

DELEGATED REPORT

Report by Sam Summers	Date of report: 20/05/2025	Ref: 71801/PIAPA
Registration: 26/03/2025	LDfC: 24/04/2025	Expiry Date: 21/05/2025
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 6	Con Area: N/A	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Prior approval for proposed change of use from showroom/manufacturing (Class E) to 20 no. apartments (Class C3)

Location: 78-80 Church Street West, Radcliffe, Manchester, M26 2SY

Description

This is an application for prior approval for proposed change of use of 78-80 Church Street West from showroom/manufacturing (Use Class E) to 20 no. dwellinghouses (Use Class C3) under Part 3 Class MA of the General Permitted Development Order 2015(as amended).

The main building is "L" shaped with a single storey porch extension to the front, and a single storey rear extension accessed from the basement level to the rear. An existing single storey commercial unit is attached to the rear of the building.

It is proposed to change the use of the building into 20 self contained flats. The floor space would exceed the 37 square metres required under the national housing standards but would not exceed the limit of 1500 square metres allowed under the permitted development right.

Relevant Planning History

70563 - Change of use from former showroom/workshop to 28 no. bedroom (single occupancy) building of multiple residential occupation (Sui Generis) - RefuseRefused 11/06/2024

Publicity

Letters sent -

6 objections received - extra rubbish, noise, anti social behaviour, illegally parked cars, too many HMOs and 1 bed flats in Radcliffe, lack of services, lack of parking, fly tipping, HMOs are detrimental to the area, will affect nearby business as there is no additional parking proposed

Statutory/Non-Statutory Consultations

Traffic Section - Recommend refusal

Environmental Health - Pollution Control - No comment

Pre-start Conditions - None

Development Plan and Policies

Issues and Analysis

Development is not permitted by Class MA—

- (a) 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;
- (b) 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;
- (c) 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;
- (d) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
- (e) 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.

(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.

Advice was sought from the council's legal section regarding the current temporary unauthorised use of the building as a religious centre and they have confirmed that this would not affect the eligibility of the building for the prior approval as the lawful use of the building has always remained Class E.

The proposal would therefore comply with all the limitations and conditions set out above.

Development under Class MA is permitted subject to the following conditions.

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 Traffic Section have been consulted upon the proposal and consider that the proposal provides inadequate off-street parking facilities within the curtilage of the site for the proposed use, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets and classified roads where on-street parking facilities are at a premium at all times of day. In turn, this would have a significant detrimental impact on existing parking facilities for existing residents of Glenvale Close and be detrimental to the free flow of traffic and road safety. In addition, the proposed open parking/cycle storage area requires the demolition of part of the building and building operations are not permitted on this type of prior approval application.

(b) contamination risks in relation to the building;

It is acknowledged that no new build is proposed. However, due to previous use as works and factory, there is the potential for contamination of the building to have occurred. As such, a Desk Study and Preliminary Risk Assessment would be required as a minimum. This has not been provided and as such, prior approval cannot be granted.

(c) flooding risks in relation to the building;

The site is not in a flood zone

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

The Pollution Control Section have no comment to make. This is a residential area and as such there will not be any unacceptable levels of noise.

(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;

The site is not in a conservation area.

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

New windows and doors are required along with the demolition of the existing single storey extension to the building for the light to be provided. There is no application for these building works with the Council and the prior approval does not allow for building operations as part of the application. As such, the demolition works are not permitted and the proposed flats at the basement level would not have adequate natural light. Therefore, the prior approval cannot be granted.

(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

Is not in an area important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

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

(i) a registered nursery, or

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(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

There would be no loss of such provisions.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The development does not consist of two or more dwellings whilst also exceeding seven storeys in height.

Response to neighbours -

Traffic issues have been addressed in the main body of the report, fly tipping and anti social behaviour issues are not part of the assessment for this prior approval , The proposal is not for an HMO but is for flats. The number of nearby HMOs cannot be taken into account as part of this application, neither can the pressure on local services

As such the Prior Approval of the Local Planning Authority is required and refused

Recommendation: Prior Approval Required and Refused

Conditions and Reasons:

- 1 The proposal requires operational development which is not permitted under Part 3 Class MA of the General Permitted Development Order 2015(as amended).
- 2 Proposal would not provide adequate natural light in all habitable rooms of the dwellinghouse and as such would not comply with Part 3 Class MA Paragraph MA.2.(2)(f) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- 3 The proposal would result in the significant intensification of the use of a site with no off-street parking facilities proposed within the curtilage of the site, which is highly likely to lead to vehicles parking and carrying out manoeuvres on the surrounding residential streets and classified roads where on-street parking facilities are at a premium at all times of day, which would have a significant impact on parking facilities for existing residents and be detrimental to the free flow of traffic and road safety.
- 4 Due to previous use as works and factory there is the potential for contamination of the building to have occurred, as such, a minimum, a Desk Study and Preliminary Risk Assessment is required.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
SS	20/05/2025	HL -	20/05/2025