

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138028/P3MA/2023

Date registered valid: 13.09.2023

Proposal: Prior Approval application for the conversion of existing veterinary clinic into 8 no. apartments

Address: 398 Wilbraham Road, Manchester, M21 0UH

Ward(s): Chorlton Ward

Applicant: Mr Peter Armistead APL

Agent (if any): Mr Simon James, Simon James Arq Ltd

Case officer: Joshua Lee
Tel: 0161 219 2851
Email: joshua.lee@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 09/10/2023

Application details

Type of application: Prior Approval applications for change of use.

Development type: Notifications

Date of site visit: 20/09/2023

Standard consultations:

Manchester City Council Highways Services: Printed 13/09/2023, Received 09/10/2023

Manchester City Council Environmental Health: Printed 13/09/2023, Received 04/10/2023

Neighbour notifications

No neighbour notifications have been printed and sent.

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

Proposal relates to a large semidetached property on the corner of Wilbraham Road and Ellesmere Road. The property was formerly in use as a Veterinary Clinic. The property features a two-storey rear extension, hardstanding for vehicle parking and landscaping.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable



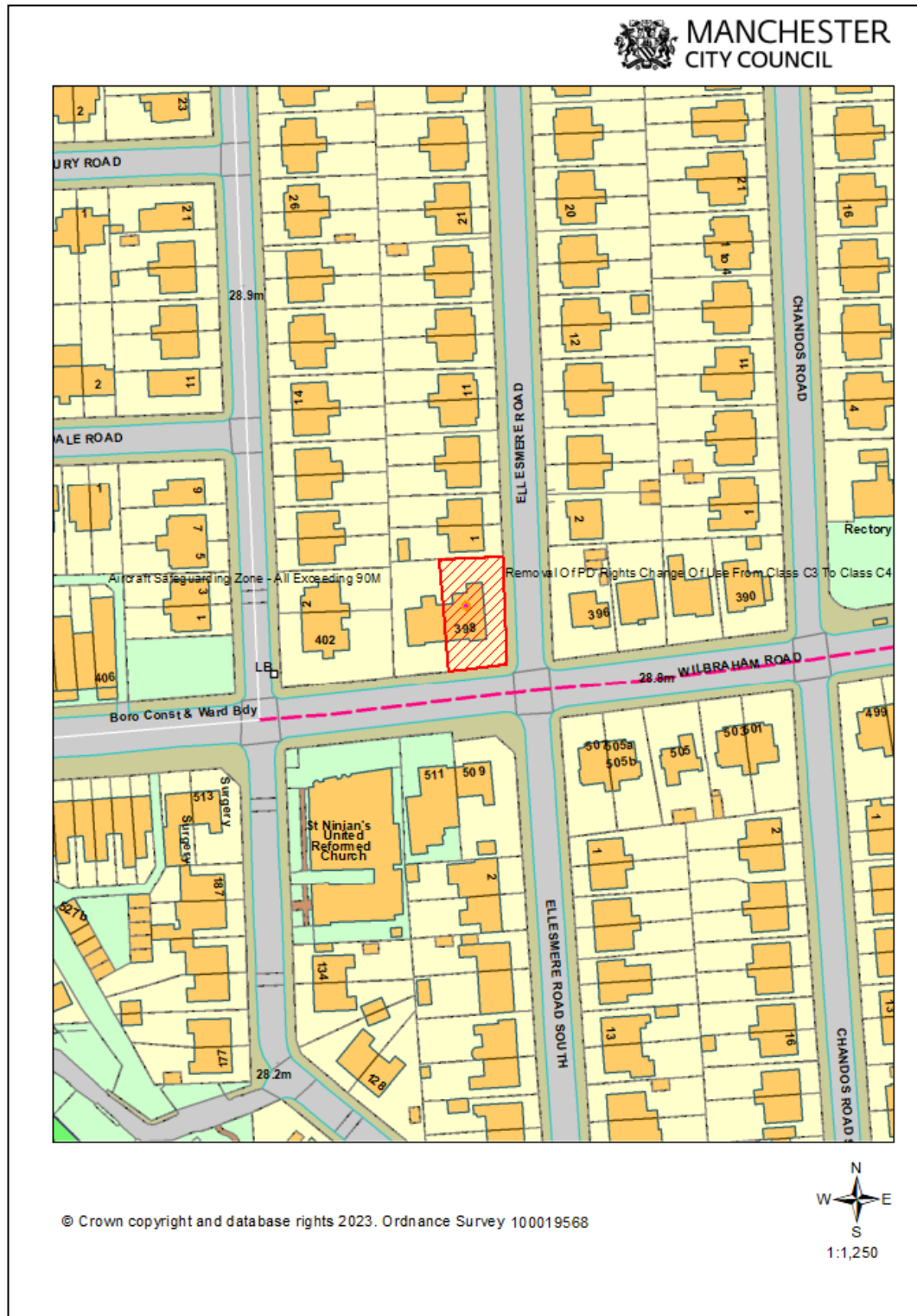
Figure 1. Street Scene



Figure 2. Rear of property

Description of area

The property is located in a predominantly residential part of the Chorlton Ward of Manchester.



Description of development

Prior Approval application for the conversion of existing veterinary clinic into 8no apartments.

Lower Ground Floor

The proposal utilises the lower ground floor for 8no secure bicycle parking and ancillary storage.

Ground Floor

The proposal creates 3no 1-bedroom flats at ground floor level with combined kitchen/living rooms and bath/shower rooms.

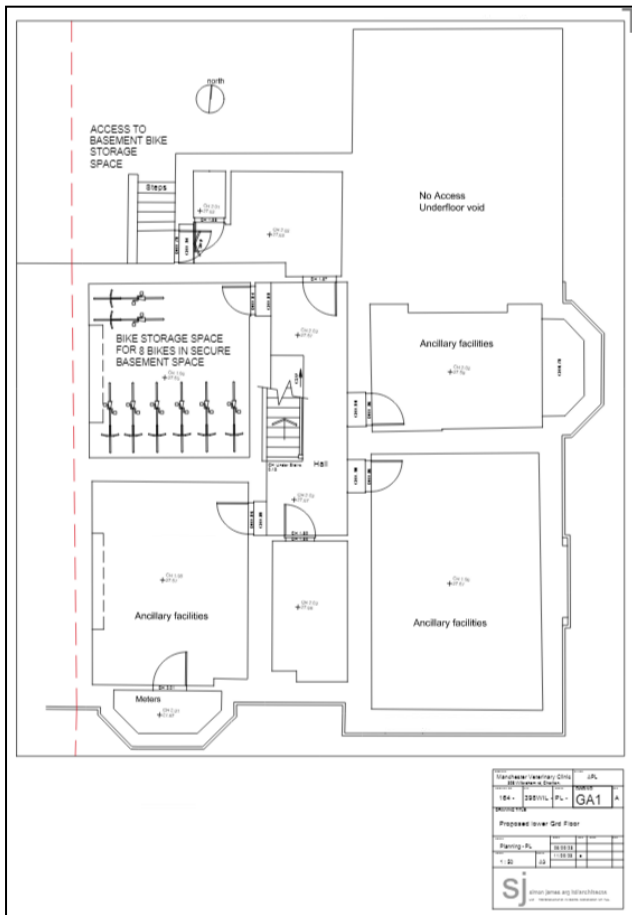
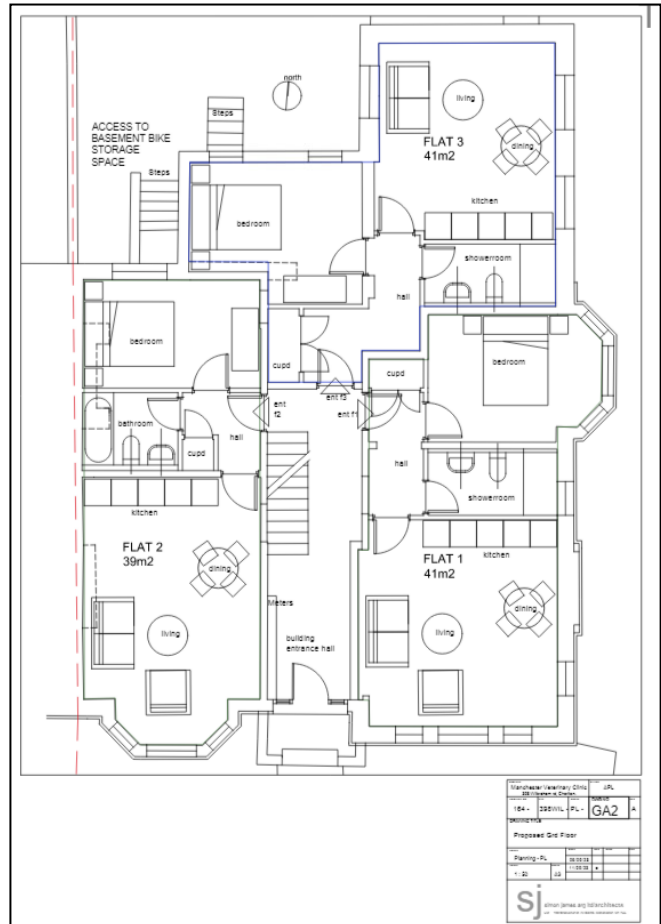
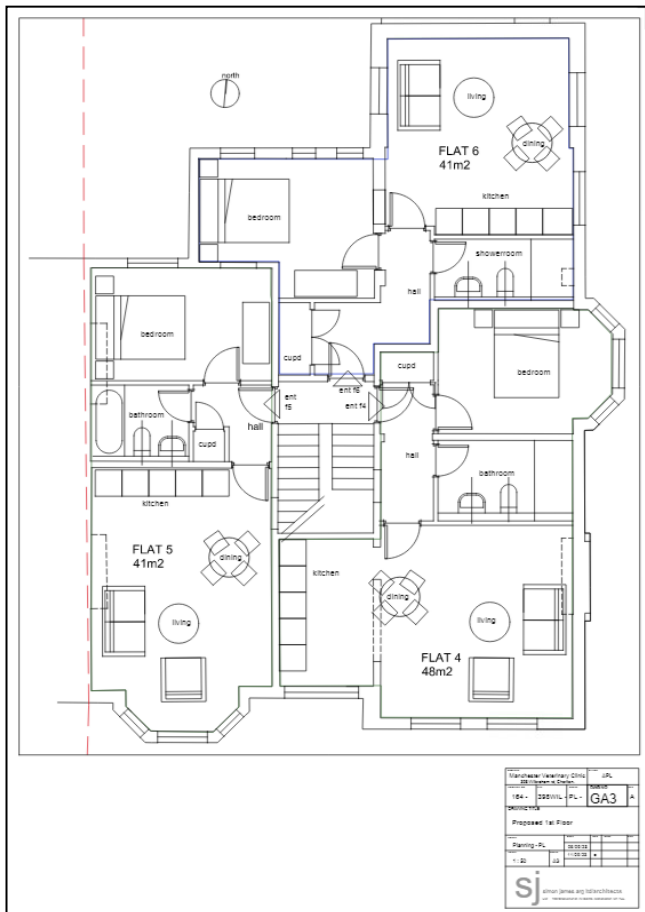
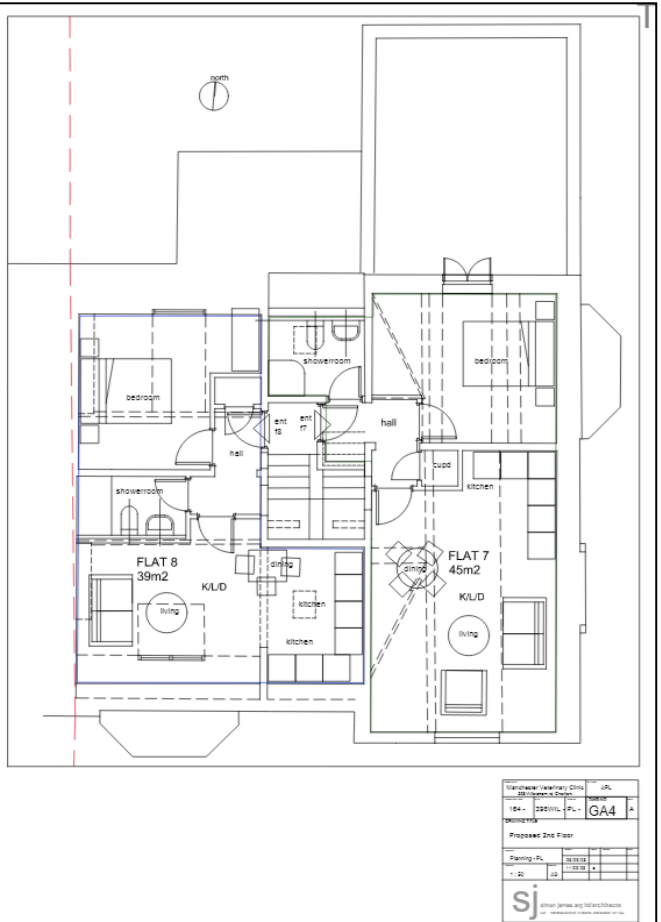
The external space features 4no demarcated vehicle parking bays.

First floor

The proposal creates 3no 1-bedroom flats at first floor level with combined kitchen/living rooms and bath/shower rooms.

Second floor

The proposal creates 2no 1-bedroom flats at first floor level with combined kitchen/living rooms and bath/shower rooms.



Planning History

ENF/09669/09

Description: Use of property for residential purposes and change of front door

Decision: Closed 13.05.2011

ENF/06969/06

Description: Brick wall partially demolished, looks unsightly

Decision: Closed 26.03.2008

Consultations & Notification Responses

Consultations

Manchester City Council Highways Services

Manchester City Council Highways Service were consulted on this application.

Manchester City Council Highway Services provided comments on this application. Highways services asked for further details on trip generation, vehicle parking, and servicing which the applicant provided. After assessing the further information, they had no objections to the proposed development.

Manchester City Council Environmental Health

Manchester City Council Environmental Health were consulted on this application.

Manchester City Council Environmental Health had no objections to the proposal and attached a number of pre-commencement conditions that the applicant accepted.

Notifications

Local Residents

As per Appendix 1, Occupiers of properties surrounding the application site were notified of the proposal.

6no neighbour objections were received with the following issues raised:

- Concern on the number of flats and the impact on vehicle parking in the area.
- Concern that the number of flats would cause overdevelopment (density).
- Concerns on impact on drainage.

As a prior approval application, the local planning authority can only assess the proposal against particular criteria in the legislation as set out below.

Policies & Principle

Summary of relevant policy

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the principle of the application is decided in law and the local planning authority can assess the proposal as outlined in the following legislation:

- [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) – This order is a statutory instrument, applying in England, that grants planning permission for certain types of development (such development is then referred to as permitted development)
 - Schedule 2, Part 3 – Changes of use
 - Class MA – commercial, business and service uses to dwellinghouses.

Principle of development

This proposal falls within Schedule 2, Part 3 – Change of use, of the Town and Country Planning (General Permitted Development) (England) Order 2015. In particular the rule

pertaining to Class 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.

The principle of the proposal is accepted, and the local planning authority can assess the proposal as a prior approval, against conditions set out in the legislation in the following section.

Town and Country Planning (General Permitted Development) (England) Order 2015

Schedule 2, Part 3 – Class MA – commercial, business and service uses to dwellinghouses.

The proposals will be assessed against the following issues as outlined in the legislation.

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 had been in use as a Class E Commercial, Business & Service (Veterinary Clinic) for a least 2 years prior to its closure.

- 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 1500sqm.

- 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 purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
 - iii. the Broads;*
 - iv. a National Park; or*
 - v. a World Heritage Site;*

The building does not sit 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/applicable in this case.

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 on a main A-road (Wilbraham Road) and approximately 250m to the Chorlton Metrolink tram stop. The proposal allows for 50% vehicle parking which is sufficient when considered in context with the sustainable transport infrastructure in the local area.

Plans confirm that two bin collection points will be in place. These are acceptable. It should be ensured that bins are returned as soon as possible after collection.

A trip generation assessment was undertaken for the proposed development to understand the anticipated trips associated with the development during the AM and PM peak periods. In order to undertake the assessment, the TRICS database was used.

The multi-modal peak hours trips rates for the development type were identified and trips for the AM and PM peak period were obtained from the TRICS database. The data shows that a total of 3 two-way vehicle movements are anticipated in the AM peak and PM peak period. The multimodal trip rates show that a total of 7 two-way trips are anticipated in the AM and PM peak periods. The TRICS assessment and trip rates are acceptable.

The number of vehicular trips associated with site is expected to not be significant and therefore it is accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.

Plans show that an EV Charging point with two sockets will be in place and infrastructure for further EV charging points will also be provided.

It is anticipated that the disabled parking spaces will be used by residents / visitors who require them. The applicant has confirmed that the car park will be managed on a first come first served basis and residents will be informed of this prior to occupation. Highways are satisfied with this arrangement.

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 of 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;

Manchester City Council Environmental Health have attached a number of pre-commencement conditions accepted by the applicant to manage and verify noise issues at the proposed development.

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 proposal does not sit within a Conservation Area

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

All the kitchen/living and bedrooms rooms would have the benefit of natural light via windows on the external elevations of the building. Given the size and placement of these windows it is considered that the dwellings and specifically habitable rooms would benefit from the provision of adequate 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;
- 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,
the impact on the local provision of the type of services lost
- i. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Not relevant/applicable in this case.

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.

Conclusion

Prior approval – Class MA

The City Council is satisfied that this development has minimal transport impacts, that there are no known contamination or flood risks at the site, and that the proposal would provide adequate natural light to habitable rooms of the dwellinghouses.

The proposal therefore complies with 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 the following drawings and documents:

- | | | | |
|----------------------------------|-------------|-----|--------------|
| a. Drawing - Location Plan | 08 Sep 2023 | | |
| b. Drawing - Existing & Proposed | 11 Sep 2023 | X10 | FLOOR PLANS. |
| c. Drawing - Existing & Proposed | 11 Sep 2023 | X4 | ELEVATIONS |

Recommendation: Approve

Condition(s) to be attached to decision for approval.

1. Construction Management Plan

Prior to the commencement of development, a construction management plan outlining working practices shall be submitted to and approved in writing by the City Council as Local Planning authority, which for the avoidance of doubt shall include as a minimum:

- a. Measures to control noise and vibration;
- b. Dust suppression measures;
- c. Compound locations where relevant;
- d. Details of an emergency contact telephone number;
- e. A community consultation plan; and
- f. Sheeting of construction vehicles.

The development shall only be carried out in accordance with the approved management plan.

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

2. Acoustic insulation scheme

Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Wilbraham Road 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 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 when providing adequate ventilation as defined by Approved Document F of the Building Regulations (whole dwelling ventilation):

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

Higher internal noise levels than those specified above may be allowed when higher rates of ventilation are required in relation to the overheating condition.

Reason: To secure a reduction in noise from traffic or other sources in order to protect future residents from noise disturbance and to reduce the potential for overheating residents pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3. Waste and refuse

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. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

4. Air quality

- a. Prior to commencement of the development, a scheme for electric vehicle charging and /or boiler emissions, shall be submitted to and approved in writing by the City Council as local planning authority.
- b. Prior to commencement of the development, a scheme for a clean air intake shall be submitted to and approved in writing by the City Council as local planning authority.

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.

Appendix 1 – List of consultees & neighbours notified.

Highway Services

Environmental Health

Flat 1, 398 Wilbraham Road, Manchester, M21 0UH

Apartment 2, 392 Wilbraham Road, Manchester, M21 0UH

Flat 3, 402 Wilbraham Road, Manchester, M21 0UH

Flat 10, 402 Wilbraham Road, Manchester, M21 0UH

394 Wilbraham Road, Manchester, M21 0UH

505A Wilbraham Road, Manchester, M21 0UJ

Apartment 4, 392 Wilbraham Road, Manchester, M21 0UH

Apartment 3, 392 Wilbraham Road, Manchester, M21 0UH

Apartment 6, 392 Wilbraham Road, Manchester, M21 0UH

Apartment 1, 392 Wilbraham Road, Manchester, M21 0UH

Apartment 5, 392 Wilbraham Road, Manchester, M21 0UH

Flat 4, 400 Wilbraham Road, Manchester, M21 0UH

Flat 3, 400 Wilbraham Road, Manchester, M21 0UH

Flat 2, 400 Wilbraham Road, Manchester, M21 0UH

Flat 1, 400 Wilbraham Road, Manchester, M21 0UH

Wilbraham St Ninians United Reformed Church, Egerton Road South, Manchester, M21 0XJ

Flat At, 511 Wilbraham Road, Manchester, M21 0UB

505B Wilbraham Road, Manchester, M21 0UJ

400 Wilbraham Road, Manchester, M21 0UH

Flat 3, 2 Ellesmere Road, Manchester, M21 0SR

Flat 1, 6 Egerton Road North, Manchester, M21 0SF

Flat 3, 6 Egerton Road North, Manchester, M21 0SF

Flat 4, 394 Wilbraham Road, Manchester, M21 0UH

Flat 1, 394 Wilbraham Road, Manchester, M21 0UH

396 Wilbraham Road, Manchester, M21 0UH

Flat 3, 4 Egerton Road North, Manchester, M21 0SF

Flat 1, 4 Egerton Road North, Manchester, M21 0SF

509 Wilbraham Road, Manchester, M21 0UB

Flat 9, 402 Wilbraham Road, Manchester, M21 0UH

Flat 8, 402 Wilbraham Road, Manchester, M21 0UH
Flat 7, 402 Wilbraham Road, Manchester, M21 0UH
Flat 6, 402 Wilbraham Road, Manchester, M21 0UH
Flat 5, 402 Wilbraham Road, Manchester, M21 0UH
Flat 4, 402 Wilbraham Road, Manchester, M21 0UH
Flat 2, 402 Wilbraham Road, Manchester, M21 0UH
Flat 11, 402 Wilbraham Road, Manchester, M21 0UH
Flat 1, 402 Wilbraham Road, Manchester, M21 0UH
6 Egerton Road North, Manchester, M21 0SF
Flat 5, 2 Ellesmere Road, Manchester, M21 0SR
2 Ellesmere Road, Manchester, M21 0SR
Flat 4, 2 Ellesmere Road, Manchester, M21 0SR
Flat 2, 2 Ellesmere Road, Manchester, M21 0SR
Flat 1, 2 Ellesmere Road, Manchester, M21 0SR
3 Ellesmere Road, Manchester, M21 0SG
Flat 5, 394 Wilbraham Road, Manchester, M21 0UH
Flat 3, 394 Wilbraham Road, Manchester, M21 0UH
Flat 2, 394 Wilbraham Road, Manchester, M21 0UH
Flat 4, 6 Egerton Road North, Manchester, M21 0SF
Flat 2, 6 Egerton Road North, Manchester, M21 0SF
Flat 2, 4 Egerton Road North, Manchester, M21 0SF
1 Ellesmere Road, Manchester, M21 0SG
4 Ellesmere Road, Manchester, M21 0SR
507 Wilbraham Road, Manchester, M21 0UJ
511 Wilbraham Road, Manchester, M21 0UB

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