

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139591/P3MA/2024

Date registered valid: 21 March 2024

Proposal: Prior approval for conversion of existing first and second floor levels from commercial offices to 6No apartments, including alterations to existing personnel access from Wilmslow Road, alterations to first floor window to Wilmslow Road facade to receive black out film to suit floor layout, alterations/adaptations to window arrangements to rear elevation to suit floor layout.

Address: First Floor, Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2FW

Ward(s): Didsbury West Ward

Applicant: Mr Gareth Kreike AGE Limited

Agent (if any): Mr James Scott SKY Design and Consulting Limited

Case officer: Janet Lawless
Tel: 0161 234 4535
Email: janet.lawless@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 16 May 2024

Application details

Type of application: Prior Approval sui generis to dwell

Development type: Notifications

Date of site visit: 27th March 2024

Standard consultations:

Printed: 25 March 2024 Expired: 17 April 2024

Neighbour notifications

Printed: 25 March 2024 Expired: 17 April 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

The property that is the subject of this prior approval application is a three -storey brick built commercial property. The third storey is set within the roof-space. To the ground floor are the existing bank and associated offices of Santander Bank. The ground floor frontage comprises of sections of glazed window with advertisements and an ATM machine as part of the frontage. There is a car park to the rear. The property is situated in a prominent position along the terrace of shops, which mostly sit back of pavement with some forecourt frontages on Wilmslow Road and are located within the heart of Didsbury District centre.

Some centres, such as Didsbury, have a larger proportion of independent retailers and their contribution to the character, viability and vitality of the centre is recognised and supported.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is mixed in character, including retail, cafes, bars, restaurants and office uses, surrounded many of which have residential above adjacent to or around them.

Description of development

The proposal is for the creation of two x 2 bed apartments and four x 1 bed apartments giving a total of 6 apartments over two floors. The space was previously used as ancillary offices and mess areas for the retained ground floor use of the bank. There will be some elevational changes to enable the configuration of the residential properties to take advantage of the position of the fenestration to make best use of the natural light provided by windows to the front and rear. There will be 6 parking spaces dedicated to the residential uses, and three retained

for the bank. Cycle storage will also be provided. There will be replacement windows, and a new entrance to the front of the property incorporating individual letter boxes for the apartments.

Consultations & Notification Responses

Local residents were informed- no representations have been received

Flood Risk Management- no objections to the proposal.

Highways- no objections subject to the attachment of a condition relating to construction management and electric vehicle charging points.

Environmental Health- no objections to the proposal subject to the attachment of conditions relating to noise, waste management and EV charging points

Issues

Principle

In August 2021 Class MA 'Commercial, business and service uses to dwellinghouses' was introduced to require the need for a Prior Approval application to be submitted to the local authority. The proposals will be assessed against contamination, flood risk, impacts from commercial premises, natural light to all habitable rooms and the storage of domestic waste.

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-

(a) Unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

The application details indicate the premises subject of the application have been vacant in excess of 3 months prior to the submission of the application

(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;

The building has been in use as a Class E ancillary offices for at least 2 years.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The cumulative floorspace does not exceed 1,500sqm

(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;

The proposals are considered to be located within a sustainable and accessible location within a district centre. It is not considered that the provision of 6 no. apartments would give rise to significant highway impacts. There is a car park to the rear of the property entered by an existing access point off Crossway. There are dedicated spaces of 1 per unit, in addition there is safe and cycle storage spaces at 1 per unit.

(b) contamination risks in relation to the building;

The building is an established and long standing premises and it is not considered there would be contamination risks given the previous use and the existing use including the ground floor.

(c) flooding risks in relation to the building;

There are not perceived to be any flooding risks associated with the premises, it is located within Flood Zone 1 having the lowest probability of flooding.

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

Given that there was no noise assessment submitted as evidence as part of the application, a condition is recommended from Environmental Health officers to ensure a suitable acoustic insulation scheme is installed to protect occupiers from noise generated by the ground floor and wider area.

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

All the rooms that benefit from an external wall in the open plan layouts have the benefit from natural light, the only rooms that don't are 3 bathrooms and internal hallways. Given the size and placement of the windows it is considered that the flats and specifically habitable rooms would benefit from 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 has been used as ancillary office accommodation to the bank for several years. The submitted information indicates that the property has been vacant for more than 3 months and would meet the nationally described space standards as the proposal incorporates 4 x 1-bedroom apartments and 2 x 2 bed apartments. The floor spaces are:

FLAT 1- 90.8m² 2 bed

FLAT 2- 77.4m² 1 bed

FLAT 3- 60.7m² 1 bed

FLAT 4- 90.8m² 2 bed

FLAT 5- 77.4m² 1 bed

FLAT 6- 60.7m² 1 bed

The proposals are considered to meet the requirements of Class MA save for the attaching of a condition relating to acoustic insulation of the dwelling to protect the amenity of occupiers from commercial properties, a noise condition protecting the proposed residential from noise from any externally mounted plant and machinery, installation of EV points, cycle storage and Waste management.

The GPDO defines a habitable room as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

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

Article 35 Declaration

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

0) The City Council is satisfied that this development has minimal impact on the local highway network and transport, that there are no known contamination or flood risks at the site, that the proposal would not lead to an inadequate level of retail facilities in the area and that the proposed external alterations are acceptable. 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 MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings numbered ***'Sheet 3' and the Location Plan', stamped as received on the 21 June 2023.

1) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawing 101- Proposed Site Plan received 21st March 2024

Drawing 102- Proposed Ground Floor Plan received 21st March 2024

Drawing 103- Proposed First Floor Plan received 21st March 2024

Drawing 104- Proposed Second Floor Plan received 21st March 2024

Drawing 105- Proposed Front and Side Elevations received 21st March 2024

Drawing 106- Proposed rear and Side Elevations received 21st March 2024

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

2) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilmslow Road and the commercial unit below shall be submitted to and approved in writing by the City Council as local planning authority. There may be other actual or potential sources of noise which require consideration on or near the site, including any local commercial/industrial premises. The potential for overheating shall also be assessed and the noise insulation scheme shall take this into account. The approved noise insulation and ventilation scheme shall be completed before any of 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. The following noise criteria shall be required to be achieved:

Bedrooms (night time - 23.00 - 07.00) 30 dB LAeq (individual noise events shall not exceed 45 dB L_{Amax,F} by more than 15 times)

Living Rooms (daytime - 07.00 - 23.00) 35 dB LAeq Gardens and terraces (daytime) 55 dB LAeq

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 - To protect the amenity of the occupants of the premises once the development hereby approved is occupied, pursuant to policies SP1, H1 and DM1 of the Core Strategy.

3) 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 SP1 and DM1 of the Core Strategy.

4) Before first occupation of the development the building, together with any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5) a) Prior to commencement of the development, a scheme for electric vehicle charging shall be submitted to and approved in writing by the City Council as local planning authority.

b) Prior to occupation of the development any agreed mitigation measures shall be implemented and verified as such in writing by the City Council as local planning authority and shall remain in situ whilst the use or development is in operation.

Reason: To secure a reduction in air pollution from traffic or other sources in order to protect existing and future residents from air pollution, pursuant to policies EN16, SP1 and DM1 of the Core Strategy.

6) Prior to the first occupation of the development hereby approved further details of secure cycle parking spaces shall be provided. Following approval of those details, the secure cycle parking shall be implemented and retained in association with approved use.

Reason - To assist promoting the use of sustainable forms of travel to the development pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD.

Informatives

1) Each flat will need it's own set of bins. The residential and commercial bin stores should be separate. The applicant should complete the waste proforma and refer to the guidance at: http://www.manchester.gov.uk/downloads/download/6048/waste_management_strategy

2) The developer should refer to MCC's AQ Guidance Note for EV charge point recommendation

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

2 School Lane, Manchester, M20 6RD
Costa Coffee, 691 Wilmslow Road, Manchester, M20 6RE
David Pluck, 693 Wilmslow Road, Manchester, M20 6RE
706A Wilmslow Road, Manchester, M20 2DW
718 Wilmslow Road, Manchester, M20 2DW
722 Wilmslow Road, Manchester, M20 2DW
720 Wilmslow Road, Manchester, M20 2DW
724 Wilmslow Road, Manchester, M20 2DW
Santander, 712 - 716 Wilmslow Road, Manchester, M20 6DQ
1 Barlow Moor Road, Manchester, M20 6TN
Ultima Vitality, First Floor, 718 Wilmslow Road, Manchester, M20 2DW
Ground Floor, 718 Wilmslow Road, Manchester, M20 2DW
Second Floor, Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2DW
Barlow House, 708 - 716 Wilmslow Road, Manchester, M20 2DW
706 Wilmslow Road, Manchester, M20 2DW
704 Wilmslow Road, Manchester, M20 2DW
703 Wilmslow Road, Manchester, M20 6RE
703 - 705 Wilmslow Road, Manchester, M20 6RE
702 Wilmslow Road, Manchester, M20 2DW
701 Wilmslow Road, Manchester, M20 6RE
695 - 699 Wilmslow Road, Manchester, M20 6NW
720A Wilmslow Road, Manchester, M20 2DW
702A Wilmslow Road, Manchester, M20 2DW

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA