MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139060/P3GPA/2024
Date registered valid:	22 January 2024
Proposal:	Prior Approval for change of use of first floor offices (Class E) to 1no. three-bedroom flat (Class C3)
Address:	876 - 878 Stockport Road, Manchester, M19 3BP
Ward(s):	Levenshulme Ward
Applicant:	Mr Mustafa Khan, Madina Superstore
Agent (if any):	Mr Dabeer Rana, MD Design Consultancy
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	APPROVE
Date of recommendation:	12 March 2024

Application details

Type of application: Prior Approval - Class E to mix inc C3

Development type: Notifications

Standard consultations:
Printed: 23 January 2024 Expired: 13 February 2024

Neighbour notifications
Printed: 23 January 2024 Expired: 13 February 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: Not applicable

Tree Preservation Order: Not applicable

This application relates to a former bank that is situated within the Levenshulme District Centre and is positioned on the western side of Stockport Road with its respective junctions with Levenshulme Terrace and Worsley Grove. Previously the change of use, of the ground floor, from a Class A2 to Class A1 general retail use was permitted by the Use Classes Order. The upper floor remained in use as offices, so the premises now have a Class E use.

The former bank buildings comprise of a 1920's style mid-brown brick, flat roof building incorporating a parapet. There is an adjoining 1970's, 2-storey addition to the bank building providing shop display windows to the back of footpath. The south-west elevation of the site turns the corner to present a frontage to Worsley Terrace where access is formed to a car parking area enclosed by a low brick wall and topped with paladin fencing.

The submitted floorplans indicate that, at present, the upper floor is used as offices and the proposal seeks prior approval for the creation of a 3 bedroom flat covering approximately 60% of the first floor area, with the remainder retaining an office use. Access would be shared by virtue of a communal area on this floor. The application therefore seeks Prior Approval for the conversion of part of the first floor to form 1 x three bedroom flat above a ground floor retail unit, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The change of use is considered permitted development, subject to consideration of certain planning issues, as set out below.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to acoustic controls, refuse and air quality.

Issues

National Planning Policy Framework (December 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

The Framework has been related to the proposed development, with particular emphasis given to the following:

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this (paragraph 131).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.
A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-
- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed
guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site lies in Gorton District Centre, as indicated in the plan.

Saved policy DC5 relates to flat conversions
DC5.1 states that, in determining planning applications to convert property to flats, the Council will have regard to:
a. the standard of accommodation for the intended occupiers of the premises;
b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
e. adequate private outdoor amenity space;
f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 states that there will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 States that, notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:
a. do not provide accommodation to the Council's current approved standards;
b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
c. involve conversion schemes without adequate private external amenity space;
d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 States that, in determining applications of this kind, the Council will give particularly careful consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:
a. the effect of new development proposals which are likely to be generators of noise; and

b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Manchester Residential Quality Guidance 2016 -Sets out the direction for the delivery of sustainable neighbourhoods of choice where people will want to live and also raise the quality of life across Manchester and was approved by the Executive at its meeting on 14 December 2016. The ambitions of the City are articulated in many places, but none more succinctly than in the 'Manchester Strategy' (2016). The guidance has been produced with the ambition, spirit and delivery of the Manchester Strategy at its heart. The delivery of high-quality, flexible housing will be fundamental to ensuring the sustainable growth of Manchester. To achieve the City's target of carbon neutrality by 2050, residential schemes will also need to be forward thinking in terms of incorporating the most appropriate and up to date technologies to significantly reduce emissions. It is therefore essential for applicants to consider and integrate the design principles contained within the draft guidance into all aspects of emerging residential schemes. In this respect, the guidance is relevant to all stages of the development process, including funding negotiations, the planning process, construction and through to operational management.

The guidance sets standards for securing high quality and sustainable residential development in Manchester. The document includes standards for internal space within new dwellings and is suitable for applications across all tenures. It adopts the nationally described space standards and this has been applied to an assessment of the size and quality of the proposed houses. In relation to one bedroom, one person, units the minimum standard of accommodation is set at 39 square metres.

Legislation.

Class G of the Town and Country Planning (General Permitted Development) Order 2015, as amended, allows for prior approval applications to be made for development consisting of a change of use of a building from Class E to a mixed use for any purpose within Class E and as up to 2 flats;

Before beginning development, 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—
(i) contamination risks in relation to the building;
(ii) flooding risks in relation to the building;
(iii) impacts of noise from commercial premises on the intended occupiers of the development;
(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(v) arrangements required for the storage and management of domestic waste.

Contamination - No concerns have been raised within respect to land contamination. No breaking of ground is proposed as the proposal relates to the upper floors.

Flood Risk - The proposal relates to the upper floor only.

Noise - Environmental Health consider that there is some potential for noise disturbance, to future occupiers of the flat, from the ground floor commercial premises and other actual or potential sources of noise near the site, including local commercial/industrial premises. It is however considered that this could be addressed by way of a planning condition requiring the acoustic insulation of the flat, prior to occupation.

Natural Light to Habitable Rooms - There are multiple windows to the lounge/kitchen area and all 3 bedrooms, which would afford satisfactory natural light to all habitable rooms. There is no

natural light to the proposed bathroom, but, overall, the standard of accommodation, for the flat, is considered satisfactory.

Refuse - Further information is required in relation to the refuse arrangements proposed. It is however considered that this could be addressed by way of a planning condition requiring the refuse arrangements to be approved, prior to occupation.

Air quality - This is not listed in the criteria for assessing whether prior approval is required and it is for a simple conversion only, to form one unit. An air quality condition is not therefore considered to be appropriate in this case.

Conclusion - It is considered that the proposal is consistent with the requirements of Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the prior approval, of the Local Planning Authority, is not required.

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 OR Reasons for recommendation to refuse

1) The City Council is satisfied that the development would have no material, harmful impact as a result of contamination or flooding, and satisfactory arrangements have been made with regard to the management of domestic waste, noise and the provision of natural light to all habitable rooms. The proposal therefore complies with the requirements of policies SP1, EN19 and DM1 of the Manchester Core Strategy and saved policies DC5 and DC26 of the Unitary

Development Plan for the City of Manchester, pursuant to Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Approval is hereby granted in accordance with drawings referenced: 0014 rev B, stamped as received by the City Council as Local Planning Authority on 5 March 2024

2) a) Notwithstanding details submitted, prior to the flat hereby approved being occupied, a scheme for acoustically insulating the proposed residential accommodation against noise from the retail premises below and from Stockport Road and surrounding commercial uses, shall be submitted to and approved in writing by the City Council as Local planning authority. The potential for overheating shall also be assessed and the noise insulation scheme should take this into account. The approved noise insulation and ventilation scheme shall be completed before any of the approved flats are occupied.

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 - In order to safeguard the amenity of existing and future occupiers of the proposed residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

3) Prior to first occupation of the residential unit, 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. The development shall have refuse storage space for segregated waste collection and recycling and internal and external storage areas are required. 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. EN19 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Arcadia Library And Leisure Centre, 868 Stockport Road, Manchester, M19 3BP
6 Worsley Grove, Manchester, M19 3AF
4 Worsley Grove, Manchester, M19 3AF

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