

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134418/P3GPA/2022

Date registered valid: 20 July 2022

Proposal: Prior approval for the change of use of the first floor to form 2no. self contained dwellinghouses

Address: 577 Barlow Moor Road, Manchester, M21 8AE

Ward(s): Chorlton Park Ward

Applicant: Ms Caroline Harris, Carnarvon Street Properties, 15 Carnarvon Street, Manchester, M3 1HJ

Agent (if any): Mr Benedict Sacarello, WSP, 8 First Street, Manchester, M15 4GU

Case officer: Robert Griffin
Tel: 0161 234 4527
Email: robert.griffin@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 13.09.2022

Application details

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

Development type: Notifications

Date of site visit: 26 July 2022

Standard consultations:

Printed: 25 July 2022 Expired: 15 August 2022

Neighbour notifications

Printed: 25 July 2022 Expired: 15 August 2022

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

Description of area

The application site relates to a part two/ part three storey terraced corner property, situated within a linear parade of commercial units within the Chorlton District Centre.

The property incorporates a shop front facing Barlow Moor Road with an installed external canopy that is located on Silverwood Avenue associated with the ground floor restaurant use.

The immediate area is predominantly commercial in character on Barlow Moor Road, however it is residential on Silverwood Avenue mainly comprising of two storey terraced dwellinghouses with buff brick facade treatments and red brick gable and rear elevations.

The site is currently vacant, having formerly operated as the upper floor of the TSB Bank which has been closed since 2020. The site hosted bank offices, staff welfare facilities and toilets which assisted in the running of TSB Bank.

The ground floor, which was also formerly part of TSB Bank until its closure in 2020, has recently been let to Rudy's Pizzeria, the conversion of the ground floor to accommodate a pizzeria, equipped with a pizza oven flue, retractable awnings and a rear extension was approved as part of application 131058/FO/2021 on Thursday the 07th of October 2021. The restaurant will have a separate entrance to the apartments above.

The second floor (top-floor) has always been let as an apartment separate to the ground and first floors of the building, with the current tenant having let the existing second-floor flat for at least 12 years.

Description of development

The application seeks prior approval for the change of use of the first floor accommodation to create two flats (C3a) with no physical external alterations to the building, the ground floor premises is currently used as Class E restaurant use.

This proposal is for the first-floor of the building to be converted into two apartments, which will include a one-bedroom apartment and a two-bedroom apartment, both equipped with kitchen, living and bathroom space.

The one-bedroom apartment will be accessed via the main door located on Silverwood Avenue. Meanwhile the two-bedroom apartment will be accessed via the rear staircase, which is shared with the existing second-floor apartment.

Relevant Planning History

134397/FO/2022 -Retention of retractable roof and supporting structure to existing external area
TBD

131058/FO/2021 - Proposed alterations to the existing elevation to form new door opening and reinstate blocked up windows, installation of retractable awnings, small rear extension and installation of new pizza oven flue. Approved October 2021

038355 - General refurbishment of bank including new shop front - Approved 28.02.1991

Consultations & Notification Responses

Local Residents/Occupiers - No representations received.

Flood Risk Management -Recommend no drainage condition. An informative is suggested regarding nearby watercourses but as the proposals do not propose external works it is not considered necessary to attach an informative in this instance.

Highway Services - Raise no objection to the proposals.

Environmental Health - Conditions are advised in relation to acoustic attenuation, air quality and refuse and have been attached to the consent.

Both details regarding waste and air quality are not matters requiring prior approval. Conditions relating to these matters are not able to be considered against a Class MA prior approval application. In relation to waste the applicant has indicated that bins storage areas are to be utilised in the rear yard consistent with other premises in the area.

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 of noise

from commercial premises, natural light to all habitable rooms and the storage of domestic waste.

Legislation.

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 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.

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 A2 Bank for a least 2 years prior to its closure in 2020.

- (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 purposes of section 41(3) of the
- (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 2 no. dwellings 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 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;

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.

(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;

Not applicable

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

All the rooms save a bathroom/WC within one of the dwellings 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 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 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; 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 in use as a restaurant at ground floor with an apartment at second floor. The submitted information indicates that the property was vacant at first floor from 2020 following the closure of the former TSB bank at the premises and that this was the case at the time of the submission of the application.

Both the proposed apartments would meet and exceed the nationally described space standards as the proposals incorporate a 1-bedroom apartment occupying 53.1 m² whilst the 2-bedroom apartment occupies 65.2 m².

The proposals are considered to meet the requirements of Class MA save for the attaching of a condition relating to acoustic insulation of the dwellings to protect the amenity of occupiers from commercial properties.

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

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Barlow Moor Road 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 such as the ground floor commercial 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.

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 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.

Informatives

1) In order to discharge the acoustic insulation condition attached to this decision the following will be required:

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 LAmax,F by more than 15 times)
Living Rooms (daytime - 07.00 - 23.00) 35 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.

Where applicable (entertainment/music): Additionally, where entertainment noise is a factor in the noise climate the sound insulation scheme shall be designed to achieve internal noise levels in the 63Hz and 125Hz octave centre frequency bands so as not to exceed (in habitable rooms) 47dB and 41dB (Leq,5min), respectively.

2) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Flat 2, 573A Barlow Moor Road, Manchester, M21 8AE
Flat 1, 573A Barlow Moor Road, Manchester, M21 8AE
Second Floor, 575 Barlow Moor Road, Manchester, M21 8AE
First Floor, 575 Barlow Moor Road, Manchester, M21 8AE
Kentoms Garage, Silverwood Avenue, Manchester, M21 8BN
575 Barlow Moor Road, Manchester, M21 8AE
577A Barlow Moor Road, Manchester, M21 8AE
577 Barlow Moor Road, Manchester, M21 8AE

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 (Middle) -
Area Team Boundary - Name: SOUTH AREA