MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	141376/P3GPA/2024
Date registered valid:	25 October 2024
Proposal:	Prior approval for change of use from retail (Class E) on upper floors to 2 No. flats (Class C3)
Address:	596 - 598 Stockport Road, Manchester, M13 0RQ
Ward(s):	Longsight Ward
Applicant:	N Rasool
Agent (if any):	Philip Holmes PHA Architects Ltd
Case officer:	Carl Glennon Tel: 0161 234 4530 Email: carl.glennon@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	19 December 2024

Application details

Type of application: Prior Approval - Class E to mix inc C3

Development type: Notifications

Date of site visit: 14 November 2024

Standard consultations:
Printed: 29 October 2024 Expired: 19 November 2024

Neighbour notifications
Printed: 29 October 2024 Expired: 19 November 2024

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

Description of area

This application relates to a three storey building forming a part of a parade that presents its frontage toe Stockport Road and is located in Longsight District Centre. The property is separated from properties to the south by an alleyway. The building consists of red brick elevations with a slate pitched roof. To the rear the building comprises of a three storey outrigger and a single storey extension. Both these additions incorporate pitched roofs, and their configuration covers the former rear yard area. The application indicates that the three floors of the building and the basement have been in use for the retail sale of furniture (Class E).



Fig.1 – Views of the application site from Stockport Road

Description of development

The proposed development would:

i. Retain Class E retail use on the ground floor and related storage in the basement.

ii. Two three bedroom flats would be formed on the respective first and second floors.

iii. The flats would be accessed via a separate access door located in the side elevation. leading to a communal staircase.

iv. Bin storage areas for the respective Class E and Class C3 uses would be formed enclosed with doors located in the side elevation (to allow collection for the adjacent alleyway).

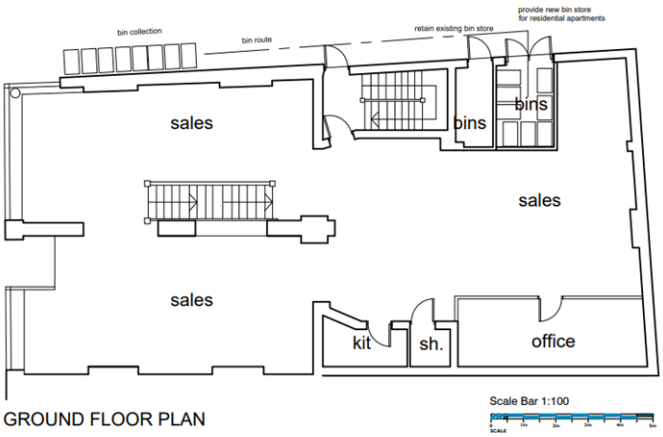




Fig.2 – Proposed layout

Consultations & Notification Responses

Local residents – No comments received.

Environmental Health – The application should demonstrate that the required number of bins can be incorporated into the proposed residential bin store.

High Speed Two (HS2) Limited – No comments received.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended most recently in December 2024. It represents key up to date national policy and is an important material consideration in determining the current application. The document states that the 'purpose of the planning system is to contribute to the achievement of sustainable development. The document clarifies that the 'objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. The purpose of the planning system is to achieve sustainable development. The NPPF states that to achieve this, the following three overarching objectives need to be pursued mutually:

i. The economic role should contribute to sustainable development by building a strong, responsive and competitive economy and ensuring the sufficient amount of and right type of development to support growth.
ii. The social role is required to support communities by creating a high quality built environment with accessible local services to reflect the needs of the community.
iii. The environmental role should protect and enhance the natural, built and historic environment.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. The following aspects of the Framework are relevant.

i. Section 5 Delivering a sufficient supply of homes
ii. Section 8: Promoting healthy and safe communities
iii. Section 11: Making effective use of land
iv. Section 12: Achieving well-designed places

v. Section 14: Meeting the challenge of climate change, flooding and coastal change

The proposal would meet the requirements of section 8 and 12 for the reasons set of below.

Places for Everyone - Is a Joint Development Plan Document and provides a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan. To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation. The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023. Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report. Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. The following policy is relevant and would not be accorded with: policy JP-P6 (Health)

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 (`the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy 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. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies are relevant to the proposed development:

Policy SP 1 (Spatial Principles) - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;

Whilst the development has the potential to positively contribute to the local supply of housing, the application has not been supported with appropriate and accurate arrangement of waste storage. The relevant prior approval criteria would not be accorded with and policy SP1 would not be positively responded to.

Policy EN 14 (Flood Risk) - Requires consideration of potential additional flood risk related to proposed development. The site is in Flood Zone 1 and the development would not be at significant risk form flooding. Policy EN14 would thereby be accorded with.

Policy EN 18 (Contaminated Land and Ground Stability) -Requires that consideration be given to contamination risks associated with development. No issues have been identified in this case as related works would be related to the fabric of the building without ground excavation.

Policy EN19 (Waste) - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how sustainable waste management needs of the end user will be met. The development has not been supported with appropriate arrangements for the storage and collection of generated waste and recycling. Policy EN19 would not be accorded with.

Policy H1 (Overall Housing Provision) - The development would be potentially acceptable in terms of its layout and contribution to local housing supply or secure appropriate and sustained occupation.

Policy T1 (Sustainable transport) - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The site is in a sustainable location in terms of access to public transport and local services. The site does not have the capacity of cycle storage.

Policy DM1 (Development Management) - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document. Relevant considerations in this case are:

a. Appropriate siting, layout, scale, form, massing, materials and detail;
b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development to ensure that development has regard to the character of the surrounding area;
c. Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation;
d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
e. Community safety and crime prevention;
f. Design for health;
g. Adequacy of internal accommodation and external amenity space;
h. Refuse storage and collection.

The above criteria have been related to the quality of the accommodation that would be formed and the potential impact on the amenity of future residents. The absence of appropriate waste storage would be harmful to amenity and therefore policy DM1 would not be accorded with.

Unitary Development Plan (Saved UDP) Policies -The following saved Unitary Development Plan policy is also considered to be relevant:

Policy DC26 (Development and noise)

The following elements of policy DC26 are relevant:

Policy DC26.1 has been related to the proposals contribution to the local noise environment and how existing noise sources, including noise from traffic may impact on the proposed housing.

Policy DC26.4 requires that where 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, consideration is given to measures to deal with it satisfactorily.

Policy DC26.5 has been related to the assessment of the development, in terms of measures to minimise the impact of noise on future residents, including the incorporation of noise insulation.

The application has not demonstrated that the impact of noise from Stockport Road through a submitted acoustic report. However, appropriate acoustic attenuation is capable of being achieved as part of the refurbishment of the building to secure compliance with policy DC26.

Legislation - The proposed change of use should be assessed with regard to the following legislation: The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2 Class G – commercial, business and service or betting office or pay day loan shop to mixed use including up to two flats (Class C3).

Permitted development

G. Development consisting of a change of use of a building—

(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

(e) from a use falling within article 3(6)(n) (betting office) or 3 (6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3 (6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.

Conditions

G.1 Development permitted by Class G is subject to the following conditions—
(a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
(i) by a single person or by people living together as a family, or
(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

(d) before beginning development, 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—
(i) contamination risks in relation to the building;
(ii) flooding risks in relation to the building;
(iii) impacts of noise from commercial premises on the intended occupiers of the development;
(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(v) arrangements required for the storage and management of domestic waste.

Interpretation of Class G

G.2 For the purposes of Class G, “care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if 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".

(Procedure for application for prior approval under prior approval under Part 3, Paragraph W (9), which states '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.'

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(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 the other purpose is ancillary to the use as a dwellinghouse."

In this case, the development has not been supported with satisfactory arrangements for residential waste and recycling storage. The delivery of these arrangements would require elevational alterations that would not be permitted by the prior approval process. The submission has not been supported with accurate drawings. It has therefore not been demonstrated that the development would accord with the above legislative requirements.

Principle - The submitted prior approval application relates to the formation of a mix of Class E and Class C3 uses permitted by Schedule 2, Part 3, Class G of the GDPO. The development would involve the formation of two, 3-bedroom flats. Whilst the proposed layout of the flats would be potentially acceptable, inaccuracies in the submitted drawing has brought into question whether development could be delivered without harm to residential amenity.

Waste management – Dialogue with the applicant’s agent have not secured appropriate arrangement for waste storage. The provision of the proposed waste management arrangements, in the position shown on the submitted drawings would necessitate the formation of a new double doorway in the side (south-east) elevation. As these works would be outside the scope of the prior approval application, the requirements for the provision of residential waste storage would not be met.

Residential amenity – The proposed layout would be potentially acceptable. However, contradictory details have been presented in the layout and elevational drawings. It is therefore unclear as to whether satisfactory natural light could be achieved to the bedroom windows in the rear elevation. As discussed, appropriate waste management has not been achieved. On this basis, satisfactory safeguards to residential amenity would not be achieved.

Drawings – For the avoidance of doubt the application has been assessed with reference to the following drawings:

Proposed basement and ground floor F01/NR/02 Rev C (received 12 December 2024)

Proposed plans F01/NR/03 Rev A
Side elevation F01/NR/04
Location plan F01/NR/05

Conclusion - In the light of the above, it is not considered that the development can be positively determined as the proposal has not been related to the appropriate assessment criteria as specified in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2 Class G – commercial, business and service or betting office or pay day loan shop to mixed use including up to two flats (Class C3). Furthermore, the applicant has not demonstrated the proposed change of use could be implemented without undue harm to the amenities of future residents.

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: Refuse

Article 35 Declaration

N/A

Condition(s) to be attached to decision for approval

1) The submitted application seeks prior approval for a change of use that is not permitted under The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2 Class G – commercial, business and service or betting office or pay day loan shop to mixed use including up to two flats (Class C3). In this case, it has not been demonstrated that arrangements required for the storage and

management of domestic waste could be satisfactorily provided. Furthermore, due inaccuracies and inconsistencies in the submitted drawings the provision of the provision adequate natural light into all habitable rooms forming part of the development has not been demonstrated.

Prior approval is therefore refused as the proposed change of use has not been related to the appropriate assessment criteria as set out in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2 Class G – commercial, business and service or betting office or pay day loan shop to mixed use including up to two flats (Class C3) and Procedure for application for prior approval under Part 3, Paragraph W (9). The proposed residential change of use would also be harmful to the amenity of future residents contrary to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Environmental Health

17B Rainforth Street, Manchester, M13 0RP
17 Rainforth Street, Manchester, M13 0RP
15A Rainforth Street, Manchester, M13 0RP
579A Stockport Road, Manchester, M13 0RG
Flat Above, 600 Stockport Road, Manchester, M13 0RQ
19 Rainforth Street, Manchester, M13 0RP
Flat 1, 17A Rainforth Street, Manchester, M13 0RP
Flat 2, 17A Rainforth Street, Manchester, M13 0RP
581 Stockport Road, Manchester, M13 0RX
594 Stockport Road, Manchester, M13 0RQ
15 Rainforth Street, Manchester, M13 0RP
579B Stockport Road, Manchester, M13 0RG
600 Stockport Road, Manchester, M13 0RQ

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
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
Area Team Boundary - Name: NORTH AREA