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22nd November 2019

CJ – 19/335
BY EMAIL

To whom it may concern,

PRIOR NOTIFICATION OF PROPOSED CHANGE OF USE FROM FINANCIAL AND PROFESSIONAL SERVICES (USE CLASS A2) TO DWELLINGS (USE CLASS C3)

137 OXFORD ROAD (SECOND FLOOR), MANCHESTER, M1 7DY

Please find attached a completed Notification of a Proposed Change of Use to Dwellings. The application has been submitted on behalf of our client, Soller Group. This notification for prior approval is made under Schedule 2 Part 3 Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is being submitted to allow the change of use of the second floor of 137 Oxford Road from Financial and Professional Services (Use Class A2) to Dwellings (Use Class C3). The application proposes to provide 6 no. apartments and forms part of a wider redevelopment strategy for the site.

An earlier prior approval application was made for the second floor under the same permitted development rights for 5 no. C3 use class apartments by Beech Holdings, which was granted in October 2017 (application ref. 117279/P3MPA/2017). This extant consent has not been implemented, and therefore the lawful use of the second floor remains as A2.

We have provided below a Prior Notification Evidence Statement which considers the proposal with regard to exemption criteria and prior approval assessment criteria including potential for transport and highways impacts, contamination risks, flooding risks, and any potential impact of the change of use on adequate provision of services falling within the A2 use class. This statement demonstrates compliance with relevant legislation which allows the change of use to dwellings to be undertaken by class M permitted development rights.

Site Wide Redevelopment Strategy

This application forms part of a wider mixed-use redevelopment strategy for the site, reusing a vacant building to provide high quality residential accommodation, desirable to young professionals and students alike.

A planning application for the change of use of the ground and first (mezzanine) floor of 137 Oxford Road from A2 use (financial and professional services) to A3 (Restaurants & Cafes), along with associated external shopfront alterations will be submitted in due course.

Iceni Projects is the trading name of Iceni Projects Limited. Registered in England No. 05359427

Our client also intends to redevelop the third floor into high quality studios; however, we are aware of the Article 4 Direction which came into force on the 1st April 2019 which has removed permitted development rights that allow a change of use from B1 (a) offices to C3 dwellings in the City Centre. As the lawful use of the third floor of this building is B1 (a), any redevelopment of this floor by Soller Group will be completed through implementing the extant consent for 5 no. C3 dwellings (application ref. 117288/P3OPA/2017).

The following documents and drawings have been submitted in support of this application:

- 296_PD_EX_00 Existing Basement and Ground Floor Plan
- 296_PD_EX_01 Existing First and Second Floor Plan
- 296_PD_EX_02 Existing Third and Roof Floor Plan
- 296_PD_S_00 Existing Location Plan
- 296_PD_S_01 Existing Block Plan
- 296_PD_GA_00 Proposed Basement and Ground Floor plan
- 296_PD_GA_01 Proposed First and Second Floor Plan
- 296_PD_GA_02 Proposed Third and Roof Plan

We trust that the submission is considered acceptable by the Council and can be determined within the statutory 56-day timeframe. If you require anything further in order to determine this application, please do not hesitate to contact me on 0161 509 2841, or via email at cjones@iceniprojects.com.

Yours sincerely,



Chris Jones
DIRECTOR

Cc – Nick Treadaway, Soller Group

Prior Notification Evidence Statement

1. The Application Site and Surrounding Area

The Site

The application site is located on the second floor of 137 Oxford Road, Manchester, M1 7DY (see figure 1 below). The site is rectangular in shape and is bounded by Oxford Road to the west and Grosvenor Street to the south. Adjoining the application property to the north is 129-135 Oxford Road which comprises residential accommodation on the upper floors with various commercial uses on the ground floor. To the east is 126 Grosvenor Street which is a pub named 'The Pub/Zoo'.



Figure 1. Aerial image of the site, 2019.

The site is occupied by a four storey flat roofed concrete building. The building is set at the back of pavement on Oxford Road and Grosvenor Street. There is a small car park area located to the east of the building with space for 2 cars. Internally there are 5 levels of accommodation with the building having a basement, ground, first (mezzanine), second and third floor. The application relates to the second floor which is vacant former bank premises (use class A2) as well as the residents' entrance area and staircase. The remainder of the building is excluded from this application.

The building is not nationally listed nor of any local heritage interest. The building is not located within a conservation area. There are no site specific planning policy designations which apply to the site.

Research of the Council's online planning database has been undertaken and identified a number of applications associated with the site which are presented in the table below.

Application ref. number	Description of Development	Decision
117288/P3OPA/2017	Notification of prior approval to change of use from offices use (Class B1) to a dwellinghouse (Class C3) comprising 5no. studio flats. | Third floor	Approve with conditions October 2017
117279/P3MPA/2017	Notification of prior approval for change of use from Financial Services (Class A2) to dwellinghouse (Class C3) comprising 5no. studio flats. | Second Floor	Approve with conditions October 2017
089045/AO/2009/C2	Erection of 137 no. promotional banners on lamp posts along Oxford Road and Oxford Street	Approve with conditions April 2009
085365/AO/2007/C2	Internally illuminated projecting sign and a internally illuminated individual lettered fascia sign	Approve with conditions 10 September 2008
068907/AO/2003/C2	New panels around existing ATM	Approve 08 January 2004
061198/AO/CITY2/01	Internally illuminated fascia name and projecting sign	Approve 20 March 2001
054461/FO/CITY2/98	Elevational alterations including installation of 1no. additional ATM	Approve 08 June 1998
036570	Alterations and refurbishment of bank premises	Approve 04 July 1990
029411	Illuminated double sided projecting box sign	Approve 21 August 1987
F/AD01454	Illuminated single sided box name sign on Oxford Road elevation of bank.	Temporarily Approve 08 August 1977
F/AD01455	Illuminated single sided box name sign on Grosvenor Street, elevation of bank	Temporarily Approve 08 August 1977

Table 1. Planning application history, as of November 2019.

Surrounding the site

The site is located within the 'Corridor' quarter of the City Centre. The area is characterised by a wide array of shops, amenities, services, facilities and employment opportunities that this brings. Many of the buildings in the vicinity of the site are owned by Manchester University or Manchester Metropolitan University. The site is approximately 1km from the heart of the City Centre and the area around St Peter's Square.

Oxford Road is a busy bus corridor with frequent services into the heart of Manchester City Centre and across the conurbation including routes to Salford, Stockport, Altrincham, Atherton, Leigh, Chorlton, Didsbury, Flixton, the Trafford Centre and Manchester Airport, amongst others. Oxford Road

Railway Station is 0.5Km to the north and Manchester Piccadilly Railways Station 0.8Km to the north east.

2. The Proposal

It is proposed to change the use of the second floor of the building to 6 no. studios (use class C3). This proposal is not dissimilar to the earlier prior approval application which was approved in October 2017 (ref. 117279/P3MPA/2017) for 5 apartments. This proposal simply reconfigures the internal layout to create an additional studio. All studios will have sufficient space to accommodate the facilities required for day-to-day private domestic existence, meaning they can be considered as use class C3. A shared laundry area will also be provided on the second floor.

A bin store area for the scheme is proposed in the basement, with space for 2 x 240L bins serviced via a goods lift. 8 x secure cycle parking spaces will be provided within a dedicated enclosed store to the rear of the building on the ground floor.

This application forms part of a wider strategy for the building which also includes redeveloping the third floor into C3 residential studios and redeveloping the ground and first (mezzanine) floor to an A3 use for a coffee shop (subject to full planning application).

3. Planning Policy Context

The planning policy context to this application is provided by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), relevant National Planning Policy Framework policies, and National Planning Practice Guidance.

Permitted development rights allowing for the change of use of buildings falling within use class A2 (financial and professional services) to use class C3 (dwellinghouses) came into force on 6 April 2014, enacted by Statutory Instrument 2014/564. The statutory instrument reformed the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which has now been consolidated into the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Schedule 2, Part 3, Class M of the 2015 Order (as amended) grants permitted development rights for:

Development consisting of— (a)*a change of use of a building from*— (i)*a a use falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of the Schedule to the Use Classes Order;*

(ii)*a use as a betting office or pay day loan shop, or* (iii)*a mixed use combining use as a dwellinghouse with*— (aa)*a use as a betting office or pay day loan shop, or* (bb)*a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within*

Class C3 (dwellinghouses) of that Schedule, and (b)*building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.*

Paragraph M.1 of the 2015 Order (as amended) advises that the permitted development rights do not apply universally, and certain exemptions accompany the provisions, which are detailed in the legislation at paragraph M.1. This application is considered with regard to these exemptions in section 4 and in detail at Appendix A.

Paragraph M.2 of the 2015 Order advises that the change of use of a building from financial and professional services (use class A2) to use as dwellinghouses (use class C3) is permitted subject to the condition that before beginning the development, the developer applies 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 Class A2 (financial and professional services) of that Schedule or, as the case may be, a building used as a launderette, 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 and the provisions of paragraph W (prior approval) of this Part apply in relation to that application".

National Planning Practice Guidance advises 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…A local planning authority cannot consider any other matters when determining a prior approval application" (National Planning Practice Guidance ID 13-028-20140306). The guidance states: "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…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" (National Planning Practice Guidance ID 13-026-20140306).

4. Planning Appraisal and Supporting Evidence

This section assesses the proposal in relation to the permitted development right exemptions (set out at Paragraph M.1 of the 2015 Order (as amended) and prior approval assessment criteria (set out at paragraph M.2 of the 2015 Order (as amended).

Exemptions to Permitted Development Rights | Paragraph M.1 of the GDPO 2015

The permitted development right does not apply in all situations. If any of the exemptions identified in Paragraph M.1 of the 2015 Order (as amended) apply then the change of use of A2 premises (financial and professional services) to dwellings is not possible as permitted development.

The proposal has been considered with regard to these exemptions and it is evident that none apply. This has been confirmed by the extant prior approval application for 5 no. C3 use class apartments that was submitted by Beech Holdings and permitted in October 2017 (application ref. 117279/P3MPA/2017). For clarity, we have provided the same assessment of the proposal against the exemptions in Paragraph M.1 as was provided in 2017, which can be found at Appendix A.

Prior Approval Assessment Criteria | Conditions of Paragraph M.2 of the GDPO 2015

Legislation requires that local planning authorities consider prior approval applications with regards to certain specific impacts of a development, identified at Paragraph M.2 of the 2015 Order (as amended). In order to establish likely impacts of the proposed change of use, the proposal is considered with regard to the prior approval assessment criteria below.

Transport & Highway Impact

The site has a highly accessible and sustainable location within Manchester City Centre with excellent access to all its facilities and services. It is therefore not necessary for private car parking facilities to be provided; indeed, the lack of provision will promote non-ownership of cars and encourage people to use public and sustainable transport modes, limiting congestion and air pollution within the City Centre.

Should any future resident ultimately decide that they need access to a car then spaces are available at local car parks including at multi-storey car parks on Booth Street East (NCP Aquatics Centre car park) and Booth Street West (Car Park D, The University of Manchester). These car parks are both a short walk from the site at approximately 350m and 450m away respectively. When moving into the development, residents will be provided with information prepared by the applicant containing information about local car parking operators including details of who to contact to purchase/lease a car parking space. This information will also be provided on a notice board installed in the communal entrance/lobby area. Information will be updated as required and issued to exiting residents' at least annually.

Short stay car parking is available on surroundings streets including York Street. These spaces will be suitable for ad hoc pick-up/drop-offs and deliveries.

Contamination Risks

No below ground works are required to convert the second floor to residential use. There are no uses in the immediate vicinity of the site which pose a risk to future residents of the development in terms of contamination, as confirmed through the earlier application (ref. 117279/P3MPA/2017). It is therefore considered that there will not be any contamination risk for future occupants or contractors.

Flood Risk

The site is located within Flood Risk Zone 1 according to the Environment Agency's flood map for planning which was consulted in November 2019. Flood risk zone 1 means that a location has a less than 0.1% or 1 in 1000 chance of flooding. Furthermore, the development seeks to convert floorspace at second floor level meaning there will be extremely negligible flood risk.

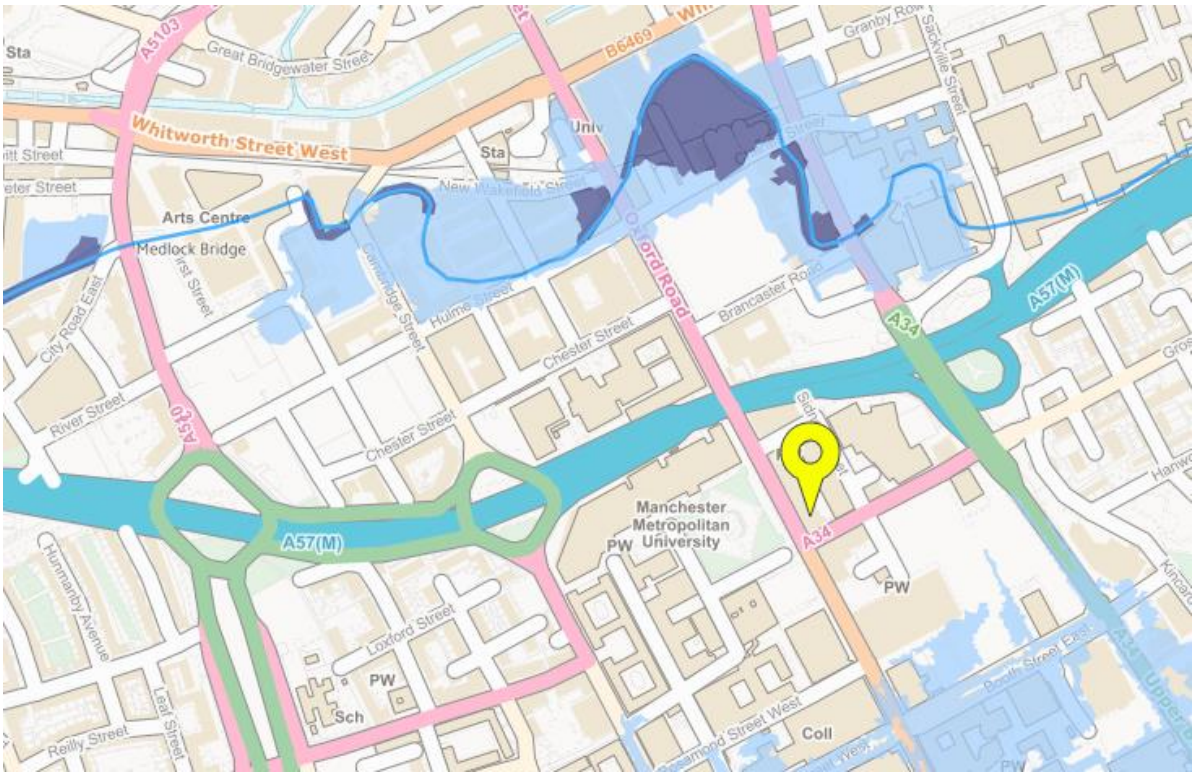

Figure 1. Flood risk map, Environment Agency, November 2019.

Principle of change from A2

Paragraph M.2 of the GDPO (2015) requests that an assessment is made as to 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), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, 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

When considering this, we can confirm that the site is not located within a key shopping area and is outside of the City Centre Primary Shopping Area. Assessment is therefore required against part d(i) only which is provided below.

