

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139654/P3MAP/2024

Date registered valid: 10 April 2024

Proposal: Prior approval for the change of use the ground floor from Class E (commercial, business and service use) to a dwellinghouse (C3) use.

Address: 67A Broom Lane, Manchester, M19 2TX

Ward(s): Levenshulme Ward

Applicant: Mr David Grundy

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 4 June 2024

Application details

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

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 12 April 2024 Expired: 3 May 2024

Neighbour notifications

Printed: 12 April 2024 Expired: 3 May 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:

Tree Preservation Order:

The property, that is the subject of this Prior Approval application, is a 2 storey building that fronts Broom Lane and sits at the end of a row of 2 storey terraced residential properties that all front Marley Road. It is of brick construction with a pitched roof and rectangular upper floor windows with two larger ground floor windows that are covered with shutters. between these windows there is a central door to the building. The ground floor appears to be currently vacant, although the only planning permission, granted on the site, references the previous retail use:

020971 - Conversion of existing shop and first floor flat into offices - Approved 4 April 1984.

There is no evidence that this change of use took place, and street view images, from 2012 to 2021, show the premises was in use as a barbers. Also, the overall appearance, of the premises, is as a vacant shop unit with flat above.

The area is mainly residential with some small pockets of retail/commercial units at various points along Broom Lane.

The proposal is for a Prior Approval for the change of use the ground floor from Class E (commercial, business and service use) to a dwellinghouse (C3) use, the result being that the ground floor would be combined with the upper floor to create a single residential use on site.

The application is made pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Orders of 2021 and 2024.

There would be no parking provision associated with the proposal.

Consultations & Notification Responses

Local residents - No comments received.

Highway Services - Makes the following comments:

PARKING AND ACCESS:

It appears there are no parking to be provided for the property. Whilst this may impact on-street parking it is a similar arrangement to surrounding properties on Marley Road.

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:

No information has been provided by the applicant on the location and servicing of the refuse bins for the site.

Waste is not listed as a matter that can be considered, as part of a prior approval assessment, for applications of this type.

Strategic Area and Citywide Support Manager - Recommend that a condition is attached, to any permission, requiring the acoustic insulation of the premises. They have no objections to the refuse arrangements, which they consider will be the same as for the first floor flat.

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 on 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 remains the case that one residential unit would be present on site 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, it is not located within a Flood Risk Zone, and it is in an elevated position, next to a bridge above the adjoining Fallowfield Loop public footpath and cycleway

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

Following the assessment of the submitted noise assessment a condition is recommended from Environmental Health officers to ensure a suitable acoustic insulation scheme is installed to protect occupiers from noise generated from Broom Lane and the wider area.

(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 two large 'shop-type' windows 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; and

(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 increases the available accommodation, for the existing residential use on site and the proposal therefore meets the nationally described space standards. The proposals are considered to meet the requirements of Class MA save for the attaching of a condition relating to acoustic insulation of the unit to protect the amenity of occupiers from noise pollution from Broom Lane and adjoining commercial premises.

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 the ground floor plan, stamped as received by the City Council as Local Planning Authority on 28 March 2024 and the site location plan, stamped as received by the City Council as Local Planning Authority on 10 April 2024.

2) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Broom Lane shall be submitted to and approved in writing by the City Council as local planning authority. The approved noise insulation and ventilation scheme shall be completed before the dwelling unit is occupied.

Noise survey data shall include measurements taken during a rush-hour period and night time to determine the appropriate sound insulation measures necessary.

b) Prior to first occupation of the residential unit, 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: 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 and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Ground Floor, 67 Broom Lane, Manchester, M19 2TX
41 Marley Road, Manchester, M19 2SZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA