MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 126405/P3OPA/2020 |
| **Date registered valid:** | 16 March 2020 |
| **Proposal:** | Prior approval application for the change of use from Offices (Class B1a) to dwelling houses (class C3) including changes to external doors and windows |
| **Address:** | 101 Great Western Street, Manchester, M14 4AA |
| **Ward(s):** | Moss Side Ward |
| **Applicant:** | Mr James Bromfield, MSV Mosscare St. Vincents Housing, 7th Floor Trafford House, Chester Road, Manchester, M32 0RS |
| **Agent (if any):** | Mrs Victoria Jane Saunders, BTP Ltd Elizabeth House, 486 Didsbury Road, Stockport, SK4 3BS |
| **Case officer:** | Jennifer Connor<br>Tel: 0161 234 4545<br>Email: j.connor3@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | **11th June 2020** |

## Application details

**Type of application:** Prior Approval - Offices to dwelling

**Development type:** Notifications

**Standard consultations:**
Printed: 27 May 2020 Expired: 10 June 2020

**Neighbour notifications**
Printed: 7 May 2020 Expired: 21 May 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/area

This application relates to the site (measuring 0.15 hectares) of Mosscare St Vincent's Housing offices at the corner of Great Western Street and Barnhill Street in Moss Side. The offices comprise a two- storey, brick building with a tiled, pitched roof, central courtyard and a single-storey extension to the rear. The building is set away from the back of pavement on Barnhill Street by approximately 14m and this area is hard-surfaced and used for car parking. There are additional spaces for parking at the rear of the site.

The area is one of mixed uses. There is two and three-storey terraced residential accommodation adjoining the site to the north and to the south on Great Western Street; Saint James' Church and the former rectory (now funeral director) to the west and Moss Side urban park to the east. The wider area is characterised by residential properties, with some retail and commercial uses on the Princess Road frontage, and planning permission has recently been developed out for 105 apartments on the site just to the north of the funeral director (116831/FO/2017).

This site had permission under application reference 123821/FO/2019 for the erection of a second floor, following demolition of pitched roof, to create 23 apartments in connection with use of 1st floor for residential purposes. Retention of ground floor as offices and associated elevational alterations.

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

## Description of development

Prior approval application for the change of use from Offices (Class B1a) to dwelling houses (class C3) including changes to external doors and windows

## Consultations & Notification Responses

No comments have been received as a result of neighbour notification.

Highways – It has been confirmed that 17 apartments are being provided within this development with 248 sqm of office space retained.
17 parking spaces are being provided of which one is for disabled use and in addition, 12 spaces are currently made available for the use of the development at the adjacent church car park. Whilst it is not clear how spaces will be allocated to the respective office and residential use, we consider that the overall number of bays provided is acceptable.
It has been confirmed that bin stores are being provided in the north-east and north-west corners of the development.
It has been confirmed that 10 cycle stands are being provided which is acceptable from a highway perspective. (On plan Figure 2 of the Transport Assessment)
The information provided in relation to additional traffic generated suggests that there will be no adverse impact on the surrounding road network.
In summary therefore, we have no objection to this development from a highway perspective.

Environmental Health – Recommend conditions relating to acoustic treatment, external equipment insulation, details of refuse, contaminated land and air quality. (Cannot require air quality assessment, external equipment insulation or details of refuse as part of prior approval process)

Flood Risk Management - Site is within Flood Zone 1 and low risk of surface water flooding. The change of use results in a change in Flood Risk Vulnerability Classification but it does not require any mitigation measures and we APPROVE with no condition required.

## Issues

The application seeks Prior Approval to change the use of the premises from Class B1 (offices) to 17 self-contained apartments, comprising:
6 flats at ground floor (1No. 1bed 1 person, 3No. 1 bed 2 person and 2No. 2 bed 3 person)
11 flats at first floor (5 No. 1 bed 1 person, 4No. 1 bed 2 person and 2No. 2 bed 3 person duplex with room in the roof space)

Office space would be retained at the ground floor (c. 248m2) for the continued presence of Moss Care St. Vincent's.

The application is submitted for prior approval under Schedule 2, part 3, class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended 2016). These regulations stipulate that such a change shall be permitted provided the scheme does not meet with objection on grounds of contaminated land, flood risk or highway safety and impacts of noise.

The application also includes minimal elevational alterations to doors and windows to the existing building to accommodate the change of use.

Outside of the above Council policies do not therefore have a direct bearing on the determination of the application.

The legislation states the following.

"O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule."

Subject to criteria stated in O.1, and the following conditions of 0.2, as follows.

"O.2.—(1) Development under Class O 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 on the site,
(c) flooding risks on the site, and
(d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

"Interpretation of Class O

O.3. For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003(3) or any other place of public entertainment."

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 of the development - Prior Approval is required and is approved as regards the transport and highways impacts of the development.

A transport statement has been submitted with the Notification for Prior Approval, which has been accepted by Highway Services.

Contamination risks on the site - Prior Approval is required and is accepted by Environmental Health subject to conditions.

Flooding risks on the site - Prior Approval is required and is approved as the site does not require any mitigation measures.

Impacts of noise - Prior Approval is required and is approved by Environmental Health, subject to conditions.

Subject to the conditions being satisfactorily addressed there are therefore considered to be no adverse noise impacts, that would prevent approval of this application.

Planning conditions – Conditions as set out above are considered to be appropriate. Other conditions, suggested by Environmental Health, relating to air quality, external equipment and refuse, are not matters that the legislation states can be considered.

**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:**

**Article 35 Declaration**

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

**Condition(s) to be attached to decision for approval**

1) The City Council is satisfied that this development minimises the impact on the local highway network and there are no known highway impacts, contamination or flood risk, or impacts from noises at the site. The proposal therefore complies with the requirements of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

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

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

110 REV 1 Ground Floor Plans
111 REV 2 FIRST FLOOR PLAN
112 REV 1 ROOF SPACE PLAN (received 4th March)

100 Location Plan (received 5th March)
114 ELEVATIONS (received 16th March)
DR-A-3238_229.1 ELEVATIONS (received 6th May)

Transport Statement provided by Neo Environmental dated 01/05/2020

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.

3) The car parking areas indicated on the approved drawings shall be fully demarcated and made available prior to first occupation of the residential units hereby approved. The parking spaces shall be for the sole use of occupiers of the development only and made available at all times whilst the residential units are occupied.

Reason - To ensure sufficient off street parking for the development, pursuant to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1, T2 and SP1 of the Manchester Core Strategy.

4) The cycle parking scheme shown on the approved drawings shall be provided prior to the first occupation of the flats hereby approved and be retained and permanently reserved for cycle 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.

5) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

6) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority. In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied,

then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policies DM1 and EN18 of the Core Strategy.

7) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Great Western Street 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 L Aeq (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 L Aeq
Gardens and terraces (daytime) 55 dB L Aeq

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 consultants' 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 safeguard the amenities of the occupiers of the residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) none of the apartments hereby approved shall be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of C3(a).

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framewo

**Appendix 1 – List of consultees & neighbours notified**

Highway Services

Environmental Health
MCC Flood Risk Management

List of properties 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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH