MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	142600/P3MAP/2025
Date registered valid:	31 March 2025
Proposal:	Prior approval for the change of use of the first floor from office use (Class E), to create two self-contained studio flats (Class C3)
Address:	255 Wilmslow Road, Manchester, M14 5LW
Ward(s):	Rusholme Ward
Applicant:	Mr I Ahmed
Agent (if any):	Dr M Munshi, Munshiandpartners
Case officer:	Katie Raw Tel: 0161 234 4164 Email: katie.raw@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	**19 May 2025**

Application details

Type of application: Prior approval- Class E-Dwell (Class MA)

Development type: Notifications

Date of site visit: 10 April 2025

Standard consultations:
Printed: 7 April 2025 Expired: 30 April 2025

Neighbour notifications
Printed: 7 April 2025 Expired: 30 April 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

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to 255 Wilmslow Road within the south Manchester ward of Rusholme. The proposal relates to an end terraced, two-storey commercial property on the corner of Wilmslow Road and Dickenson Road. The property features a single storey rear extension with no external amenity space or off-street parking. The property features commercial office space to both ground and first floor (Class E).

At the time of the site visit, a solicitor's firm occupied the unit, accessible from Wilmslow Road.

Description of area

The surrounding area is mixed with a range of commercial and residential premises. The property sits within the Rusholme District Centre.

Description of development

The application seeks Prior approval for the change of use of the first floor from office use (Class E), to create two self-contained studio flats (Class C3).

2no. studio flats would be created:

Studio 1 would be a 1B1P dwelling with an area of 39.5m2. The studio would be comprised of a kitchen, lounge, bedroom and bathroom to the front of the property.
Studio 2 would be a 1B1P dwelling with an area of 41.5m2. The studio would be comprised of a kitchen, lounge, bedroom and bathroom to the rear of the property.

Both studios would be accessed from a stair case accessible from Dickenson Road.

Negotiations during the course of the Application

The agent was contacted during the course of the application to discuss conditions to be attached to the decision notice of any approval granted.

Planning History

142029/P3MAP/2025- Prior approval for the change of use of the first floor from office use, (Class E) to form two no. self-contained studio flats (Class C3).
Refused 07/03/2025

ENF/11568/12- Enforcement Enquiry - Display of illuminated signage and advertisements
Not expedient to take action 09/01/2017

080089/FU/2006/N2- Change of use of ground and first floor to solicitors' office (A1 to A2 use)
Approved 27/09/2006

Consultations & Notification Responses

Local Residents

No responses were received from local residents.

Highway Services

Highways were consulted and provided comments on the application- no objections received.
Highway Services requested secure and sheltered cycle parking be available for each apartment. Highways requested sight of bin storage details and the collection point for the proposed accommodation.
Highways requested an informative be attached to any approval granted.

Environmental Health

Environmental Health were consulted, raised no objection to the scheme, and requested the following conditions be attached to any approval granted:
-Construction hours
-NSE4(b) (Residential sound insulation AND overheating)
-NSE6 (External plant/equipment/servicing)
-Waste storage
-Air quality 2 (EV chargers and boiler emissions)
-Air quality 3 (clean air intake)

MCC Flood Risk Management

MCC Flood Risk Management reviewed the application and stated the proposal can be approved with no condition required.

The Team provided the following further comments:
Records indicate United Utilities public sewer crossing onsite.
The LPA should ensure United Utilities are consulted on an approvable Master Plan before determining this planning application.

Issues

POLICY

The National Planning Policy Framework (NPPF) (December 2024)

The document sets out the Government's Planning Policies for England and how these are expected to be applied. At the heart of the Framework is a presumption in favour of sustainable development in terms, "For plan-making" and "For decision-taking", (paragraph 11).

Paragraph 8 - Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
a) an economic objective
b) a social objective
c) an environmental objective

The following specific policies are considered to be particularly relevant to the proposed development:
Chapter 5. Delivering a sufficient supply of homes
Chapter 8. Promoting healthy and communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12. Achieving well-designed places

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
Class MA- Commercial, business and services uses to dwellinghouses

Permitted development
MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

The Manchester Core Strategy Development Plan Document 2012-2027 ("The Core Strategy") was adopted by the City Council on 11th July 2012. Updated March 2024 following adoption of Places for Everyone Joint Development Plan.

The Core Strategy is the key document in Manchester's Local Development Framework. It replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. Of relevance are:
Policy DM1 (Development Management);
Policy SP1 (Spatial Principles);
Policy EN14 (Flood Risk);
Policy EN18 (Contaminated and Ground Stability);
Policy H1 (Overall Housing Provision);
Policy T1 (Sustainable Transport);

Unitary Development Plan Saved Policies

Large elements of the UDP have been superseded by the Core Strategy. The following saved policies are of relevance in the consideration of this application:

DC26.1 states the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:
a. the effect of new development proposals which are likely to be generators of noise; and
b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states new noise sensitive developments (including large scale changes of use of existing land or buildings) such as housing, schools, hospitals, or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.4 states where the council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following
a) engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers
b) layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it and screening by natural barriers or other buildings or non-critical rooms within a building; and
c) administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit.
Any or all these factors will be considered appropriate for inclusion in conditions on any planning permission

DC26.5 states the council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, Adopted April 2007.

The Guide aims to help to develop and enhance a unique and positive sense of place within Manchester and its neighbourhoods. The guidance is grouped under seven key principles recognised by CABE as being those urban design characteristics which create successful places. These are: character and context, continuity and enclosure, ease of movement, quality of the public realm, diversity, legibility, and adaptability. It advises that high quality design is a vital attribute of successful neighbourhoods.

Manchester Residential Quality Guidance 2016

Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and raise the quality of life across Manchester. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management. The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures.

Places for Everyone (2022-2039)

Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given full weight in the planning balance.

The following policies are relevant:
JP- S1- Sustainable development
JP- H1 – Scale, distribution and phasing of new housing
JP- H2- Affordability of new housing

<u>ISSUES</u>

In August 2021 Class MA 'Commercial, business and service uses to dwellinghouses' was added to Schedule 3, part 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to require the need for a Prior Approval application to be submitted to the local authority for such changes.

The Town and Country Planning (General Permitted Development) (England) Order 2024 then came into force on March 5, 2024. This order introduced new flexibilities for converting commercial properties into residential homes by removing certain conditions of Class MA, changes of use.

Legislation

Class MA- commercial, business and service uses to dwellinghouses MA. Development consisting of a change of use of a building and any land within its curtilage from a use class falling within Class E (commercial, business and service) of the Schedule 2 to the Use Classes Order to use falling within Class C3 (dwellinghouse) of Schedule 1 of that Order.

MA.1- (1) Development is not permitted by Class MA-
(b) Unless the use of the building fell within on or more of the classes specified in subparagraph (2) for continuous period of at least 2 years prior to the date of the application for prior approval;
There is no evidence that the property has been used for any purpose other than Class E retail.

(d) if land covered by, or within the curtilage of, the building-
(i) is or forms part of a site of special scientific interest
(ii) is or forms part of a listed building or land within its curtilage;
(iii) is or forms part of a scheduled monument or land within its curtilage
(iv) is or forms part of a safety hazard area; or
(v) is or forms part of a military explosives storage area;
The building does not fall within any of these categories.

(e)if the building is within-
(i) an area of outstanding natural beauty;
(ii) an area specified by the Secretary of State for the purpose of section 41(3) of the Wildlife and Countryside Act 1981
(iii) the Broads;
(iv) a National Park; or
(v)a World Heritage Site;
The building does not fall within any of these areas.

(f)if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
The building does not fall within any of these areas.

(g)before 1 August 2022, if-
(i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
(ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.
Not relevant in this instance.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
(a) the following classes of the Schedule as it had effect before 1st September 2020—
(i) Class A1 (shops);
(ii) Class A2 (financial and professional services);
(iii) Class A3 (food and drink);
(iv) Class B1 (business);
(v) Class D1(a) (non-residential institutions – medical or health services);
(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.
The property relates to a retail shop- previously class A2 and now class E.

Conditions
MA.2-(1) Development under Class MA is permitted subject to the following conditions.
(2) Before beginning development under Class MA, 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 impacts of the development, particularly to ensure safe site access;
Highway Services were consulted on the application. Highway Services confirmed no parking is proposed within the application, which aligns with the current city centre transport aspirations. Highways accept the site is well accessed by sustainable modes, and regular bus services and railway services are available within walking distance of the site. As such, no parking concerns are raised from a Highways perspective by the proposals.

Highway Services requested secure and sheltered cycle parking should be provided for each apartment. The submitted location plan and site edged red shows there is no external amenity space afforded to the existing property and therefore the proposal. A store is available for use on the ground floor which could work for cycle storage. Within the submitted application form, the applicant commits to providing secure cycle storage facilities. A condition to this effect would be attached to any approval granted.

Highways also requested refuse and collection point details are provided for review. As stated above, the submitted location plan and site edged red shows there is no external amenity space afforded to the existing property and therefore the proposal. A store is available for use on the ground floor which could work for bin storage. A condition to this effect would be attached to any approval granted.

(b) contamination risks in relation to the building;
The building is an established and long standing premises, with no extension works proposed, and it is not considered there would be contamination risks and no objections have been raised by Environmental Health officers.

(c) flooding risks in relation to the building;
There are not perceived to be any flooding risks associated with the premises, as the property is located within Flood Zone 1. The LFFA recommended the proposal be approved with no condition required.

The LLFA did respond stating records indicate a United Utilities public sewer crosses onsite. The LLFA requested United Utilities are consulted on an approvable Master Plan before determining this planning application. Given the constraints within the prior approval legislation, drainage is not a consideration and so it be inappropriate to consult United Utilities. Any issues in regard to civil/ ownership of land issues extend beyond the remit of planning.

(d) impacts of noise from commercial premises on the intended occupiers of the development;
Within the submitted application, the applicant commits to integrate sound insulation measures into the construction, to ensure a high standard of living for occupants. Environmental Health have reviewed the scheme and request an acoustic insulation scheme be conditioned and discharged for review by Environmental Health.

(e) Buildings in a Conservation Area
No.255 Wilmslow Road does not sit within a Conservation Area.

(f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;
The 2no. studios are considered to receive adequate natural light to all habitable rooms.

(g)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; and
(h)where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health care maintained under the section 2 or 3 of the National Health Service Act 2006 the impact on the local provision of the type of services lost; and
(i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building
Not applicable

Procedure for applications for prior approval under Part 3
W.—(1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.
Points of note: Nationally described space standards:
The previous application of 142029/P3MAP/2025 was refused on the basis of neither flat meeting the nationally described space standards and so not compliant with prior approval class MA. Revisions have occurred to the scheme in the form of changing the accommodation from 1B2P flats to 1B1P studios. NDSS states that studios with 1B1P dwellings should have an area of 39 (37) m2.

In this case studio 1 would be a 1B1P dwelling with an area of 39.5m2. Studio 2 would be a 1B1P dwelling with an area of 41.5m2. As such, both studios are compliant with policy and so considered to comply with the stipulations of class MA. The previous reason for refusal has been overcome by the current submission.

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 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

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

1) The City Council is satisfied that the development would have no material, harmful impact as a result of transport impacts, contamination, flooding or noise and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, T1 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 005 (proposed GF and FF floor plans), 006 (proposed elevation) and 007 (proposed elevation), received 31 March 2025.

2) The apartments 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 the 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.

3a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road and Dickenson 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 potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary.

b) Prior to first occupation of the residential units, 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 verification report shall be detailed along with any measures required to be undertaken prior to first occupation of the residential units 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 and to reduce the potential for overheating, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

4a) 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.

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

b) 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 policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) 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
MCC Flood Risk Management

Rear Of 245 To 247, Wilmslow Road, Manchester, M14 5LW
253 Wilmslow Road, Manchester, M14 5LW

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: SOUTH AREA