

Statement in support of proposed change of use of existing commercial space to four apartments at **Outram House, Piccadilly Village, Manchester M4 7AA**



JG-D has been instructed by Mr T Mahmood trading as HM Empire Estates to prepare a Prior Notification application for a change of use of Class E Commercial space located at Outram House in Piccadilly Gardens to create 4no residential apartments.

It is opined that the proposals constitute permitted development as a consequence of The Town and Country Planning (General Permitted Development) (England) Order 2016 which came into force on 6th April 2016.

Class MA of Part 3 of Schedule 2 of the 2015 Order (as amended) notes that permitted development includes:

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.

This statement describes the proposed change of use (the scheme) and addresses whether the prior approval of the Local Authority is required (the notification procedure) using the guidance of the GPDO and supporting information provided by others. It attempts to follow a logical format to offer clarity and draws reference from precedent approvals and appeals where appropriate:

- Planning History
- Existing Commercial Space
- The scheme
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

Planning History

Originally a rural outskirt to the East of Manchester Ancoats expanded in the latter part of the 18th Century with the construction of the Rochdale and Ashton Canals and associated cotton mills. Great Ancoats Street became one of Manchester's most important roads and as part of the inner ring road formed the gateway to North Manchester and Oldham. Piccadilly Gardens was built in the early 1990's on the site of Phoenix Works, a former metal works, between Ashton Canal and Great Ancoats Street. It was originally designed as a mixed use scheme with a variety of complimentary uses including live work units, shops, offices and apartments but most of the spaces have been converted to residential use. A Prior Notification approval was granted in 2018 (119364/P30PA/2018) for the change of use from offices to 43no Studio apartments.

Existing Commercial Space

The application space provided mirrored office accommodation for ALH Accident Lawyers Helpline handling personal accident compensation claims.

Linked offices at upper ground floor were accessible from a semi-public pedestrian apron linked to steps on the canal towpath. Paired front doors facing Great Ancoats Street lead to a hall space providing access to open plan office areas and straight flight stairs down to lower ground floor support accommodation, kitchen and sanitary accommodation. Upper Ground Floor accommodation benefits from window openings front and rear, lower ground floor is part underground with single aspect space. The adjacent garage space faces the internal courtyard with gated access onto Millbank Street.

The Scheme

Proposals work within the existing envelope to create 2no 1 bed apartments at upper ground floor level and a 1 bed and studio apartments at lower ground floor. The existing stair openings are infilled and linking doors between the two 'halves' are infilled with fire resisting construction to create compartmentation. At upper ground floor the two apartments are similar - access from the existing semi-public apron leads into a lobby space with a double bedroom to the road elevation and corridor to the rear living/ cooking/ dining area. Sanitary accommodation is accessed from the lobby space to suit the existing soil vent pipes.

At lower ground floor access is taken from the existing doors within the courtyard link to the canal towpath. Entrance doors lead into a bedsit apartment or lobby space with sleeping spaces to the front and living/ cooking/ dining areas to the rear. As above sanitary spaces are positioned to benefit from the existing vertical soil stacks. For the avoidance of doubt it is clear

that the development permitted by Class MA does not include any building operations in connection with the residential conversion of a building.

Analysis of the relevant criteria

To show compliance with The Town and Country Planning (General Permitted Development) (England) Order a series of tests must be met. 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 last tenant vacated Outram House in 2022.

(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 previous tenant provided Insurance Services dealing with personal injury claims.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The existing building has a footprint of 108sqm.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

The land is not a site of special scientific interest

(ii) the building is a listed building or is within the curtilage of a listed building;

The building is not a listed building and is not within the curtilage of a listed building,

(iii) is or forms part of a scheduled monument or land within its curtilage;

The site is not and does not contain a scheduled monument.

(iv) the site is, or forms part of, a safety hazard area;

The site is not and does not form part of a safety hazard area.

(v) the site is, or forms part of, a military explosives storage area;

The site is not and does not form part of a military explosives storage area.

(e) if the building is within—

(i) an area of outstanding natural beauty;

The building is not within an AONB

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3);

The building is not within an area specified for the protection of wildlife

(iii) the Broads;

The building is not within the Broads

(iv) a National Park;

The building is not within a National Park

(v) a World Heritage Site;

The building is not within a world heritage site

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not part of 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.

The building has not been subject of an Article 4 direction.

The Notification Procedure

Development under Class MA is permitted subject to the condition that before beginning the 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—

(a) transport and highways impacts of the development.

(b) contamination risks in relation to the building,

(c) flooding risks in relation to the building,

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

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

(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 centre maintained under section 2 or 3 of the National Health Service Act 2006(4),

the impact on the local provision of the type of services lost.

Transport and highways impacts of the development

Piccadilly Village is considered to occupy a sustainable location with excellent access to public transport on Great Ancoats Street (Old Mill Stop) and Manchester Piccadilly 300m to the West. The existing unit also has 3 no dedicated parking spaces – a double garage accessed from the courtyard and a surface car space. Existing refuse storage will be re-used outside the lower level units which is accessible to collection vehicles from the courtyard. Secure cycle storage can also be provided in this location.

It is opined that there are no undue transport or highway risks.

Contamination risks in relation to the building

The application space has been used for retail/ workshop accommodation and there are not considered to be any significant contamination risks.

Flooding risks in relation to the building

The site is within Flood Zone 1 with low probability of flooding.

Noise in relation to the building

Although Outram House was originally a mixed use development it is now predominantly residential and there are no conflicting uses likely to create nuisance noise. Great Ancoats Street is a primary thoroughfare and traffic noise is a potential issue although the existing windows are acoustically glazed. Whole house mechanical ventilation will be employed to negate the need to open windows to Great Ancoats Street and pre-occupation acoustic testing undertaken to show compliance with AD_E.

Conservation Area

The site is not within a Conservation Area.

Provision of adequate natural light

The primary habitable spaces all have existing openings providing both light and ventilation although as noted above bedrooms to Great Ancoats Street will use mechanical background ventilation with purge opening lights.

Restrictive Use

The area is predominantly residential, there are not considered to be conflicting uses which should be protected.

Essential Use

The space does not provide nursery or healthcare uses.

Conclusion

The evidence, analysis and justification submitted with this application confirms that the proposed change of use of the building to residential use is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

We understand the Local Planning Authority has 56 days following receipt of the application within which to determine whether prior approval is not required, granted or refused.