MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138800/P3MA/2023
Date registered valid:	11 December 2023
Proposal:	Prior Approval for change of use of ground and first floor from offices (Class E - Commercial, Business and Service) to a C3 Dwellinghouse
Address:	Rear Of 115 Beech Road, Manchester, M21 9EQ
Ward(s):	Chorlton Ward
Applicant:	Mr Peter Cowley
Agent (if any):	Mr Paul McMullen
Case officer:	Janine Renshaw-Livesey Tel: 0161 234 4555 Email: janine.renshaw-livesey@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	31 January 2024

Application details

Type of application: Prior Approval applications

Development type: Notifications

Date of site visit: 9 January 2024

Standard consultations:
Printed: 21 December 2023 Expired: 14 January 2024

Neighbour notifications
Printed: 21 December 2023 Expired: 14 January 2024

Site notice
Posted: 09 January 2024 Expired: 30 January 2024

Press advert
Published: 2 January 2024 Expired: 23 January 2024

Departure from Development Plan: No

Environmental Statement: Not required.

Description of site/building

Listed building: Not applicable.

Conservation area: Chorlton Green (Extension) Conservation Area 2007

Tree Preservation Order: NO

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA.

The application site relates to a two-storey property, situated down an alley way behind a parade of shops facing Beech Road. The property has been previously used as offices. The property lies within the Chorlton Green (Extension) Conservation Area 2007.

The immediate area is predominantly residential in character, mainly comprising of semidetached and terraced dwellinghouses. However, there is a high number of retail and commercial type properties within the area.

Description of development

It is proposed to change the use of the ground and first floor from offices (Class E - Commercial, Business and Service) to a C3 Dwellinghouse.

No external elevational alterations are proposed to facilitate the conversion.

Consultations & Notification Responses

The proposal was advertised as affecting a conservation area and advertised in the local press and no representations were received.

Local Residents/Occupiers -One business owner raised concerns as to whether the proposal would impact the accessibility of the nearby business by potentially blocking the alleyway and whether noise would affect the business as a result of the development, and commented whether health and safety issues would arise due to debris being present at the site.

Response to Objections Raised.

It is not anticipated the proposed use to residential from a commercial use would increase activity levels at the site. There is no parking at the site therefore, it is anticipated as a result of the proposal the alleyway would remain accessible. Furthermore, no external building works are proposed, therefore it is not anticipated that building materials would be a health and safety issue for visitors to the nearby properties. Due to the nature of the prior approval application, material considerations are limited within the prior approval guidance and matters raised by objectors cannot always be conditioned to mitigate any potential harm. However, given the nature of the use and the activity that will take place at the site, it is considered there would be no detrimental impact on the accessibility of the site, or unacceptable noise generated by the residential use.

Flood Risk Management - Raised no objection and confirmed no condition was required.

Highway Services - Requested a cycle storage condition be added to the consent.

Environmental Health - Conditions are advised in relation to acoustic attenuation, waste management, air quality, soil samples and construction hours. However, the proposal falls within prior approval legislation which limits the issues assessed. Therefore, soil samples and construction hours and air quality do not form part of the formal assessment and conditions cannot be attached to the consent.

Issues

Principle
Class M of the Town and Country Planning (General Permitted Development) Order 2015 requires Local Planning Authorities to determine if prior approval is required to change the use of a retail shop to a dwellinghouse.

The issues for consideration include matters relating to transport and highways matters, contamination, flood risk, as well as the impact of the external appearance of the building and whether the proposed use is desirable in the area or capable of being used to re-provide the previous use and also whether it would have an adverse impact upon the sustainability of a key shopping area.

Under the provisions of the legislation, the floorspace of the application building cannot exceed 150 sqm. This is the case in this instance, the floorspace amount to 115 sqm and therefore below the relevant threshold.

Further, in line with the legislative requirements, the building is not listed or a scheduled monument. or within a military explosives area site, safety hazard area or within a site of special scientific interest as required by the legislation.
No issues have been raised with respect to the relevant matters for consideration and therefore the proposal is considered acceptable.
The part of the first floor of the building is presently vacant. The re-use of the space for residential purposes would be desirable due to its location within a residential area.

Highways

In relation to any transport or highways impact, there is no on-site existing car parking associated with the development and no proposals to provide any as part of the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Considering the site's location and proximity to sustainable travel offer, this is acceptable in principle.

However, in the absence of any on-site car parking highways require that secure cycle storage is provided for the development and a condition has been attached to the consent.

Environmental Health recommend conditions in relation to acoustic attenuation and further details relating to waste recycling and relevant condition have been attached to ensure the development complies with development plan polices.

Flood Risk Management

Site is within Flood Zone 1 and very low risk of surface water flooding and whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation measures and no condition is required.

Conclusion

The building requires no external alterations therefore there is no visual impact as a result of the development, nor does the use detract from the character of the conservation area.

Given the above, it is considered that the proposal satisfies the relevant matters for consideration and the proposed change of use is acceptable.

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

Condition(s) to be attached to decision for approval

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 M of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawing titled, ' Proposed Floor Plans and Elevations 2023-01- 03 Rev A, received electronically on the 30 January 2024 and The Site and Location Plan, stamped as received 11 December 2023.

1) Notwithstanding details submitted, the dwelling house hereby approved shall not be occupied until scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as Local Planning Authority. 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 saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies DM1 and SP1 of the Manchester Core Strategy.

2) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from the Beech Road 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 LAmax,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) No part of the development shall be occupied until space and facilities for bicycle parking have been provided in accordance with details to be submitted to and approved in writing by the City Council as local planning authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

117A Beech Road, Manchester, M21 9EQ
113A Beech Road, Manchester, M21 9EQ
First Floor Flat, 115 Beech Road, Manchester, M21 9EQ
Ground Floor Front, 115 Beech Road, Manchester, M21 9EQ
The Stables, 115 Beech Road, Manchester, M21 9EQ
117 Beech Road, Manchester, M21 9EQ
113 Beech Road, Manchester, M21 9EQ
THE BUDDHA BEAUTY COMPANY LTD, The Coach House, 115 Beech Road, Manchester, M21 9EQ

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
Conservation Area - Chorlton Green (Extension) Conservation Area 2007
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: SOUTH AREA