

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133567/P3MPP/2022

Date registered valid: 19 April 2022

Proposal: Prior Approval for the change of use from Hot Food Takeaway (Sui Generis) to form living accommodation to an existing flat at ground level (Use Class C3a) and associated elevational alterations

Address: Part Of Ground Floor Of 18 Ringley Street, Manchester, M9 5UW

Ward(s): Harpurhey Ward

Applicant: Mr Zyad 18 Ringley Street, Manchester, M9 5UW

Agent (if any): Michael Imonitie 668 Rochdale Road, Manchester, M9 5TT

Case officer: Katie Raw
Tel: 0161 234 4164
Email: katie.raw@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 June 2022

Application details

Type of application: Prior Approval-Sui Gen to Dwell (Cl. M)

Development type: Notifications

Date of site visit: N/A

Standard consultations:

Printed: 22 April 2022 Expired: 13 May 2022

Neighbour notifications

Printed: 22 April 2022 Expired: 13 May 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:

Tree Preservation Order:

Description of area

The application site relates to 18 Ringley Street within the Harpurhey ward of north Manchester. It is a 2 storey, semi-detached, red brick property, which sits on the junction of Ventr Street and Ringley Street. The property comprises of a takeaway on the ground floor and a ground floor 1 bedroom flat and the first floor comprises of a 2 bedroom flat.

Description of development

The submitted application is for Prior Approval for the change of use from hot food takeaway (Sui Generis) to form living accommodation to an existing flat at ground level (Use Class C3a) and associated elevational alterations. The existing takeaway would become a bedroom as part of the existing ground floor flat and as such, the ground floor flat would change from a 1 bed to a 2 bed flat. The existing elevation at ground floor level would be revised to remove the existing access at ground floor at the corner of the property at the junction of Ringley Street, and Ventr Street, with the incorporation of a new entrance to serve both the ground and first floor flats. From the new external front door, an internal door would be provided to serve the ground floor flat, and stairs up to the first floor flat. Currently, access to the first floor flat is possible through the takeaway. 2 windows would be removed from the rear elevation of the

property. The side door offering access to the ground floor flat would become a window. A window within the side elevation would be removed where the new bedroom is to be placed.

Consultations & Notification Responses

Local residents

Local residents were consulted, and no responses were received.

Highway Services

The following comments were made. The proposed development is to provide zero car parking. They consider that any trips that are likely to be generated can be accommodated on the highway network. Pedestrian access to the building is acceptable to Highways. Refuse servicing will continue as present. All bins will be stored within the site's curtilage and transferred for kerbside collection when appropriate to prevent any obstruction on the footway, this is acceptable to Highways. The applicant should be 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 Email highwaylicenses@manchester.gov.uk

Environmental Health

Environmental Health were consulted on the application and had no comments to make.

MCC Flood Risk Management

The Team provided the following comments on the application. Based on the provided evidence, they recommend no drainage condition for this application. The drainage of the site can be approved and they suggest the following informative to be included within the Decision Notice: The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Issues

POLICY

This application is made under Schedule 2 Part 3 Class M of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended): Change of Use from Takeaways, Betting Offices, Pay Day Loan Shops or Launderettes (Sui Generis Uses); or a Mixed Use combining use as a Dwellinghouse (Use Class C3) with a Betting Office, Pay Day Loan Shop or Launderette (Sui Generis Uses); to Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion

Permitted development:

M. Development consisting of—

(a) a change of use of a building from—

(i) a use falling within one of the following—

(aa) launderette;
(bb) betting office;
(cc) pay day loan shop;
(dd) hot food takeaway; or
(ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);
to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or
(b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

(i) on article 2(3) land;

(ii) in a site of special scientific interest;

(iii) in a safety hazard area;

(iv) in a military explosives storage area;

(v) a listed building; or

(vi) a scheduled monument.

Conditions

M.2—(1) Where the development proposed is development under Class M(a) together with development under Class M(b), development 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) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,

(e) the design or external appearance of the building, and

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class M(a) only, development 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 the items referred to in sub-paragraphs (1)(a) to (d) and (f), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

(a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date;

(b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse; and

(c) where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021.

Assessment

M(a) The application is to change the hot food takeaway (sui generis uses) to dwellinghouses (Use Class C3).

M.1

(a) Within the planning application form, received by the Local Planning Authority on 19 April 2022, it is confirmed that the property referred to within this application was a hot food takeaway on 20th March 2013.

(c) The cumulative floor space of the existing building changing use under Class M does not exceed 150 square metres, the hot food takeaway is measured at approximately 17.84 square metres.

(d) The development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M; not applicable.

(e) The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

(f) The development does not consist of demolition.

(g) The building is not on article 2(3) land, in a site of special scientific interest, in a safety hazard area, in a military explosives storage area, a listed building or a scheduled monument.

M.2

(2) Where the development proposed is development under Class M(a) only, development 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 the items referred to in sub-paragraphs (1)(a) to (d) and (f), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) transport and highways impacts of the development; Highway Services noted no issues with the development.

(b) contamination risks in relation to the building; Environmental Health had no comments to make on the application.

(c) flooding risks in relation to the building; no drainage condition was required by Flood Risk Management.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the

change of use— (i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services; not applicable.

(f) It would not have a negative impact on the provision of adequate natural light in all habitable rooms of the dwelling houses and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Conclusion

The proposed development is hereby approved on the basis of the above and in that it meets the criteria of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class M: Change of Use from Takeaways, Betting Offices, Pay Day Loan Shops or Launderettes (Sui Generis Uses); or a Mixed Use combining use as a Dwellinghouse (Use Class C3) with a Betting Office, Pay Day Loan Shop or Launderette (Sui Generis Uses); to Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion.

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, 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

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 drawings numbered ZY/01/22 -Proposed floor plans and elevations, and Location Plan ref: TQRQM22107171253996 received by the City Council, as Local Planning Authority, on 19 April 2022.

2)The materials to be used on the external surfaces of the building hereby permitted shall match those of the existing building in type, size, colour and texture this shall include the reinstatement of the brickwork and mortar following the removal of the existing shopfront.

Reason - To ensure the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Informatives

1) The applicant should be 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 Email - highwaylicenses@manchester.gov.uk

2) The applicant should design and construct drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN17 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

21 Ringley Street, Manchester, M9 5UW
19 Ringley Street, Manchester, M9 5UW
23 Ringley Street, Manchester, M9 5UW
16 Ringley Street, Manchester, M9 5UW
67 Ventnor Street, Manchester, M9 5UN
25 Ringley Street, Manchester, M9 5UW
20 Ringley Street, Manchester, M9 5UW
65 Ventnor Street, Manchester, M9 5UN

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH1