

Planning

Growth & Development

Delegated officer report for planning application

Application no. 141339/P3MAP/2024

Date registered valid: 22 October 2024

Proposal: Prior Approval for change of use of the ground floor from Class E (Barbers Shop) to a Class C3 dwelling house (1 bedroom self-contained flat)

Address: 205 Lightbowne Road, Manchester, M40 9DD

Ward(s): Moston Ward

Applicant: Mr Steven Lenehan, Lenehan Homes Limited

Agent (if any): Mr Steven Mellor, William McCall

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 December 2024

Application details

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

Development type: Notifications

Standard consultations:

Printed: 28 October 2024 Expired: 18 November 2024

Neighbour notifications

Printed: 15 November 2024 Expired: 6 December 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: Not applicable

Tree Preservation Order: Not applicable

This application relates to a mid-terraced 2 storey property, in a row of 4 shop units, to the South-East linked to 8 residential units to the North-East. The property sits second from the end of the row, and is a long standing retail unit, on the ground floor, with residential above, although the applicant indicates that the ground floor was last used, as a barbers shop, in 2020.

There was a recent application on the site for a Lawful Development Certificate:

140526/LP/2024 - Change of use of ground floor retail (Use Class E) and first floor flat (Use Class C3) to two (1no. bedroom) flats (Use Class C3) - Refused 9 September 2024

The applicant acknowledges that they made a mistake, in submitting that application, due to a misinterpretation of planning legislation, and Prior Approval is now sought for the change of use of the ground floor from Class E (Barbers Shop) to a Class C3 dwelling house (1 bedroom self-contained flat), under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended.

The premises currently have a standard shop front appearance with a large window display and a single door on the ground floor frontage, which is currently covered by roller shutters. No changes are proposed, to this external arrangement, with a ground floor one bedroom flat created internally, which allows access to the rear yard area. The applicant has also confirmed that, whilst the external visual arrangement is unaltered, new windows and doors will be installed, in the existing openings, with new insulation, heating, plumbing and sound insulation provided, to current building regulations requirements.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highways Services - Makes the following points:

TRIP GENERATION AND JUNCTION CAPACITY:

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.

SITE ACCESSIBILITY: The site is reasonable accessible by sustainable modes. Regular bus services are routed along Lightbowne Road.

PARKING AND ACCESS: It is noted that the main entrance point is on Lightbowne Road with a secondary access provided to the rear yard of the site. There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

CYCLE PARKING: In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

REFUSE AND SERVICING: It is noted that bin storage facilities are to be located in the rear yard of the building. It is assumed that on collection days refuse bins will be presented on Brendon Avenue for kerbside collection in line with surrounding arrangements.

Strategic Area and Citywide Support Manager - Recommends that a condition is attached, to any permission, in relation to refuse storage.

Issues

Principle -

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.

Legalisation

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 one 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 that the ground floor 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(1);
(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.

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;

Whilst no dedicated car parking is provided, on-street parking is available in the area, which is the same arrangement as with existing surrounding properties. It is the case that one additional residential unit would be present on site, but this is a replacement for a Class E use, that would have its own associated comings and goings and parking demands, and Highways services do not consider that the proposal would give rise to significant highway impacts. Cycle parking is available within the curtilage of the site.

(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, and it is not located within a Flood Risk Zone.

(d) impacts of noise from commercial premises on the intended occupiers of the development; Environmental Health officers have not made any objections regarding any acoustic insulation requirements.

(e) Buildings in a Conservation Area - not relevant

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
The ground floor frontage currently has a large 'shop-type' window, and windows to the rear, which will provide 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:

A condition, relating to waste management has been requested by Environmental Health

(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

Conclusion

The premises are now vacant after being in use for many years as a barbers, which falls within use Class E. The proposal involves creating a one bedroom, two person, flat with a floor area of approximately 45 square metres, which is below the nationally described space standard, of 50 square metres, for such a unit. However, there is not a requirement, in the legislation, for this to be achieved. It is also of a comparable size to the existing upper floor flat.

The proposal is therefore considered to meet the requirements of Class MA save for the attaching of a condition relating to refuse arrangements

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 would have no material, harmful impact on the local highway network and transport, that there are no known contamination or flood risks at the site, that satisfactory arrangements have been made with regard to the management of noise and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, T2 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester. and 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 Drawing numbered PA 04 24 27 and the statement prepared by Willaim McCall Architectural Services, dated October 2024, both stamped as received by the City Council as Local Planning Authority on 22 October 2024, and the site location plan, stamped as received by the City Council as Local Planning Authority on 13 November 2024.

2) Before first occupation, of the ground floor apartment, 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. This shall include internal and external storage areas with refuse storage space for segregated waste collection and recycling. 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 EN19 and DM1 of the Manchester Core Strategy.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email -highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

4 Douglas Street, Manchester, M40 9DS
2 Douglas Street, Manchester, M40 9DS
206 Lightbowne Road, Manchester, M40 5EE
204 Lightbowne Road, Manchester, M40 5EE
Flat Rear Of, 205 Lightbowne Road, Manchester, M40 9DD
Top Flat, 209 Lightbowne Road, Manchester, M40 9DD
Flat 2, 208 - 210 Lightbowne Road, Manchester, M40 5EF
207A Lightbowne Road, Manchester, M40 9DD
215 Lightbowne Road, Manchester, M40 9DD
209 Lightbowne Road, Manchester, M40 9DD
203 Lightbowne Road, Manchester, M40 9DD
32 Lakin Street, Manchester, M40 9DT
Flat 1, 208 - 210 Lightbowne Road, Manchester, M40 5EF
1 Brendon Avenue, Manchester, M40 9DN
216 Lightbowne Road, Manchester, M40 5EF
213 Lightbowne Road, Manchester, M40 9DD
211 Lightbowne Road, Manchester, M40 9DD
34 Lakin Street, Manchester, M40 9DT
6 Douglas Street, Manchester, M40 9DS
218 Lightbowne Road, Manchester, M40 5EF
202 Lightbowne Road, Manchester, M40 5EE
214 Lightbowne Road, Manchester, M40 5EF
212 Lightbowne Road, Manchester, M40 5EF
208 - 210 Lightbowne Road, Manchester, M40 5EF
207 Lightbowne Road, Manchester, M40 9DD
195 Lightbowne Road, Manchester, M40 9DB
193 Lightbowne Road, Manchester, M40 9DB

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA