

Planning

Growth & Development

Delegated officer report for planning application

Application no. 144543/P3MAP/2025

Date registered valid: 17 November 2025

Proposal: Prior approval for change of use from existing cafe Class E to class C3(a) residential including alterations to existing building including addition of 1no. double window and addition of 1no. roof light.

Address: Old Bake House, 13 Eastwood Road, Manchester, M40 3TF

Ward(s): Moston Ward

Applicant: Ben Mckeown, GSM Industrial Ltd

Agent (if any): Mr Benjamin William, Mckeown

Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 5th January 2026

Application details

Type of application: Prior approval - Class E-Dwell (Class MA)

Development type: Notifications

Date of site visit: 25 November 2025

Standard consultations: Printed: 21 November 2025 Expired: 12 December 2025

Neighbour notifications: Printed: 21 November 2025 Expired: 12 December 2025

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

The application relates to a detached standalone redbrick building which is accessible via a narrow, gated alleyway leading off Eastwood Road in the Moston ward of Manchester. The application site features a considerable set back from the highway, located away from the main thoroughfare, nestled between the residential properties of Moston Lane East, Eastwood Road, and Bannatyne Close. The building is thought to have been erected in the 1930s, operating as a bakehouse (Class B1) until 2012, whence it became derelict and disused. In recent years however, the building has been allocated its own address point and has been renovated, allowing its conversion into a small café (Class E) under permitted development regulations. The café as it now stands features indoor and outdoor seating areas as well as external decorations, which include a large timber pergola located against the plot's southern boundary.





Description of development

The applicant is seeking prior approval for the change of use from existing café (Class E) to class C3(a) residential including alterations to existing building including addition of 1no. double window and addition of 1no. roof light.

Consultations & Notification Responses

Local residents – no responses received.

MCC's Environmental Health Services requested a condition relating to the control of waste be attached in the event of an approval.

MCC's Highways Services made the following comments:

- It is unlikely that a significant increase in vehicle trips will be generated by the change of use.
- The site is accessible by sustainable modes. Regular bus services are routed within walking distance from the site.
- Pedestrian access is provided from Eastwood Road.
- No on-site car parking associated with the development. All vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on street.
- In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.
- Clarification is sought on the refuse bin store and waste collection point – This should be shown on an updated dimensioned plan.
- Detail should be sought from the applicant in relation to any proposed construction or fit-out arrangements, where there is an impact on the highway.
- The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements, including Section 50, will need discussion and agreement with MCC Highways Network teams via Contact Manchester (Tel. 0161 234 5004) Email -highwaylicences@manchester.gov.uk and highwaynetworkmanagement@manchester.gov.uk

MCC's Flood Risk Management made no objection to the proposal and requested no conditions.

Issues

Principle - In April 2021, Class MA was introduced to the Town and Country Planning (General Permitted Development) (England) Order 2015 (with subsequent amendments made in August 2021 and March 2024) allowing the conversion of commercial, business and service uses to dwellinghouses, subject to a prior approval process with the Local Planning Authority.

As stipulated within the Town and Country Planning (General Permitted Development) (England) Order 2015, the proposal will be assessed with regard to the transport impacts of the development, particularly to ensure safe site access, contamination risks, flooding risks, impacts of noise from commercial premises, and the provision of natural light to all habitable rooms.

Legislation – Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Class MA – commercial, business and service uses to dwellinghouses.

Permitted development:

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) omitted 05.03.2024.

(b) unless the use of the building fell within one or more of the classes specified in sub paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The submitted application form indicates that the building has been in use as a café (Class E) for a continuous period of at least 2 years prior to the date of the application for prior approval.

(c) omitted 05.03.2024.

(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 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.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
 - (ii) Class A2 (financial and professional services);
 - (iii) Class A3 (food and drink);
 - (iv) Class B1 (business);
 - (v) Class D1(a) (non-residential institutions – medical or health services);
 - (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

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 proposed alterations to the building are within the red-line boundary of the site and as such, will not impinge upon the adopted highway.

It is understood that the proposals would not have an impact on the approved pedestrian access, circulation or the external highway network.

No on-site car parking is associated with the development. Therefore, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on street.

Notwithstanding this, the proposal is considered to be located within a sustainable and accessible location, which is well-served by the local bus network, with regular services available.

The provision of 1no. dwelling accommodating 2no. bedrooms for 2no. persons is not considered to give rise to significant highways impacts nor generate a significant increase in vehicle trips.

- (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 its previous and existing uses.

Further to this, Environmental Health did not raise any concerns relating to potential contamination risks.

(c) flooding risks in relation to the building;

There are not perceived to be any flooding risks associated with the premises. The building is not located within Flood Zones 2 or 3.

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

There are no commercial premises located in close proximity to the development.

Further to this, Environmental Health did not raise any concerns relating to potential noise impacts from commercial premises.

(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;

The submitted plans and elevations show that one window is proposed within the eastern elevation to serve Bedroom 2, and one skylight within the northern roof slope to serve Bedroom 1. However, elevational alterations are not permitted under the prior approval provisions of Class MA, and therefore these openings cannot form part of the assessment. In the absence of these proposed openings, both bedrooms would lack an adequate source of natural light, which is a key requirement for habitable rooms.

(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;

Not applicable.

(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.

The requirement for Class MA prior approval to meet space standards is set out in Article 3(9A) of the GPDO, introduced by the Amendment Regulations 2020 (SI 2020 No. 1243) which states:

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a)where the gross internal floor area is less than 37 square metres in size; or

(b)that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

The proposed development, comprising a single-storey, two-bedroom dwelling intended for two occupants, would fail to meet the minimum space requirements set out in the Technical Housing Standards – Nationally Described Space Standard. These standards specify that a one-storey, one-bedroom, two-person dwelling must provide a minimum gross internal floor area of 50 m², while a one-storey, two-bedroom, three-person dwelling must provide at least 61 m². The proposed unit provides only 42 m² of internal floor space, falling significantly below these benchmarks and resulting in an unacceptable standard of accommodation for future occupiers.

Conclusion – the prior approval application for the change of use from an existing café (Class E) to residential use (Class C3(a)), including alterations to the building through the addition of one double window and one roof light, fails to comply with the requirements of Article 3(9A) and Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as it does not provide adequate natural light to all habitable rooms (with elevational alterations not permitted under the prior approval route) and falls significantly short of the nationally described space standards. Consequently, the development cannot be considered acceptable under the prior approval provisions.

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.

Recommendation: Refuse

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

1) The Prior Approval application for the Change of use from Commercial, Business, and Service (Use Class E) to Dwellinghouses (Use Class C3) fails to accord with the requirements of Article 3(9A) and Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it does not provide adequate natural light to all habitable rooms and falls short of the Technical Housing Standards – Nationally Described Space Standard.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

126 Moston Lane East, Manchester, M40 3QL
128 Moston Lane East, Manchester, M40 3QL
9 Eastwood Road, Manchester, M40 3TE
116 Moston Lane East, Manchester, M40 3QL
108 Moston Lane East, Manchester, M40 3QL
106 Moston Lane East, Manchester, M40 3QL
5 Eastwood Road, Manchester, M40 3TE
3 Eastwood Road, Manchester, M40 3TE
11 Eastwood Road, Manchester, M40 3TE
5 Bannatyne Close, Manchester, M40 3TD
17 Eastwood Road, Manchester, M40 3TE
21 Eastwood Road, Manchester, M40 3TE
19 Eastwood Road, Manchester, M40 3TE
112 Moston Lane East, Manchester, M40 3QL
110 Moston Lane East, Manchester, M40 3QL
118 Moston Lane East, Manchester, M40 3QL
114 Moston Lane East, Manchester, M40 3QL
124 Moston Lane East, Manchester, M40 3QL
7 Eastwood Road, Manchester, M40 3TE
15 Eastwood Road, Manchester, M40 3TE
130 Moston Lane East, Manchester, M40 3QL
122 Moston Lane East, Manchester, M40 3QL
120 Moston Lane East, Manchester, M40 3QL
1 Eastwood Road, Manchester, M40 3TE
7 Bannatyne Close, Manchester, M40 3TD
3 Bannatyne Close, Manchester, M40 3TD
1 Bannatyne Close, Manchester, M40 3TD

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH AREA