

Planning

Growth & Development

Delegated officer report for planning application

Application no. 144281/P3MAP/2025

Date registered valid: 16 October 2025

Proposal: Prior approval for conversion of existing vacant offices (Class E) to C3 Dwellinghouse (Flat).

Address: 250 Middleton Road, Manchester, M8 4WA

Ward(s): Higher Blackley Ward

Applicant: Mr Altaf Ramtoola

Agent (if any): Mr Subhan Saleem, Saleem Architects

Case officer: Ian Jarvis
Tel: 0161 234 4079
Email: ian.jarvis@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 9 December 2025

Application details

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

Development type: Notifications

Standard consultations:

Printed: 20 October 2025 Expired: 10 November 2025

Neighbour notifications

Printed: 20 October 2025 Expired: 10 November 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: No

Tree Preservation Order: No

This application relates to the upper floor of a two-storey shop unit in a row of 5 commercial units. There is also a row of 6 shop units, on the opposite side of Middleton Road, to form a small local shopping centre. The premises were granted planning permission, in 2006, for the change of use of the ground floor from financial and professional services to a cafe and sandwich bar (081253/FU/2006/N1) At that time the Officer Report confirmed that the upper floor was used as an accountant's office. There have been no further planning permissions, on the site, and the upper floor is now vacant, with the applicant indicating that it was last used as an accountants office in April 2024. It is therefore considered that the premises has an authorised Class E use, over both the ground and upper floors.

The ground and upper floors are accessed via separate doors on the front of the property. Google images show that these doors have been in place since at least 2009, and no change is proposed to this arrangement.

Prior Approval is sought for the change of use of the first floor Commercial, Business and Service use (Class E) to form one residential flat (Use Class C3), under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015, as amended. The submitted floor plans indicate the provision of a one bedroom flat with separate living, kitchen and bathroom. All rooms have a window and no external changes are proposed.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highway Services - Made the following comments :

TRIP GENERATION AND JUNCTION CAPACITY:

In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes. Regular bus services and Metrolink services are available within walking distance of the site.

PARKING AND ACCESS:

Confirmation is requested on parking arrangements. Noted that parking does occur outside of property on the unadopted forecourt.

Pedestrian access will be in place from Middleton Road. Plans confirm that a separate access will be in place for the café and residential use.

The applicant has confirmed that the frontage parking is related to the ground floor cafe use.

CYCLE PARKING:

Cycle store is shown in the yard of the site. Confirmation is requested on who the cycle parking is allocated to.

For the avoidance of doubt cycle parking should be in place for residential use and existing commercial use.

The applicant has confirmed that the cycle parking provided is for both the existing commercial use, and proposed residential use.

BOUNDARY TREATMENTS:

No details have been provided on the proposed boundary treatments. It is requested that this information is submitted for comment.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.

No boundary treatment changes are proposed.

REFUSE AND SERVICING:

A waste store is noted in the rear of the site.

Confirmation is requested on whether the waste store has separated bins for the commercial and residential use.

It is understood that the waste collection will be as per the existing arrangements from Windle Avenue. Bins must be returned to yard after collection and not impact on the adopted highway.

A condition is proposed in relation to refuse storage.

Strategic Area and Citywide Support Manager - Recommend that conditions are attached, to any permission granted, in relation to acoustic insulation and refuse. The suggested pre-commencement conditions have been accepted by the applicant.

Flood Risk Management Unit - Made the following comments:

The site lies within Flood Zone 1 and the proposed works are change of use, do not result in an increase in impermeable area, and the site is not identified as being at risk of surface water flooding.

Therefore, a Flood Risk Assessment is not required, and the LLFA has no objections to the said proposal.

Issues

In August 2021 Class MA 'Commercial, business and service uses to dwellinghouses' was added to Schedule 3, part 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to require the need for a Prior Approval application to be submitted to the local authority for such changes.

The Town and Country Planning (General Permitted Development) (England) Order 2024 then came into force on March 5, 2024. This order introduced new flexibilities for converting commercial properties into residential homes by removing certain conditions of Class MA, changes of use.

Legalisation

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 class falling within Class E (commercial, business and service) of the Schedule 2 to the Use Classes Order to use falling within Class C3 (dwellinghouse) of Schedule 1 of that Order.

MA.1- (1) Development is not permitted by Class MA-

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

There is no evidence that that the upper floor has been used for any purpose other than as an accountants office (now class E0).

(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 purpose of section 41(3) of the Wildlife and Countryside Act 1981(1);

(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.

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;
Whilst no dedicated car parking is provided, on-street parking is available in the area. It is the case that one additional residential unit would be present on site, but this is a replacement for a previous Class E use, that would have its own associated comings and goings and parking demands. Also, cycle parking is available within the curtilage of the site and the site has good public transport links. On this basis, the proposed arrangements are considered to be acceptable.

(b) contamination risks in relation to the building;
The application relates to the upper floor of an established and long standing premises, with no extension works proposed, and it is not considered there would be contamination risks and no objections have been raised by Environmental Health officers.

(c) flooding risks in relation to the building;
There are not perceived to be any flooding risks associated with the premises, and no concerns have been raised by the Council's Flood Risk Management Unit

(d) impacts of noise from commercial premises on the intended occupiers of the development;
Environmental Health officers have recommended a condition regarding acoustic insulation requirements, which will be attached to this consent.

(e) Buildings in a Conservation Area - not relevant

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
All the rooms have windows and it is considered that adequate natural light would be provided.

(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:
A condition, relating to waste management has been requested by Environmental Health

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health care maintained under the 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 upper floor is now vacant after being in use for many years as an accountants office, which falls within use Class E. The proposal involves creating a one bedroom, two person, flat with a floor area of approximately 53 square metres, which is above the nationally described space standard, of 50 square metres, for such a unit.

The proposal is therefore considered to meet the requirements of Class MA save for the attaching of conditions relating to refuse arrangements and acoustic control measures.

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: Approve

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

1) The City Council is satisfied that this development would have no material, harmful impact on the local highway network and transport, that there are no known contamination or flood risks at the site, and the provision of natural light to all habitable rooms, and that satisfactory arrangements can be made with regard to the management of noises. The proposal therefore complies with the requirements of policies SP1, T2 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester. and 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 site location plan and the drawing titled 'Proposed Plans - Sheet 3' dated 15 October 2025 and stamped as received by the City Council as Local Planning Authority on 16 October 2025.

2) a) Before the development commences a scheme for acoustically insulating the proposed residential accommodation against noise from Middleton 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. 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.

b) Prior to first occupation of the residential unit, 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, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1 and DM1 of the Core Strategy.

3) 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. The development shall have refuse storage space for segregated waste collection and recycling and internal and external storage areas are required. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

Informatives

1) 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) Email -highwaylicences@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

248A Middleton Road, Manchester, M8 4WA
248 Middleton Road, Manchester, M8 4WA
7 Welford Road, Manchester, M8 4NZ
252 Middleton Road, Manchester, M8 4WA
281 Middleton Road, Prestwich, M8 4LY
283 Middleton Road Prestwich, M8 4LY

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
Area Team Boundary - Name: NORTH AREA