



MANCHESTER
CITY COUNCIL

PLANNING
GROWTH & DEVELOPMENT
DELEGATED OFFICER REPORT FOR PLANNING APPLICATION

APPLICATION NO.	142029/P3MAP/2025
DATE REGISTERED VALID:	30 January 2025
PROPOSAL:	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)
ADDRESS:	255 Wilmslow Road, Manchester, M14 5LW
WARD(S):	Rusholme Ward
APPLICANT:	Mr I Ahmed
AGENT (IF ANY):	Dr M Munshi Munshiandpartners
CASE OFFICER:	Joshua Lee Tel: 0161 219 2851 Email: joshua.lee@manchester.gov.uk
RECOMMENDATION:	Refuse
DATE OF RECOMMENDATION:	24 Feb 2025

APPLICATION DETAILS

Type of application:	Prior approval- Class E-Dwell (Class MA)
Development type:	Notifications
Date of site visit:	06 February 2025
Standard consultations:	Printed: 31 January 2025 Expired: 21 February 2025
Neighbour notifications:	Printed: 31 January 2025 Expired: 21 February 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 proposal relates to a 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).



Figure 1. Street scene

DESCRIPTION OF AREA

The property sits in a mixed commercial/residential part of the Rusholme ward of Manchester. The property is within the Rusholme District Centre.

DESCRIPTION OF DEVELOPMENT

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)

The proposal introduces 2no. 1bed residential studio flats to the first floor of the building. Access is through a shared staircase and through an existing door onto Dickenson Road. Flat 1 (front) would be 39.5m² and Flat 2 (rear) would be 41.5m² and feature a combined living kitchen, bedroom with separate toilet/shower room.

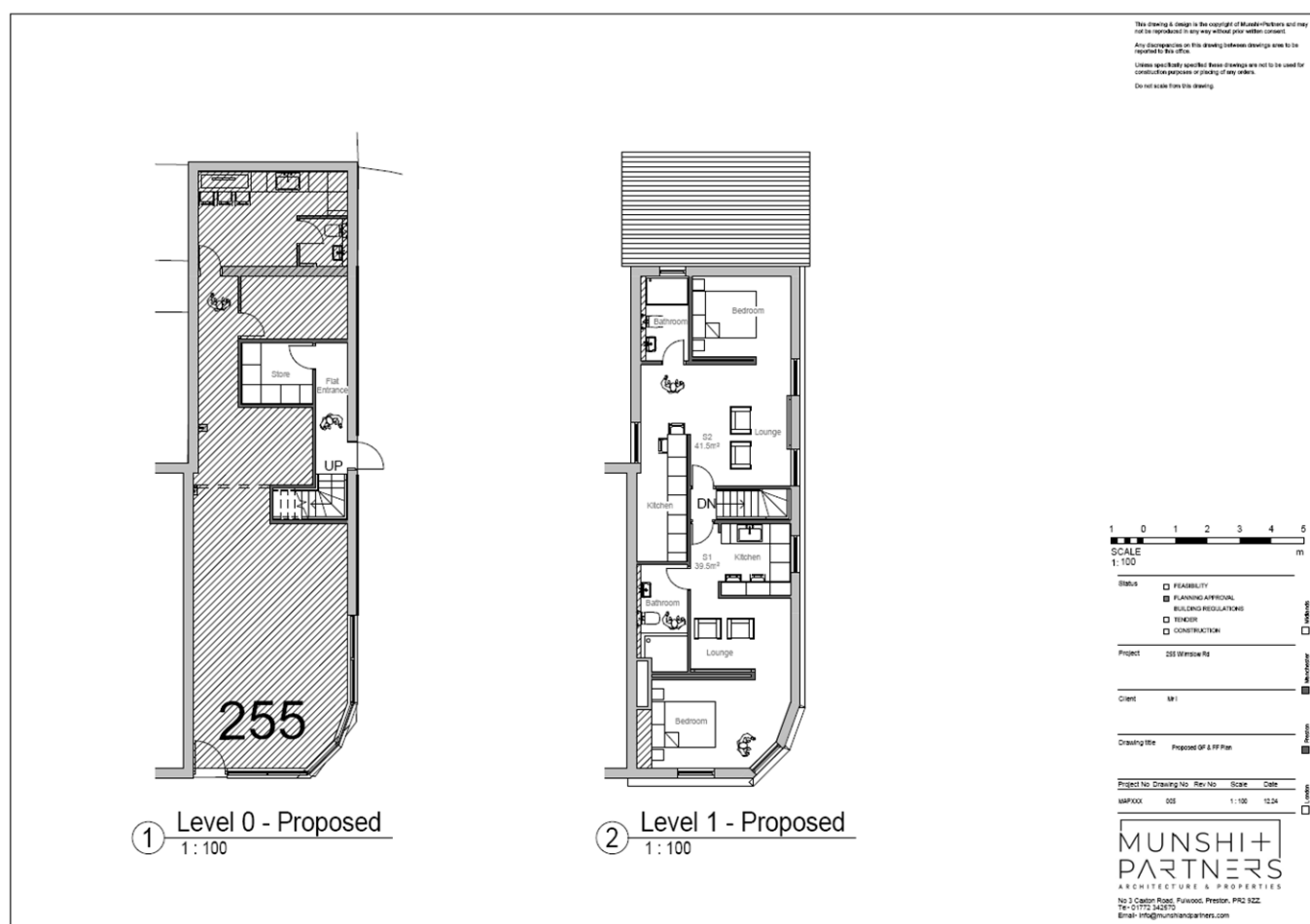


Figure 2. Proposed floor plans

PLANNING HISTORY

ENF/11568/12

Description: Enforcement Enquiry - Display of illuminated signage and advertisements

Decision: Not expedient to take action 09/01/2017

080089/FU/2006/N2

Description: Change of use of ground and first floor to solicitors' office (A1 to A2 use)

Decision: Approved 27/09/2006

CONSULTATION, NOTIFICATION & PUBLICITY RESPONSES

CONSULTATIONS

MANCHESTER CITY COUNCIL HIGHWAYS SERVICES

No objections.

MANCHESTER CITY COUNCIL ENVIRONMENTAL HEALTH

No objections and recommended conditions be attached for amenity issues.

MANCHESTER CITY COUNCIL FLOOD RISK MANAGEMENT

Manchester City Council Flood Risk Management were consulted on this application and the development is in Flood Zone 1 and the proposed use will have a vulnerability classification of 'More Vulnerable' with no condition required.

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 application is for a prior approval and therefore the City Council as LPA can assess the proposal against the conditions within the following legislation and policy framework.

- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)
 - o Schedule 2
 - Part 3 – Changes of use
 - Class MA - commercial, business and service uses to dwellinghouses.
- [The National Planning Policy Framework \(The NPPF\)](#) –
 - o Section 2 - Achieving sustainable development
 - o Section 4 – Decision-making
 - o Section 5 – Delivering a sufficient supply of homes
 - o Section 7 - Ensuring the vitality of town centres
 - o Section 12 – Achieving well-designed places

PRINCIPLE

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 is accepted as permitted development.

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PART 3, CLASS MA

DEVELOPMENT NOT PERMITTED

MA.1 – (1) Development is not permitted by Class MA—	Comments
a. [omitted 2024]	n/a
b. unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval; [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.]	Class E use has been established since 2006 (080089/FU/2006/N2)
c. [omitted 2024]	n/a
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;	Not on land as denoted.
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;	Not within the areas as denoted.
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	Not under an agricultural tenancy
g. before 1 August 2022, if— i. the proposed development is of a description falling within Class O of this Part	Not before 1 Aug 2022.

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.	
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CONDITIONS

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.	Comments
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;	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. No car parking is being offered as part of the development and this aligns with current city centre transport aspirations. Secure and sheltered cycle parking should be provided for each apartment. The access to the first floor residential is via a ground level access from Dickenson Road and has good natural surveillance.
b. contamination risks in relation to the building;	No contamination risks have been identified. The previous use was office space.
c. flooding risks in relation to the building;	The development is in Flood Zone 1 and the proposed use will have a vulnerability classification of 'More Vulnerable' with no Condition required.
d. impacts of noise from commercial premises on the intended occupiers of the development;	Environmental Health have recommended as condition be attached for a scheme for acoustically insulating the proposed residential accommodation against noise from the ground floor office use and Wilmslow Road. Pending the discharge of this condition the impact is acceptable.
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 in a conservation area
f. the provision of adequate natural light in all habitable rooms of the dwellinghouses;	All habitable rooms feature windows for natural light.
g. the impact on intended occupiers of the development of the introduction of residential	This area of Rusholme is mixed retail/commercial/residential and is not considered to be

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;	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	Existing use is an office and is not used for the uses denoted.
i. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building	The development does not meet the fire risk conditions so fire safety impacts are not required to be assessed.
3. An application for prior approval for development under Class MA may not be made before 1 August 2021.	Prior approval application received 30/01/2025
4. The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if— a. for paragraph (e) of sub-paragraph (2) there were substituted— “(e)where— (i)sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment; (ii)sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”; b. in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”; c. after sub-paragraph (6) there were inserted— “(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.” d. in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;	See ‘Prior Approval’ section below.
5. Development must be completed within a period of 3 years starting with the prior approval date.	Can be Conditioned.
6. 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	Can be Conditioned.

the other purpose is ancillary to the use as a dwellinghouse.	
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PART 3, PARAGRAPH W

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.	Comments
2. The application must be accompanied by -	
a. written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must include any building or other operations	The applicant has provided an application form with a written description.
b. a plan indicating the site and showing the proposed development;	Provided.
ba. in relation to development proposed under Classes G, M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);	The applicant has provided an application form with a detail of the net increase in dwellinghouses (2no)
bb. In relation to development proposed under Class Q of this Part, a statement specifying— i. the number of dwellinghouses proposed, and ii. whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;	Not applicable
bc. in relation to development proposed under Class G, M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;	Provided.
c. the developer's contact address;	Provided.
d. the developer's email address if the developer is content to receive communications electronically; and	Provided.
e. where— i. sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment; ii. sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a	The site is not within a Flood Zone 2 or 3 so does not require the Environment Agency to be consulted or a Flood Risk Assessment to be submitted. The development does not meet the fire risk conditions so fire safety impacts are not required to be assessed, and

statement about the fire safety design principles, concepts and standards that have been applied to the development.	the Health and Safety Executive do not need to be consulted.
22A. For the purposes of sub-paragraph (2)(bb)(ii), previous development within the established agricultural unit includes any development under Class Q that— a. ceased to be part of the established agricultural unit after it was developed, or b. was developed after the site ceased to be part of the established agricultural unit where any other site on the established agricultural unit had already been developed under Class Q;	Not an established agricultural unit.
2A. Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.	All habitable rooms feature windows for natural light.
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, c. any conditions, except for conditions in paragraph G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.	The proposed development complies with the conditions as laid out in the section above.
4. Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.	Not applicable
5. Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult— a. where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road; b. the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and	Manchester City Council Highways Services were consulted.

c. the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.	
6. Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is— a. in an area within Flood Zone 2 or Flood Zone 3; or b. in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.	Site is not in Flood Zone 2 or 3 so Environment Agency Consult is not required.
7. The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).	Relevant consultees were given 21 days to respond.
8. The local planning authority must give notice of the proposed development— a. by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which— i. describes the proposed development; ii. provides the address of the proposed development; iii. specifies the date by which representations are to be received by the local planning authority; or b. by serving a notice in that form— i. on any adjoining owner or occupier; and ii. where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building	Notification letters were posted on 31/01/2025 and local neighbours were given 21 days to respond.
9. 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.	No further information was required.
10. The local planning authority must, when determining an application— a. Take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8) b. have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in, so far as relevant to the subject matter of the prior	Consultee responses were taken into consideration when assessing the conditions of Part MA in the section above. The LPA has had regard to the NPPF when making the decision. NPPF Section 12, Paragraph 135 outlines how “Planning policies and decisions should ensure that developments... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users [51]; and where crime and disorder, and the fear of crime, do not

approval, as if the application were a planning application; c. in relation to the contamination risks on the site— i. determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and ii. if they determine that the site will be contaminated land, refuse to give prior approval.	undermine the quality of life or community cohesion and resilience” Footnote 51 outlines how “policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified” The Nationally described space standards for a 1bed 2person residence is 50sqm. Neither dwelling proposed meets this requirement and therefore the proposal is counter to the NPPF by providing inadequate internal amenity space. No contamination risks have been identified.
11. The development must not begin before the occurrence of one of the following— a. the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required; b. the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or c. the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.	Can be conditioned.
12. The development must be carried out— a. where prior approval is required, in accordance with the details approved by the local planning authority; b. where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.	Can be conditioned.
13. The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.	Can be conditioned as required.
14. When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded	Not applicable.

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 application for prior approval to change the use of the first floor at 255 Wilmslow Road from office space to two self-contained studio flats has been refused. The primary reason for refusal is that neither proposed dwelling meets the nationally described space standards for a 1-bedroom, 2-person residence, which requires a minimum of 50 square meters. This inadequacy in internal amenity space is considered detrimental to future occupiers and contrary to the aims of the National Planning Policy Framework (NPPF).

RECOMMENDATION: REFUSE

REASONS FOR REFUSAL

1. PART 3, PARAGRAPH W (10)(B)

Neither dwelling proposed meets the floor space requirement of the nationally described space standards for a 1 bed 2-person residence (50sqm) and therefore the proposal is counter to the aims of the NPPF by providing inadequate internal amenity space to the detriment of future occupiers. (Section 12, Para 135, f). The application is refused as it does not meet Part 3, Paragraph W - PROCEDURE FOR APPLICATIONS FOR PRIOR APPROVAL UNDER PART 3, (1) (b) of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

Area Team Boundary - Name: SOUTH ARE