

Planning

Growth & Development

Delegated officer report for planning application

Application no. 144290/P3MAP/2025

Date registered valid: 17 October 2025

Proposal: Prior approval for conversion of basement to a 1 bed self contained flat.

Address: 468 Victoria Avenue, Blackley, Manchester, M9 0PL

Ward(s): Higher Blackley Ward

Applicant: Mr Parvez Anwar

Agent (if any): Mr Dean King, NK Architectural

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

Recommendation: Refuse

Date of recommendation: 8 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 basement of a two-storey shop unit in a row of 5 retail/commercial units, which forms a small local shopping centre. The premises have a ground floor Class E use, authorised by planning permission ref:036788, and this was followed by 3 applications to change the use of the premises to a hot food take-away, all of which were refused (067259/FU/NORTH1/03, 072855/FU/2004/N1 and 075105/FO/2005/N1). On the ground floor, the premises are now in use as a cafe. which would be a Class E use, with take-away sales also indicated. The use of the upper floor is unclear, but this is indicated, by the applicant, to be a residential flat.

The basement is indicated as being in use for storage purposes, in association with the Class E use and Prior Approval is sought for the change of use of the basement 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 2 person flat with combined living/dining room, kitchen and shower room.

The proposed floor plans appear to show some works in the form of vents/small lightwells, on the front of the property, but the exact nature of these works is unclear. In any event external works are not allowed as part of a prior approval application, so the application has been assessed as a pure conversion of the basement.

Consultations & Notification Responses

Local residents/adjoining occupiers - No comments received.

Highways Services - Makes the following comments:

SITE ACCESSIBILITY:

The site is well accessed by sustainable modes of transport.

PARKING AND ACCESS:

There is no on-site car parking associated with the proposed redevelopment and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. This is acceptable.

CYCLE PARKING:

In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site. The applicant is offering to provide cycle storage for two cycles.

REFUSE AND SERVICING:

Designated refuse storage has been accommodated for the flat with kerbside collection expected. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the nearby footway.

CONSTRUCTION MANAGEMENT:

A Construction Management Plan is not required.

Strategic Area and Citywide Support Manager - No comments received.

Flood Risk Management Unit - Make 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; .

(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, which is the same arrangement as with existing surrounding properties. It is the case that one additional residential unit would be present on site, but Highways services do not consider that the proposal would give rise to significant highway impacts. Cycle parking is available at the rear of the site.

(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.

(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;

There would be the potential for noise, from the Class E use on the ground floor.

(e) Buildings in a Conservation Area - not relevant

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses; As indicated above, the proposed floor plans appear to show some works in the form of vents/small lightwells, on the front of the property, but how these works might provide some natural light is unclear. In any event external works are not allowed as part of a prior approval application, and, being considered as a pure conversion of the basement, there would be no natural light provided, to the proposed living/dining room, which would provide poor quality living conditions for future residents. On this basis, the development would fail to achieve the provision of adequate natural light and the requirements of MA2(2)(f) would not be met.

(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:
The area is mostly residential, other than this row of shops.

(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 - In the light of the above, it is not considered that the development can be positively determined as the proposal would not accord with the appropriate assessment criteria relating to the provision of adequate natural light as specified in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2, Class MA - commercial, business and service uses to dwellinghouses.

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 would fail to accord with the assessment criteria that seeks to safeguard residential amenity as specified within The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021 Part 3 of Schedule 2, Class MA - commercial, business and service uses to dwellinghouses and Procedure for applications for prior approval under Part 3, Paragraph W (9), with particular regard to the failure to support the proposed configuration of internal spaces with the adequate provision of natural light. The proposed residential change of use would thereby be harmful to the amenity of future residents contrary to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management

Flat Above, 472 Victoria Avenue, Blackley, Manchester, M9 0PL
Flat Above, 468 Victoria Avenue, Blackley, Manchester, M9 0PL
Top Flat, 466 Victoria Avenue, Blackley, Manchester, M9 0PL
464 Victoria Avenue, Blackley, Manchester, M9 0PL
443 Victoria Avenue, Blackley, Manchester, M9 8PJ
441 Victoria Avenue, Blackley, Manchester, M9 8PJ
439 Victoria Avenue, Blackley, Manchester, M9 8PJ
437 Victoria Avenue, Blackley, Manchester, M9 8PJ
472 Victoria Avenue, Blackley, Manchester, M9 0PL
435 Victoria Avenue, Blackley, Manchester, M9 8PJ
42 Melverley Road, Manchester, M9 0PG
40 Melverley Road, Manchester, M9 0PG
36 Melverley Road, Manchester, M9 0PG
474 Victoria Avenue, Blackley, Manchester, M9 0PL
470 Victoria Avenue, Blackley, Manchester, M9 0PL
466 Victoria Avenue, Blackley, Manchester, M9 0PL
445 Victoria Avenue, Blackley, Manchester, M9 8PJ
46 Melverley Road, Manchester, M9 0PG
44 Melverley Road, Manchester, M9 0PG
38 Melverley Road, Manchester, M9 0PG
34 Melverley Road, Manchester, M9 0PG

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