

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137362/P3MAP/2023

Date registered valid: 18 July 2023

Proposal: Prior Approval for change of use from offices (Class E - Commercial, Business and Service) to six self-contained flats (Class C3 - Dwellinghouses)

Address: First Floor, Hatro House, 397 - 401 Palatine Road, Manchester, M22 4JS

Ward(s): Northenden Ward

Applicant: Ms Farah Akhter Farah Architectural

Agent (if any):

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

Recommendation: Approve

Date of recommendation: 21 February 2024

Application details

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

Development type: Notifications

Date of site visit: September 2023

Standard consultations:

Printed: 2 August 2023 Expired: 23 August 2023

Neighbour notifications

Printed: 2 August 2023 Expired: 23 August 2023

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 2 storey building that sits at the junction of Palatine Road, Chapel Road and close to the junction with Church Road Northenden. It is of brick construction with a flat roof and rectangular windows. The ground floor is occupied by commercial / retail businesses. There are large windows to the front and rear elevations overlooking Palatine Road with smaller windows on the side elevations. The access to the proposed first floor accommodation is off Chapel Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area is a mix of commercial / retail to the frontage on Palatine Road and as you turn the corner onto Church Road with the remainder of the roads off Palatine Road being established residential properties. Many of the commercial properties along Palatine Road have residential accommodation in the form of self- contained flats above.

Description of development

The proposal is for a Prior Approval to convert the vacant office space to the first floor into 6 self- contained flats made up of 4 x 1 bed flats and 2 x 2 bed flats. There would be no parking provision brought along with the proposal.

Consultations & Notification Responses

Local Residents and businesses were informed- no representations have been received.

Highways- no objections subject to the attachment of a condition requiring safe and secure cycle storage.

Environmental Health - requested conditions be attached relating to noise insulation.

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 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; The building has been in use as a Class E office for at least 2 years prior to its closure in 2023.

(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.

(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;
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 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 have the benefit from natural light, however the rooms that form part of the central core did not. To remedy this, there are light tunnels or additional rooflight windows inserted and now there is light provided that does not rely on electric light. Given the size and placement of these windows / tunnels 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 is now vacant after being in use for several years as offices. 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 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, and a noise condition protecting the proposed residential from any externally mounted plant and machinery.

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

1) 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 numbered 'Sheet 3' and the Location Plan', stamped as received on the 21 June 2023.

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

P2-0020/23-Proposed First Floor Plans and Bin Storage Area Ground Floor.

Waste Management Proforma received 16th November 2023

Peninsular Acoustics report dated 8th January 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.

3) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Palatine Road and the retail 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 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.

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) 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

2 Church Road, Manchester, M22 4NE
2A Church Road, Manchester, M22 4WL
405 Palatine Road, Manchester, M22 4JS
Flat At, Northenden Social Club, 412 Palatine Road, Manchester, M22 4JT
401 Palatine Road, Manchester, M22 4JS
Ground Floor, 397 Palatine Road, Manchester, M22 4JS
Second Floor, Anglo House, Chapel Road, Manchester, M22 4JN
Ground Floor, Anglo House, Chapel Road, Manchester, M22 4JN
POLMARK, Hatro House, 399 - 401 Palatine Road, Manchester, M22 4JS
397 Palatine Road, Manchester, M22 4JS
2B Church Road, Manchester, M22 4WL
First Floor, Anglo House, Chapel Road, Manchester, M22 4JN
Northenden Social Club, 412 Palatine Road, Manchester, M22 4JT
4 Chapel Road, Manchester, M22 4JW
404 - 406 Palatine Road, Manchester, M22 4JT
2 Chapel Road, Manchester, M22 4JW
407 Palatine Road, Manchester, M22 4JS

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
Area Team Boundary - Name: SOUTH AREA