

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141982/P3MAP/2025
Date registered valid: 29 January 2025
Proposal: Prior approval for the use of the first and second floors for 1no. residential apartment (C3 use).
Address: 101A Lapwing Lane, Manchester, M20 6UR
Ward(s): Didsbury West Ward

Applicant: Mrs Sophie Millward BWP consultants
Agent (if any): Mrs Sophie Millward BWP Consultants
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 21 March 2025

Application details

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

Development type: Notifications

Date of site visit: 7 February 2025

Standard consultations: Printed: 30 January 2025 Expired: 20 February 2025

Neighbour notifications: Printed: 30 January 2025 Expired: 20 February 2025

Site notice: Posted: 7 February 2025 Expired: 28 February 2025

Press advert: Published: 4 February 2025 Expired: 25 February 2025

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: Ballbrook Conservation Area 1992

Tree Preservation Order: Not applicable

The application relates to a part-two / part-three storey mid-terraced property of redbrick with a red concrete tile roof with gable end features to the front and rear. The property features white uPVC windows, including a two-storey angular bay to the rear, a decorative glazed canopy to the front which accommodates an outdoor seating area for the ground floor restaurant (Class E), a glazed shopfront with fascia level signage, an entry point to the upper floors of the property to the front, a two-storey rear outrigger and a modest rear yard bordered by a high-level redbrick wall. Located within the Didsbury West ward of Manchester, the site is bound to the southwest by Lapwing Lane and situated opposite the Metrolink tram line. The area is characterised by a short strip of commercial facilities, whilst the surrounding streets are populated by predominantly semi-detached residential properties dating to the Victorian era.

The application site is also situated on the northern outskirts of the Blackburn Park Conservation Area, which was first designated in 1979. This area originally consisted of open fields which surrounded a single large, detached property, Parkfield House, owned by Charles Blackburn. Over time, Blackburn sold limited portions of land, with plots large enough to accommodate three to four houses only, thus explaining the varied form of development currently extant in the park. Blackburn Park is principally an area of large family houses with spacious gardens, arranged along tree-lined roads which criss-cross the level ground of the park. Most of the houses within the Conservation Area remain largely in their original form, with earlier properties generally being larger than later ones. Some houses have been built in later years, mainly on sites made vacant by demolition, and these for the most part have been in-keeping with the character of the Conservation Area. Blackburn Park is a prosperous residential area in the south of the city, and development control is aimed at maintaining this prosperity as well as the quality of the environment.



Submitted site plan







Description of development

The application seeks prior approval for the use of the first and second floors of the building for 1no. residential apartment (C3 use).

The first-floor would accommodate:

- A dining/living room (28 sqm)
- A kitchen (17 sqm)
- A shower room (3 sqm)
- A storage room (1.4 sqm)
- A double bedroom (13 sqm)

Total – 62.4 sqm

The second-floor would accommodate:

- A double bedroom (21 sqm)
- A shower room (5 sqm)
- A storage room (1.6 sqm)
- A double bedroom (10 sqm)
- A double bedroom (10 sqm)

Total – 47.6 sqm

Overall total – 110 sqm

No external amenity space provided.

Access gained via the existing street entrance to the front of the property along Lapwing Lane.

Planning history

019222 - Change of use of upper floors to Beauticians/Hairdressing salon with separate front entrance – Approved.

019223 - Change of use of upper floors to offices with separate access – Approved.

019224 - Change of use of upper floors to clinic and consulting rooms (Use class XV), with separate front entrance - Approved

035154 - Change of use from hairdresser to a restaurant and a take-away hot food shop – Withdrawn.

036288 - Change of use from hairdressers to laundry and dry cleaners – Withdrawn.

069155/AO/2003/S1 - Display of externally illuminated fascia sign and two hanging signs on canopy – Approved (21.10.2003).

067174/FU/SOUTH1/03 - Change of use from shop (Class A1) to hot food take away (Class A3) – Approved (18.03.2003).

Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Environmental Health requested conditions relating to residential sound insulation and waste management be attached to the decision notice.

Highways Services made no objection, indicating that the proposal would not impinge upon the adopted highway, nor would it have an impact upon the approved pedestrian access, circulation or external highway network.

Further to this, **Highways Services** commented that the site is well served by the local bus and tram network. No on-site car parking is associated with the site, as such, the provision of secure on-site cycle parking facilities was recommended. Clarification was requested regarding the site's refuse arrangements and collection point to ensure no obstruction is made to the highway.

Policies

The following policies are considered relevant in the consideration of this application.

The Town and Country Planning (General Permitted Development) (England) Order 2015

- Schedule 2: Permitted development rights, part 3: changes of use, class MA – commercial, business, and service uses to dwellinghouses

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

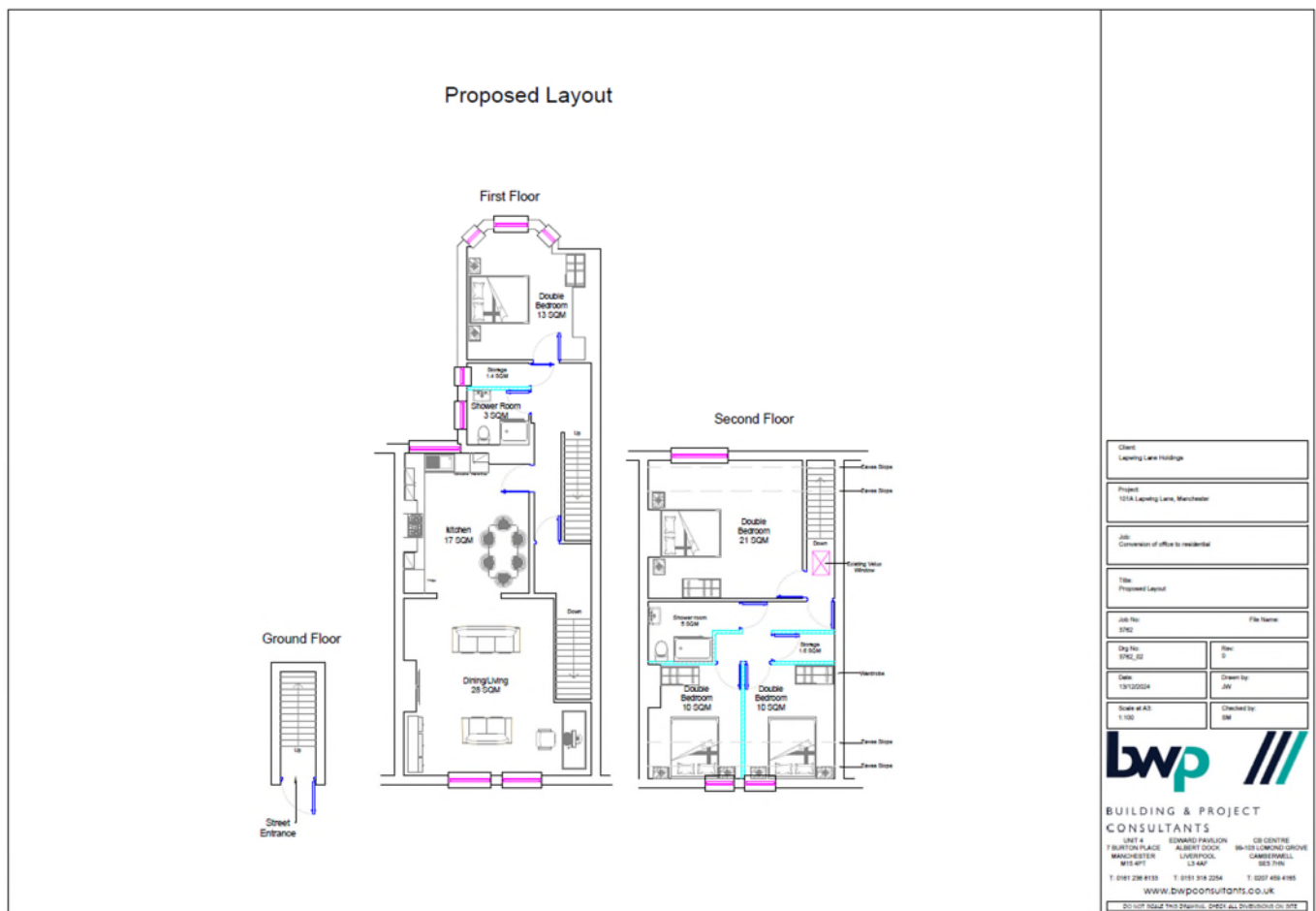
- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places

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.

- Policy JP-P1: Sustainable Places



Issues

Principle – in April 2021, Class MA was introduced to the Town and Country Planning (General Permitted Development) (England) Order 2015 (with subsequent amendments made in August 2021 and March 2024) allowing the conversion of commercial, business and service uses to dwellinghouses, subject to a prior approval process with the Local Planning Authority

As stipulated within the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposal will be assessed with regard to the transport impacts of the development, particularly to ensure safe site access, contamination risks, flooding risks, impacts of noise from commercial premises, and the provision of natural light to all habitable rooms.

Legislation – Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Class MA – commercial, business and service 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.

MA.1.—(1) Development is not permitted by Class MA—

(a) omitted 05.03.2024.

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The submitted application form indicates that the building has been in use as a commercial office (use Class E) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) omitted 05.03.2024.

(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 purposes 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

(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.

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;

The proposed alterations to the building are within the red-line boundary of the site and as such, will not impinge upon the adopted highway. It is understood that the proposals would not have an impact on the approved pedestrian access, circulation or the external highway network.

The proposal is considered to be located within a sustainable and accessible location, which is well-served by the local bus and tram network, with regular services available.

The provision of 1no. dwelling accommodating 4-bedrooms for 8no. persons is not considered to give rise to significant highways impacts.

As no details of refuse arrangements have been provided, a condition relating to the submission of a waste management strategy has been attached to ensure there is no obstruction to the highway.

(b) contamination risks in relation to the building;

The building is an established and long-standing premises, and it is not considered there would be contamination risks given its previous and existing uses.

Further to this, Environmental Health did not raise any concerns relating to potential contamination risks.

(c) flooding risks in relation to the building;

There are not perceived to be any flooding risks associated with the premises. The building is not located within Flood Zones 2 or 3.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Environmental Health requested a condition relating to residential sound insulation/submission of a suitable acoustic insulation be attached. This will seek to safeguard prospective occupiers from noise generated from the ground floor restaurant use as well as the wider area.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Not applicable.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

All rooms, with the exceptions of the second-floor shower room and storage room, would have the benefit of natural light via existing windows on the external elevations of the building. Given the size and placement of these windows it is considered that dwelling and specifically habitable rooms would benefit from adequate natural light.

(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;

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under 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.

Conclusion – the premises is currently in use as a restaurant (use class E) at ground floor level, with a commercial office (also use class E) at first and second floor level. The submitted information indicates that these uses have been in continuous operation for a period of at least 2 years prior to the submission of this prior approval application.

The 4-bedroom / 8-person 2-two-storey dwelling falls below the nationally described space standard of 124 sqm, scaling at 110 sqm, however, as adherence to the nationally described

space standard is not stipulated as a condition within the Town and Country Planning (General Permitted Development) (England) Order 2015, this cannot be used to justify a refusal of the prior approval application.

The proposal is therefore considered to meet the requirements of Class MA, save for the attaching of a condition relating to acoustic insulation of the dwellings to protect the amenity of occupiers from commercial properties and the submission of waste management strategy to ensure there is no obstruction to the highway.

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.

Recommendation: Approve

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

1) The City Council is satisfied that this development has minimal transport impacts, that there are no known contamination or flood risks at the site, and that the proposal would provide adequate natural light to habitable rooms of the dwellinghouses.

It has been determined that conditions are required in respect of acoustic insulation of the property and waste management and storage to mitigate impacts on the intended occupiers of the development and appropriately worded conditions are appended to this decision.

The proposal therefore complies with the requirements of 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 the following documents:

'Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)', numbered 'PP-13718204', stamped as received by the City Council as Local Planning Authority on the 24th January 2025.

'Proposed Layout', numbered '3762_02', stamped as received by the City Council as Local Planning Authority on the 24th January 2025.

2) a) Before the development commences, a scheme for acoustically insulating the proposed residential accommodation against noise from Lapwing Lane 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 such as the ground floor commercial premises.

The approved noise insulation and ventilation scheme shall be completed before any of the dwelling units are occupied.

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, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) a) 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 and to avoid obstruction to the highway, pursuant to policies SP1, DM1 and EN19 of the Manchester Core Strategy.

Informatives

1) In order to discharge the acoustic insulation condition attached to this decision the following will be required:

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

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 10 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq

Gardens and terraces (daytime) 55 dB LAeq

Where applicable (entertainment/music): Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

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

2) The applicant is required to discuss and agree any requirements for licensing, hoarding / scaffolding, and skips with MCC's Highways Licensing Team via Email to:

highwaylicences@manchester.gov.uk.

3) The applicant is required to discuss and agree any requirements for temporary traffic and pedestrian management with MCC's Event and Traffic Management Team via Email to

highwaynetworkmanagement@manchester.gov.uk.

Please note any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

99A Lapwing Lane, Manchester, M20 6UT
West Didsbury Post Office, 99 Lapwing Lane, Manchester, M20 6UT
103A Lapwing Lane, Manchester, M20 6UR
Flat 2, 99 Lapwing Lane, Manchester, M20 6UR
Flat 1, 99 Lapwing Lane, Manchester, M20 6UR
103 Lapwing Lane, Manchester, M20 6UR
101 Lapwing Lane, Manchester, M20 6UR

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Conservation Area - Ballbrook Conservation Area 1992
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA