MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139897/P3MAP/2024
Date registered valid:	29 April 2024
Proposal:	Prior Approval for conversion from Class E to 4no. 1 bed self contained flats (C3)
Address:	72 - 74 Crescent Road, Manchester, M8 9NT
Ward(s):	Crumpsall Ward
Applicant:	Mr M Raza
Agent (if any):	Mr D King, NK Architectural
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	20 June 2024

Application details

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

Development type: Notifications

Date of site visit: 3 June 2024

Standard consultations:
Printed: 30 April 2024 Expired: 22 May 2024

Neighbour notifications
Printed: 30 April 2024 Expired: 22 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: No

Tree Preservation Order: No

This Application relates to a vacant Medical Centre, 72-74 Crescent Road, Crumpsall.

This is an established medical centre and is located within a former pair of semi-detached houses, within a residential area, along a main road. Residential properties are located to the sides, rear and front of the medical centre.

There are car parking spaces for 4 vehicles, amenity space, and cycle storage at the rear of the site.

History

Planning Permission was granted in 1992 for Change of use from a dwelling house to doctors surgery including a single storey rear extension to form a reception office (040575).

Planning Permission was granted in 1997 for Alterations and change of use of house at 74, Crescent Road to form extension to existing surgery at 72, Crescent Road (052259/FO/NORTH1/97).

Planning Permission was granted in 2015 108576/FO/2015/N1 Erection of a single storey side and rear extension to existing doctors' surgery to form additional accommodation following demolition of existing garage. Approved.

The area is primarily residential in nature.

The proposal is for a Prior Approval for conversion from Class E to 4no. 1 bed self-contained flats (C3)

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.

Consultations & Notification Responses

Local residents were consulted, and 7 objections were received. The concerns raised are as follows,

- increase car parking demand.
- devalue surrounding properties.
- not conducive within a family environment impacting on community cohesion.
- Increase noise levels.
- Impact on safety due to transient population.
- flats would look out of place.
- possible removal of trees impacting on the green environment.
- flats generally poorly maintained.

Response to objectors.

The proposal to convert 72 -74 Crescent Road into flats, meets the criteria for prior approval legislation, where material planning considerations are limited. The considerations in this case are highways issues, noise attenuation and adequate light levels for future occupiers, contaminated land and flood. All of which have been considered to be acceptable as it accords with the development plan for prior approval criteria.

The activity in terms of coming and goings associated with the occupation of the flats should operate no different than a family dwelling house in terms of vehicular movement, and it is anticipated that less vehicular activity would be experienced at the site by the occupants of the surrounding properties then the previous use as a medical centre. Furthermore, the site allows for 100% car parking provision within the curtilage of the site and secure cycle parking provision. The proposal accords with development policy and has been supported by the city councils' highways team and therefore satisfies prior approval criteria.

The remaining issues raised by local residents set out above are not issues for consideration for this type of prior approval application and cannot be taken into consideration in determining this application.

Highway Services - Makes the following comments:

PARKING AND ACCESS:

It is noted from the application form that there are existing car parking spaces which can accommodate up to 6 no vehicles.
The proposed site plan demonstrates 4 no car parking space will be provided, 2 parking space within the curtilage of each property.

It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway. The demarcation of the car parking has been conditioned.

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.

As per the site plan will provide a cycle store located to the rear of property No.74 which will accommodate 4 cycle parking spaces. The applicant has confirmed the cycle parking provision is available for both properties.

Environmental Health- requested an acoustic condition which has been added to the consent. Environmental health also requested an air quality, and a refuse condition be added to the consent. However, due to the constraints of prior approval legislation these matters are no material considerations and cannot be conditioned.

The Flood Team- commented that no planning condition is required.

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.

(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 current window arrangements windows 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.

Conclusion

The premises are now vacant after being in use for many years as a medical practise which falls within use Class E. The proposal increases the available accommodation, for residential purposes and the proposal 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 Crescent Road.

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: Approve

Article 35 Declaration

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The City Council is satisfied that this development has minimal transport impacts, that there are no known contamination or flood risks at the site, and that the proposal would provide adequate natural light to habitable rooms of the dwellinghouses. It has been determined that a condition is required in respect of acoustic insulation of the property to mitigate impacts on the intended occupiers of the development and an appropriately worded condition is appended to this decision. The proposal therefore complies with the requirements of policies SP1, EN18, EN19, T2 and DM1 of the Manchester Core Strategy and the requirements of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The proposal therefore complies with 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 drawings numbered A11 Rev A, stamped as received on the 1 May 2024 and A106, stamped as received on the 29 April 2024.

1) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Crescent Road 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 units are 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.

2) Notwithstanding the car parking layout, as indicated on drawing number A106, stamped as received on the 29 April 2024, by the City Council as Local Planning Authority. Prior to the occupation of the development details of the dimension of the car parking layout at the proposed site, shall be provided and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure sufficient car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy (2012).

Informatives

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

2) Construction/demolition works shall be confined to the following hours unless otherwise agreed in writing by the City Council as local planning authority:

Monday - Friday: 7.30am - 6pm
Saturday: 8.30am - 2pm
Sunday / Bank holidays: No work

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

10 Balliol Street, Manchester, M8 0WS
16 Balliol Street, Manchester, M8 0WS
93 Crescent Road, Manchester, M8 9WT
91 Crescent Road, Manchester, M8 9WT
76 Crescent Road, Manchester, M8 9NT
97 Crescent Road, Manchester, M8 9WT
95 Crescent Road, Manchester, M8 9WT
14 Balliol Street, Manchester, M8 0WS
12 Balliol Street, Manchester, M8 0WS
78 Crescent Road, Manchester, M8 9NT
70 Crescent Road, Manchester, M8 9NT
68 Crescent Road, Manchester, M8 9NT

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA