Ref: SB/JF6207/02/Connor (15032024) CovLetter

Planning Department
Manchester City Council
PO Box 532
Manchester
M60 2LA

15 March 2024

Dear Sir/ Madam

SUPERSTAN PROPERTY LTD
PRIOR APPROVAL APPLICATION FOR CHANGE OF USE AND RECONFIGURATION OF EXISTING BUILDING TO FORM 28 APARTMENTS IN TOTAL AT KINGSWAY BUSINESS CENTRE, KINGSWAY, MANCHESTER, M19 1BB

On behalf of our client, Superstan Property Ltd, Peacock + Smith are pleased to submit notification of prior approval for the above proposal.

This prior approval is submitted following three previous planning applications at the site. Two of the applications were for outline planning permission for residential development, for which the principle of residential development was considered to be acceptable, albeit design issues were not considered satisfactory to the LPA.

The prior approval application was not successful as the case officer identified six bedrooms on each floor that did not benefit from a direct window and therefore concluded that these rooms did not have access to an adequate source of natural light. This issue has been remedied in this submission.

In detail, please see attached the following drawings which form the prior approval application:

- CLA Plan 23-078-100 – Site Location Plan;
- CLA Plan 23-078-101 – Existing Site Plan;
- CLA Plan 23-078-102 – Existing Site Block Plan;
- CLA Plan 23-078-103B – Proposed Site Plan;
- CLA Plan 23-078-104C – Proposed Site Block Plan;
- CLA Plan 23-078-120B – Existing Ground Floor Plan;
- CLA Plan 23-078-121B - Existing First Floor Plan;
- CLA Plan 23-078-130C – Proposed Ground Floor Plan;
- CLA Plan 23-078-131C – Proposed First Floor Plan;
- Malcolm Hughes Plan 60817_02 - Topographical Survey;
- Malcolm Hughes Plan 60817_03_01 - Ground Floor Sheet 1 of 2;
- Malcolm Hughes Plan 60817_03_02 - Ground Floor Sheet 2 of 2;
- Malcolm Hughes Plan 60817_03_03 – First Floor Plan 1 of 2;
- Malcolm Hughes Plan 60817_03_04 – First Floor Plan 2 of 2;
- Malcolm Hughes Plan 60817_04_01 – Elevations 1 and 2;
- Malcolm Hughes Plan 60817_04_02 – Elevations 3 and 4;
- Malcolm Hughes Plan 60817_04_03 – Elevations 5 and 6;
- Malcolm Hughes Plan 60817_04_04 – Elevations 7 and 8;

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- Malcolm Hughes Plan 60817_04_05 – Elevations 9 and 10;
- Transport Statement prepared by SCP; and
- Land Contamination Report prepared by GeoAssist;

This letter also provides supporting information in regard to the site and should be considered to be part of the application.

Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 outlines that Permitted development is:

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.

When submitting an application for Prior Approval, there are certain tests that need to be met to ensure that the proposed development accords with the legal requirements of Class MA only. There is no need to consider the Development Plan or other wider planning policy, including the NPPF, when assessing the application.

Class MA states that development is not permitted:

(a) Removed from legislation on 5th March 2024.

This restriction has now been removed, however it is the case that the building has been vacant for at least 3 months prior to the submission of this application.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The application site falls within Class E at present. This is confirmed on the previous application forms for LPA Refs: 122088/OO/2018 and 130098/OO/2021 which identify the site falling within Use Class B1. Further to the amendments of the Use Classes Order in September 2020, these uses have been subsumed into the new Class E. Therefore, the building is Class E. The applicant can confirm that the site has been in use for over 2 years for such purposes.

(c) Removed from legislation on 5th March 2024.

The current application proposes the change of use of the whole building under Class MA. The previous prior approval was for a partial change of use only seeing as, at that time, any change of use under Class MA had an upper limit of 1,500 sq. m (formerly test (c)). This threshold has now been removed.

Development is also not permitted under Class MA:

(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 site is in none of the above designations:

(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(1);
(iii) the Broads;
(iv) a National Park; or
(v) a World Heritage Site;

The site is in none of the above designations.

(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

The site is not an agricultural tenancy.

(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.

None of these apply to the site.

Accordingly, there is no reason why Approval under Class MA should be refused. Notwithstanding, Class MA is also subject to further Conditions as set out in Section MA2. These conditions are considered in detail below:

(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;

A detailed Transport Statement has been prepared by SCP to support the application. This report concludes that there is no highway-related reason to withhold planning permission for the scheme and the proposed development is therefore commended for approval.

(b) contamination risks in relation to the building;

This issue has been considered in the previous applications submitted on the site. As there has been no material change in circumstances on the site, the conclusions of this report remain valid. Accordingly, the GeoAssist Land Contamination Assessment is resubmitted in support of this application.

This report demonstrates that there is no land contamination reason why planning permission should not be granted. This is confirmed in the Officer's Report to Committee and Decision Notice which planning law requires all decisions to be full and thorough.

Accordingly, there is no contamination risk in relation to the building.

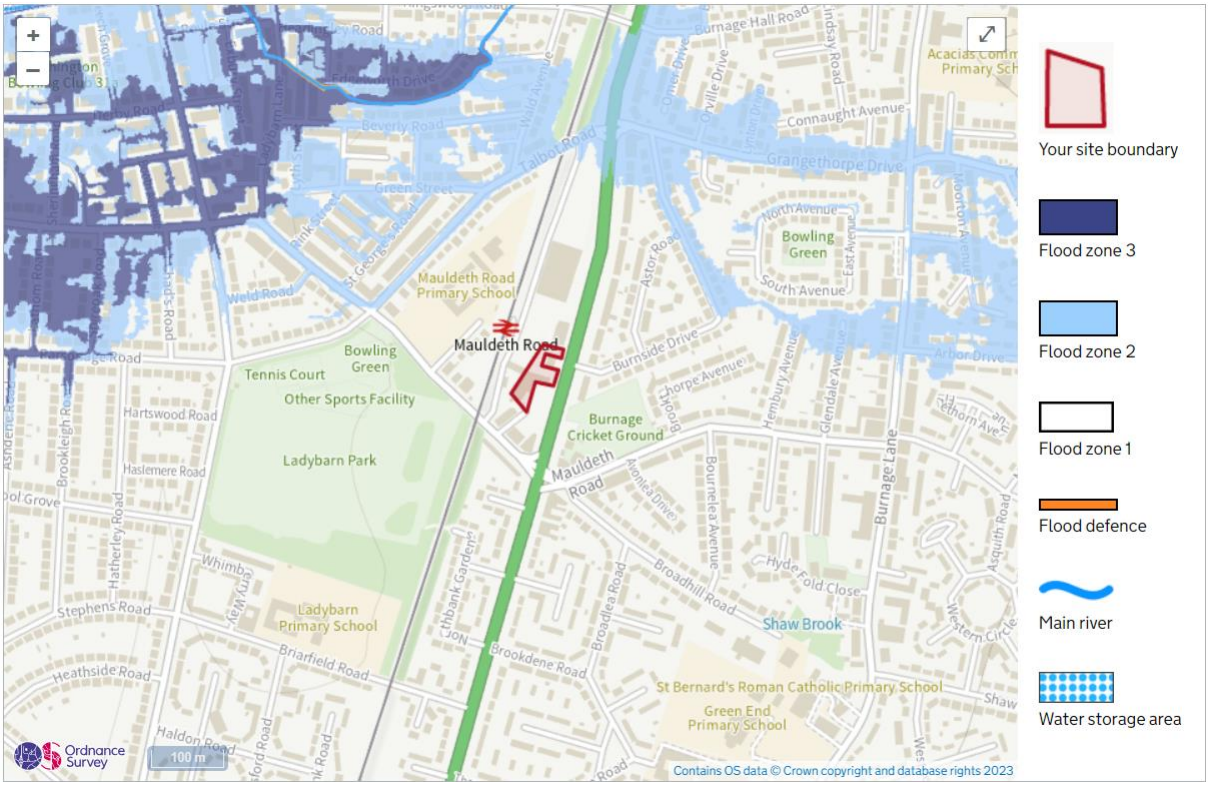
(c) flooding risks in relation to the building;

Planning policy seeks to locate developments away from areas at risk of flooding. The Environment Agency provides a Flood Map for Planning which highlights which flood zone a site falls within. The flood

zone hierarchy runs from the lowest risk areas – Flood Zone 1 to higher risk areas of Flood Zone 2 – medium probability - and finally Flood Zone 3 – high risk.

Figure 1 below provides an extract of the EA Flood Risk Map in regard to the site. This demonstrates that the site is in Flood Zone 1 – the lowest risk of flooding. Therefore, the flooding risk in relation to the building is acceptable.

Figure 1: Extract of Flood Risk Map



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

The site description and consideration of previous applications demonstrates that there are no commercial premises in close proximity which would create a detrimental impact on occupiers of the development. In regard to residential amenity on the previous application (130098/OO/2021), the Officer's Report outlines the proposal does not raise any issues that would impact upon existing levels of residential amenity.

(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;

The site is not located within a Conservation Area.

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

The scheme is supported by a full set of drawings prepared by Condy Lofthouse Architects and measured survey plans by Malcolm Hughes. The plans demonstrate the proposed internal layout of the

building and each individual apartment. The plans demonstrate that every apartment will have access to natural light through windows. The elevational plans demonstrate that the pattern of fenestration provides daylight into each habitable room. As noted above, the previous prior approval was unsuccessful due to the failure of all habitable rooms to have adequate natural light. The configuration and layout of the apartments within the building has now been amended to overcome this issue. The scheme is therefore considered to provide adequate natural light into 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*

The site is not considered to be an area important for general or heavy industry, waste management, storage and distribution. The site is allocated for no such purposes in the Development Plan. Furthermore, the previous Officers Report to Committee in regard to the previous planning application (LPA Ref: 130098/OO/2021/) states that:

> *"The application site is 1.1 hectares in size and occupied by a number of disused factory and/or commercial units (2 storey) and their associated parking facilities and hardsurfaced areas. There is little vegetation on the site save for a row of leylandii type trees and several individual trees. To the north of the site stands a petrol filling station, with car wash and a retail outlet (B and M) and its associated outside storage area. To the west lies the exit road from the retail outlet and beyond that there is a railway line. To the east, on the opposite side of Kingsway there are two storey semi-detached houses and the Burnage Cricket and Social Club. To the south of the site stands a mosque, a car park and a children's crèche. Harwood Road, a short cul-de-sac, is also located to the south of the site and provides access to Mauldeth Road."*

Furthermore, in regard to the principle of residential development that:

> *"Whilst the site was formerly used for commercial purposes it is located within a predominantly residential area and as such the principle of a residential development on the site is acceptable."*

Therefore, it is considered to be common ground that the impact on intended occupiers would be acceptable.

> *(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(2),the impact on the local provision of the type of services lost.*

The proposal would not result in the loss of services provided by either a registered nursery or health centre.

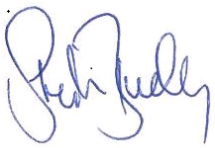
Conclusion

The application is for prior approval and seeks to demonstrate that the proposed development represents Permitted Development under Class MA of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021. It requires demonstration that the proposal only complies with the provisions of that policy to represent Permitted Development. There is no requirement to consider the Development Plan.

The above demonstrates that the proposed development meets the requirements of Class MA. Accordingly, it is considered that prior approval should be approved.

I trust the above provides sufficient information for the application to be validated. However, should you require any further information, please do not hesitate to contact Steve Buckley on the above phone number.

Yours sincerely



STEVE BUCKLEY