

PLANNING

GROWTH & DEVELOPMENT

DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

Application no. 142859/P3MAP/2025

Date registered valid: 2 May 2025

Proposal: Prior Approval for change of use of ground floor plan from Class E to create a Class C3 residential unit

Address: 103 Kingswood Road, Manchester, M14 6RY

Ward(s): Withington Ward

Applicant: Mr C Comerford

Agent (if any): Mr Simon Miles, S R Miles Ltd

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 11 June 2025

APPLICATION DETAILS

Type of application: Prior approval- Class E-Dwell (Class MA)
Development type: Notifications
Date of site visit: 15 May 2025
Standard consultations: Printed: 7 May 2025 Expired: 29 May 2025
Neighbour notifications: Printed: 7 May 2025 Expired: 29 May 2025
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
Listed building: Not applicable
Conservation area: Not applicable
Tree Preservation Order: Not applicable

Description of site/building

The application relates to the ground floor part of a two storey mid-terrace property on Kingswood Road. The ground floor relates to a vacant Class E use, with the first floor (addressed as 103A) an existing residential dwelling. It is understood that the existing, ground floor Class E use has been established since at least 1990.

Description of area

The property is in a mostly residential part of the Withington ward of Manchester.

Description of development

Prior Approval for change of use of ground floor plan from Class E to create a Class C3 residential unit

The proposed dwelling would be a 38.9sqm 1bed 1person studio flat dwelling.

Access and egress are from the existing front door.

PLANNING HISTORY

092587/FO/2010/S1

Description: Change of use of part of ground floor of premises from office/shop to residential in conjunction with existing residential use (C4) on part ground floor and first floor

Decision: Refused 16/09/2010

035379

Description: Change of use from a hairdressing salon to a design studio, including construction of a new shop front.

Decision: Approved 26/02/1990

F09606

Description: New shopfront for existing Ladies Hairdressing Salon.

Decision: Approved 20/11/1978

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

Consultations

Highways Services

Manchester City Council Highways Service were consulted on this application and asked for further detail on bin storage and collection. The agent provided further details and Highways has no further objections.

Environmental Health

Manchester City Council Environmental Health were consulted on this application and recommended several conditions be attached to the decision to help mitigate possible environmental impacts.

Flood Risk Management

Manchester City Council Flood Risk Management were consulted on this application and had no objection.

Notifications

Local Residents

No representations received.

RELEVANT POLICIES & THE PRINCIPLE OF DEVELOPMENT

Relevant Policies

Section 38 (6) of the Town and Country Planning Act 2004 states that applications for development should be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

In this case the proposal is a prior approval application with the following considered relevant.

- [The National Planning Policy Framework \(The NPPF\)](#) –
 - Section 2 - Achieving sustainable development
 - Section 4 – Decision-making
 - Section 5 – Delivering a sufficient supply of homes
 - Section 12 – Achieving well-designed places
- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
 - Schedule 2 – Permitted development rights
 - Part 3 – Change of use
 - Class MA - commercial, business and service uses to dwellinghouses
 - Paragraph W - Procedure for applications for prior approval under Part 3
 - Paragraph X - Interpretation of Part 3

Principle

The principle of the application is accepted in law. The local planning authority must assess the proposal against the conditions set out in the relevant section of the GPDO for prior approval. Namely, with respect of contamination, transport impacts, flooding, noise impact, natural light to habitable rooms and 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. No significant issues have been raised with respect to these matters and therefore the proposal is considered acceptable.

Flood Risk

No flooding risks have been identified.

Ground Contamination

No contamination risks have been identified. The previous use was office space.

Transport and Parking Issues

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 site is well accessed by sustainable modes. Regular bus services and railway services are available within walking distance of the site.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

Noted that some parking does occur on the existing unadopted forecourt between the edge of the properties and the adopted highway.

Highways would not support parking here as it is noted that space is limited, and vehicles do partially park on the adopted footway which impinges on pedestrians. In line with MCC recommendations, secure and sheltered cycle parking provision should be made within the curtilage of the site. An appropriate condition is included.

Waste Management

The proposal shows a bin storage area within the rear yard for the required number of receptacles to be collected from road frontage which aligns with the existing situation and considered acceptable by Highway Services. Environmental Health. On this basis, the arrangement is acceptable.

Noise

To secure a reduction in noise from the nearby trainline and to protect future residents from disturbance a condition has been attached for a scheme for acoustically insulation the dwelling.

Natural Light to Habitable Rooms

All habitable rooms feature windows for natural light. ("habitable rooms" means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms).

OTHER LEGISLATIVE REQUIREMENTS

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 policies 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.

CONCLUSION

The proposed change of use from Class E to a Class C3 residential unit at 103 Kingswood Road has been assessed against the relevant criteria set out in the General Permitted Development Order and national planning policy. The application meets all necessary conditions, with no objections from statutory consultees and no representations from local residents. Subject to the recommended conditions, the development is considered acceptable and prior approval is granted.

RECOMMENDATION: APPROVE

CONDITIONS TO BE ATTACHED TO DECISION

1) The City Council is satisfied that the development would have no significant, harmful impact as a result of contamination, flooding or noise. Satisfactory natural light is capable of being provided to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, EN19 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester, pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings referenced 25 481 PL000A (Location Plan) received by the City Council as Local Planning Authority on 7 May 2025. and 25 481 PL100 (floorplans and elevations) and 25 481 PL200 (plans and elevations), received by the City Council as Local Planning Authority on 2 May 2025.

2) a) Notwithstanding details submitted, prior to the residential accommodation hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from Kingswood Road shall be submitted to and approved in writing by the City Council as Local Planning Authority.

b) Prior to first occupation of the residential accommodation hereby approved, a verification report shall 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 have 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 - In order to safeguard the amenity of existing and future, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Manchester Core Strategy.

3) Notwithstanding details submitted, the residential accommodation shall not be occupied until full details of the space and facilities for bicycle parking, including means of enclosure, have submitted to and agreed in writing by the City Council as Local Planning Authority. The agreed cycling parking space and facilities shall be implemented as part of the development and retained thereafter.

Reason - Due to the lack of off road parking and 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 Manchester Core Strategy.

INFORMATIVE(S) TO BE ATTACHED TO DECISION

1)Temporary traffic management

The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004) Email -highwaylicences@manchester.gov.uk.

APPENDIX 1 – LIST OF CONSULTEES & NEIGHBOURS NOTIFIED

Highway Services

Environmental Health

Flood Risk Management

Health and Safety Executive (Fire Safety)

Flat 2, 97 Kingswood Road, Manchester, M14 6RY

Flat 1, 97 Kingswood Road, Manchester, M14 6RY

103A Kingswood Road, Manchester, M14 6RY

Flat 1, 95 Kingswood Road, Manchester, M14 6RY

Flat 2, 95 Kingswood Road, Manchester, M14 6RY

Flat 3, 95 Kingswood Road, Manchester, M14 6RY

86 Kingswood Road, Manchester, M14 6RX

2 Santon Avenue, Manchester, M14 6QZ

105 Kingswood Road, Manchester, M14 6RY

92 Kingswood Road, Manchester, M14 6RX

90 Kingswood Road, Manchester, M14 6RX

99 Kingswood Road, Manchester, M14 6RY

Flat At, 84 Kingswood Road, Manchester, M14 6RX

84 Kingswood Road, Manchester, M14 6RX

Ground Floor, 101 Kingswood Road, Manchester, M14 6RY

Top Flat, 101 Kingswood Road, Manchester, M14 6RY

101 Kingswood Road, Manchester, M14 6RY

88 Kingswood Road, Manchester, M14 6RX

4 Santon Avenue, Manchester, M14 6QZ

APPENDIX 2 – PLANNING CONSTRAINTS

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Area Team Boundary - Name: SOUTH AREA