the following policies demonstrate that the change of use would accord with the following Core Strategy policies:

Policy H1 (Overall Housing Provision) in the Manchester Core Strategy recognises the need to deliver new housing in the coming years. It also notes that new developments should take advantage of existing buildings where appropriate through refurbishment or rebuilding works.

Policy DM1 (Development Management) of the Manchester Core Strategy states that all development should have regard to various specific issues.

Design and external appearance of the building:

There are no proposed plans to change the design and external appearance of the building in any significant ways within this prior approval application, other than introducing a lightwell to the first floor storage space.

Paragraph W

Paragraph W, of part 3 states that the local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Policy EN19 (Waste) - States that the Council will require all developers to demonstrate the proposals consistency with the principles of the waste hierarchy (prevention, reduction, re-use, recycling, energy recovery, and disposal).

Sufficient space for waste containers to be stored in the rear yard is available, and moved onto Dagenham Road for collection. Full details of the level of waste provision is required to be submitted via a waste management strategy condition to demonstrate adequate provision and management of waste containers to meet the needs of future occupiers.

DM1 (Development Management) – States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.
- Developers will be required to demonstrate that new development incorporates sustainable construction techniques.

Policy SP1 (Spatial Principles) – States that development in all parts of the City should:-
Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character;
- making a positive contribution to the health, safety and wellbeing of residents;
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income; - protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Core Strategy policies SP1 and DM1 include the requirement to create safe communities which can be achieved through additional security measures to increase occupiers' sense of safety and deter unauthorised access.

Greater Manchester Police have raised serious doubt about the security of future occupiers accessing the site from the gate in the rear alleyway which is not actively or passively overlooked. As crime and safety are not relevant considerations under Class M, conditions are appended under Class W for lighting of the rear access and a security entry control system within each flat to illuminate the rear gate and yard area and to enable future occupiers to monitor and limit access to the rear of the building.

Similarly, Environmental Health have requested a condition relating to acoustically insulating the building. Noise is not a relevant consideration under Class M for prior approval applications, the condition is applied as part of the consideration of the application under Class W.

On the basis of the above, it is considered that the proposal satisfies the relevant matters for consideration of the Prior Approval application.

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
The local planning authority in making its decision has had due regard to paragraph 47 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined in this delegated report.

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

1) The City Council is satisfied that the development minimises the 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 submitted application form and drawings: 103 Rev B and 104 Rev B received by email on the 5th August 2020.

2) The first and second floors of this building which has changed use under Class M are to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

Reasons: To accord with Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015.

3) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road 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 scheme shall be completed before any of the dwelling units are occupied.

Noise survey data must include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary. The following noise criteria will be required to be achieved:
- Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB LAmax,F by more than 15 times)
- Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Upon completion of the development and before first occupation of the residential units, a verification report will 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 has 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 and businesses on Lloyd Street South; in order to protect future residents from noise disturbance, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

4) Before first occupation of the application building for residential purposes (Class C3), a 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 is in operation.

Reason - In the interests of residential amenity pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

5) The residential units hereby approved shall not be occupied until the cycle storage facilities have been implemented in accordance with the approved details. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

6) Prior to first occupation of the development hereby approved, details of a scheme for the illumination of the rear external areas during the period between dusk and dawn shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

7) Prior to first occupation of the development hereby approved, details of a scheme for secure door entry control systems to each flat shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved scheme shall be implemented in full before the development is first occupied and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development pursuant to policy DM1 of the adopted Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

Premier, 87 Wilmslow Road, Manchester, M14 5SU
Unit 7, Dagenham Road, Manchester, M14 5ED
Unit 6, Dagenham Road, Manchester, M14 5ED
85A Wilmslow Road, Manchester, M14 5SU
79A Wilmslow Road, Manchester, M14 5SU
Unit 8, 38 Wilmslow Road, Manchester, M14 5TQ
Unit 8B, 38 Wilmslow Road, Manchester, M14 5TQ
79 Wilmslow Road, Manchester, M14 5SU
34 - 36 Wilmslow Road, Manchester, M14 5TQ
Unit 8A, 38 Wilmslow Road, Manchester, M14 5TQ
85 Wilmslow Road, Manchester, M14 5SU
Unit 1, Dagenham Road, Manchester, M14 5ED
Unit 3, Dagenham Road, Manchester, M14 5ED
Unit 2, Dagenham Road, Manchester, M14 5ED

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: SOUTH