We are aware from the evidence provided upon submission of application 117279/P3MPA/2017 in 2017 that the floorspace of the second floor was last used as a bank premises (A2 use class) in November 2015. The building was therefore vacant for 18 months at the time of that application (despite marketing efforts), and it has since remained vacant. The building is generally in poor condition and would require significant upfront costs to meet an A2 operators requirements. The lack of interest in this building for an A2 operator, coupled with the rise of online, mobile and cashless banking, particularly popular amongst students and young people, who can be considered a main user of this Oxford Road corridor, demonstrates that there is no reasonable prospect of the building being used to provide A2 services in the foreseeable future. This principle was established in 2017 and remains the current situation.

On this basis the proposal is consistent with the requirements of paragraph M.2 (d)(i) of Schedule 2, Part 3, Class M of the 2015 Order (as amended).

5. Conclusion

This Evidence Statement has been prepared to support a Prior Notification application for the proposed change of use of the second floor of 137 Oxford Road from financial and professional services (use class A2) to use as 6 no. apartments (Use Class C3) under permitted development rights granted under Part M of the Town and Country Planning (General Permitted Development) Order 2015. The proposal has been considered against both paragraph M.1 (exemption criteria) and paragraph M.2 (prior approval assessment criteria). The assessment has concluded that the proposal is suitable for conversion under permitted development rights, with no potential impacts associated with the development in terms of transport and highways, contamination, flooding risks, or the adequate provision of services falling within the A2 use class on the local area.

APPENDIX A | ASSESSMENT OF PROPOSAL AGAINST EXCEPTIONS OF PARAGRAPH M.1 OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015

(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;

The second floor of the building is currently vacant however was last in use as bank premises (use class A2) in November 2015. This previous use is evidenced by Valuation Office Agency information which is provided at Appendix 1 of this statement. The planning history research set out at Section 2 of this Statement also confirms previous bank use. The lawful use of the second floor continues to be as a bank (use class A2).

(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;

The lawful use of the second floor of the building for bank premises (use class A2) was not granted by permitted development rights introduced by Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

This prior approval application relates to the second floor of the building only and the associated entrance and access. The application floorspace to be converted by Class M to apartments is 93.4sqm and therefore below the 150sqm threshold.

(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;

No previous prior approval applications have been submitted to convert floorspace within the building under Class M permitted development rights. This is confirmed by the planning history research set out at Section 2 of this statement.

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;

No external alterations are proposed as part of this prior approval application. Part (e) is therefore not relevant.

(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

No demolition is proposed as part of this application. Part (f) is therefore not relevant.

(g) the building is—

(i) on article 2(3) land;

The permitted development rights (under Class M of the 2015 Order (as amended)) do not apply on article 2(3) land. Schedule 1, Part 1 of the 2015 Order (as amended) defines Article 2 (3) Land as *'Land within— (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas); (b) an area of outstanding natural beauty; (c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(a); (d) the Broads; (e) a National Park; and (f) a World Heritage Site.'* Manchester City Council's Interactive Proposals Map has been consulted and confirms that the building is not on article 2(3) land.

(ii) in a site of special scientific interest;

The permitted development rights (under Class M of the 2015 Order (as amended)) do not apply if the building is in a site of special scientific interest. Manchester Council's Interactive Proposals Map has been consulted and does not identify the site within a site of special scientific interest.

(iii) in a safety hazard area;

The permitted development rights (under Class M of the 2015 Order (as amended)) do not apply on land within a Safety Hazard Area. Manchester Council's Interactive Proposals Map has been consulted and does not identify the site within a Safety Hazard Area.

(*iv) in a military explosives storage area;*

The permitted development rights (under Class M of the 2015 Order (as amended)) do not apply on land within a Military Explosive Storage Area. Manchester Council's Interactive Proposals Map has been consulted and does not identify the site within a military explosives storage area.

(v) a listed building; or

(vi) a scheduled monument.

The permitted development rights do not apply if a building is listed or a scheduled ancient monument. Historic England's National Heritage List for England, which identifies heritage assets including listed

buildings and scheduled ancient monuments (as blue triangles and areas of red shading respectively) has been consulted, and confirms that the subject property is not listed or a scheduled ancient monument.