

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140183/P3MAP/2024

Date registered valid: 29 July 2024

Proposal: Prior approval for the change of use of the first and second floor to create 2no. residential apartments

Address: First Floor, 96 - 98 Waterloo Road, Cheetham, Manchester, M8 8AW

Ward(s): Cheetham Ward

Applicant: Mr N Saddiqi

Agent (if any): Mr D King, NK Architectural

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 23 August 2024

Application details

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

Development type: Notifications

Standard consultations:

Printed: 11 September 2024 Expired: 2 October 2024

Neighbour notifications

Printed: 11 September 2024 Expired: 2 October 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/area

The application property comprises a two-storey brick built semi-detached property with slate roof. At ground floor the application property has been extended to the rear boundary and accommodates a commercial/retail unit (Class E), with ancillary office and storage space at first and second floors above (now vacant). To the side is an external gated yard area which is used for tandem off street parking, refuse and storage. An existing access door with roller shutter is present within the side elevation accessed via this yard.

The application property is located on the fringe of Cheetham Hill industrial estate (east) and residential to the west. The application site is not located in a conservation area.



Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Prior Approval is sought for the conversion of vacant first and second floors of 96-98 Waterloo Road to form 2 self-contained apartments, Class C3 (1 x one bed and 1 x 2 bed) above an existing ground floor commercial unit, pursuant to Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Access would be gained via an existing side entrance at ground floor.

Consultations & Notification Responses

Local responses

None

Consultee responses

Highway Services – Clarification on pedestrian access and parking arrangements are requested.

Conditions are recommended in relation to EV Charging provision, Cycle Parking and refuse management.

Environmental Health – Conditions are recommended in relation to acoustic insulation, refuse management, external plant and air quality.

Flood Risk Management – No comments received.

Local Planning Policies

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

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-Strat5 – Inner Areas

JP-S1 – Sustainable Development

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management

SP 1 – Spatial Principles (partially superseded by PfE)

EN 14 – Flood Risk (partially superseded by PfE)

EN 19 – Waste

The relevant saved **UDP** policies for this application are:

DC26 – Development and Noise

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

Issues

General Permitted Development Order

Legislation – The proposed change of use has been 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 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.

Development not permitted

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 a continuous period of at least 2 years prior to the date of the application for prior approval;

(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;

(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(3);

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

(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.

(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;

(b) contamination risks in relation to the building;

(c) flooding risks in relation to the building;

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

(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;

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

(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 centre maintained under section 2 or 3 of the National Health Service Act 2006(4), the impact on the local provision of the type of services lost.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(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”.

(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.”.

Principle of development:

Class MA of the Town and Country Planning (General Permitted Development) Order 2015 requires local planning authorities to determine if prior approval is required in respect of conditions MA.2 (2), paragraphs (a) – (h) which includes: transport impacts, contamination, flooding, noise impact, conservation area impact, natural light to habitable rooms, impact on residential occupiers in an area of non-domestic land uses and loss of nursery or health centre provisions.

Based on the submitted application it is considered that the proposal meets the requirements of MA.1.

Notwithstanding the above, the local planning authority is required to assess the development with regard to the conditions set out in MA.2 (2) as discussed below:

Given the nature and magnitude of the development, it is not considered that the development would result in significant traffic impacts. The site is located within an accessible location with various bus services operating in close vicinity of the site along Waterloo Road. Main pedestrian access to the apartments will be provided externally from the side of the property via the private gated access. The application form states that the existing access/driveway to the side of the building would accommodate 3no. cars.

The site is within Flood Zone 1, in an area that is susceptible to surface water flooding (less & middle).

It is not considered that noise breakout will be a significant issue that would cause any undue loss of amenity to both existing and prospective occupiers. A condition has been included which requires that the flats be acoustically insulated in accordance with a scheme to be submitted and agreed, in order to ensure prospective occupiers are protected from any undue noise impact associated with Waterloo Road and neighbouring commercial uses. Provided this adhered to, no harmful noise impact is envisaged.

The site is not located in a conservation area nor is it's in a location where existing uses are likely to be affected by residential uses. The property has not been previously used as a day nursery or health centre.

All habitable rooms benefit from windows which would afford satisfactory natural light and all unit would comply with the Council's internal space standards. On this basis, the standard of accommodation is considered satisfactory.

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

1. The City Council is satisfied that the development would have no material, harmful impact as a result of contamination, flooding or noise, and satisfactory arrangements have been made with regard to the management of domestic waste and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN14, EN18, EN19 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 G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with proposed drawings referenced A100 A, received by the City Council as Local Planning Authority on 23 September 2024 and site plan, received by the City Council as Local Planning Authority on 4 June 2024.

2. 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, pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

3. a) Notwithstanding details submitted, prior to the flats hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from Waterloo Road and surrounding commercial uses, shall be submitted to and approved in writing by the City Council as Local planning authority. The potential for overheating shall also be assessed and the noise insulation scheme should take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the approved flats 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 report shall be detailed along with any measures required to ensure compliance with the internal noise criteria.

Reason - In order to safeguard the amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Irene House, 90 Waterloo Road, Cheetham, Manchester, M8 8AW
Ground Floor, 96 - 98 Waterloo Road, Cheetham, Manchester, M8 8AW
100 Waterloo Road, Cheetham, Manchester, M8 8AW
100A Waterloo Road, Cheetham, Manchester, M8 8AW
51 Broughton Street, Manchester, M8 8AN

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(c) To C3
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA