

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133018/FO/2022

Date registered valid: 22 February 2022

Proposal: Change of use from place of worship (Use Class F1(f)) to day nursery (Use Class E(f)), with associated provision of cycle and scooter stands, car parking to the front and erection of acoustic fence

Address: 7 Moor End, Manchester, M22 4JQ

Ward(s): Northenden Ward

Applicant: Harkalm Investments Ltd, C/o Agent

Agent (if any): Craig Slack, Pegasus Group, 21 Ganton Street, London, W1F 9BN

Case officer: Robert Tyrer
Tel: 0161 234 4068
Email: robert.tyrer@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 19 April 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 8 March 2022

Standard consultations:

Printed: 1 March 2022 Expired: 22 March 2022

Neighbour notifications

Printed: 1 March 2022 Expired: 22 March 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

The application site is a two-storey building that was previously in use as Kingdom Hall of Jehovah's Witnesses (a place of worship), until its closure in June 2020.

To the front of the building is a large area of hardstanding, used for car parking. At the rear is a yard area where access can be taken from the front



Photograph 1 and 2; Application Site as viewed from Moor End (public highway). Source: Officer's Site Photographs (08.03.2022)

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The site is located on the edge of Northenden District Centre, where the surrounding streets are principally an area of housing, it is within a short walking distance of centre of the district centre which is focused along Palatine Road and Church Road which includes shops, public houses and a church.

Description of development

The applicant is seeking planning permission for a change of use from place of worship (Use Class F1(f)) to day nursery (Use Class E(f)), with associated provision of cycle and scooter stands, car parking to the front and erection of acoustic fence.

Consultations & Notification Responses

Local Residents - We received a total of 5 representations, 4 raised an objection to the application and the concerns raised are as follows:

- Traffic/Highway Safety/Noise and Disturbance;
 - Residents are concerned that cars will park on Moor End to drop off and pick up children to and from the nursery and stop the traffic flow on this road and Palatine Road.
 - Respondents have also raised that the proposal would contribute to existing congestion within Northenden with one resident raising concerns about air quality.
 - Residents are concerned that the number of car parking for staff is insufficient; that the existing premises is unable to accommodate the numbers proposed and that the Jehovah Witnesses used a different car park for this reason.
 - Concerns have also been raised regarding noise and disturbance from the proposed nursery and outdoor play area.
 - Highway Safety issues due to the proximity the junction of Moor End and Palatine Road and the types of vehicles that use the road such as HGVs and Coaches.
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The 1 representation did not object to the planning application, however they wanted to raise concerns with two trees within the curtilage of the property which would be a danger to children. The trees are a sycamore and oak tree and requested a condition to address the matter should the application be approved.

Environmental Health - Environmental Health have recommended that the following conditions are attached;

1. Fumes/odours

a) Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority before the use commences.

Mixed use schemes shall ensure provision for internal ducting in risers that terminate at roof level. Schemes that are outside the scope of such developments shall ensure that flues terminate at least 1m above the eave level and/or any openable windows/ventilation intakes of nearby properties.

b) Prior to commencement of the use hereby approved confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented.

Reason - In the interests of the amenities of occupiers of nearby properties.

2. Deliveries to commercial premises

Deliveries, servicing and collections, including waste collections shall not take place outside the following hours: 07:30 to 20:00, Monday to Saturday, no deliveries/waste collections on Sundays/Bank Holidays.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation.

3. Noise

Environmental Health have commented that the ACA Acoustics noise report reference 210708-R001B dated 17 August 2021 is accepted and the acoustic fence will need to be constructed before the development is brought into use. The noise management plan for the site is acceptable and restricting the use of the external play area to after 9am and restricting the number of children in the yard at any one time will ensure there is less impact on surrounding residents.

4. Noise - Fixed Plant and Equipment

a) Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (LAeq) below the typical background (LA90) level at the nearest noise sensitive location. Prior to commencement of the use hereby approved the scheme shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the site.

b) Prior to occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved acoustic report. The report shall also undertake post completion testing to confirm that the 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 agreed noise criteria.

Reason - To minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site.

5. Refuse

Proposed refuse scheme is acceptable.

Highway Services - A summary of the comments that have been received is provided below:

- Note that the proposals are the same as that received for application 131474/FO/2021 and that previous highway comments remain applicable and these are detailed below.
- The development proposes to retain four forecourt car park spaces and provide an additional space for those with access needs. On-site parking will only be available for staff and it is intended that parents will be required to travel to the site using sustainable means. This arrangement is acceptable subject to confirmation that the size of the on-site parking bays conform with MCC standards (2.4 x 4.8m for standard bays and 3.6 x 6m for accessible bays).
- Noted that the two vehicle access points are to be retained, however the existing footway layout is not ideal in terms of facilitating pedestrian movement to the development.

Highways have requested the following measures:

- Tactile paving on each side of the two vehicle access points;
- Traffic bollards installed within the footway between the two access points to allow for safe drop-off and prevent use of the footway by parked vehicles;
- Footway resurfacing and new kerbing provided to the eastern footway adjacent to the development.

- Highways have requested that should planning be approved then the alterations to the highway will be required and are to be undertaken through S278 agreement between the developer and MCC which would include any required technical approval.
- An acceptable framework travel plan has been provided, and should planning approval be granted, Highways recommend that the provision of a full travel plan be conditioned as part of any approval.
- Noted that within the appendices of the statement of case within the submitted cover letter dated 22/02/2022 that the applicant has offered to amend the on-site car parking arrangement so that two of the spaces are provided for drop-off purposes rather than for staff parking. Although this would mean a loss of two staff parking spaces, on balance, Highways consider that the provision of such spaces for drop-off purposes would reduce the overall impact of the development on the adjacent highway and would support such an alteration.

Suggested Conditions

1. Off-site highways works.
2. Full travel plan

Issues

Local Policy

Manchester Core Strategy Development Plan Document (2012) - The Core Strategy was adopted on the 11th July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant Core Strategy policies for this application are as follows:

SP1 – Spatial Principles

DM1 – Development Management 1

T1 – Sustainable Transport

T2 - Accessible areas of opportunity and need

The relevant UDP policies for this application are:

DC26 – Development and Noise

The Guide to Development in Manchester SPD

National Policy

National Planning Policy Framework (NPPF) - The NPPF sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt.

Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors.

In particular NPPF states that in terms of design:

124. The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

And,

127. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

Relevant Planning History – There have been six previous planning applications at this address, of relevance to this application is the most recent in 2021, a summary is provided below.

Application Details	Description	Decision
131474/FO/2021 Date Valid: 03.09.2021 Target Date: 29.10.2021 Extension of Time: 19.11.2021	Change of use from place of worship (Use Class F1(f) to day nursery (Use Class E(f), with associated provision of cycle and scooter stands and erection of acoustic fence	Refused Date: 19.11.2021

Principle/Use – As described the application site is located on the fringes of the district centre (Image 1) where properties are more residential in nature. The building was in previous use as a place of worship (Use Class F1(f)) and is currently vacant.

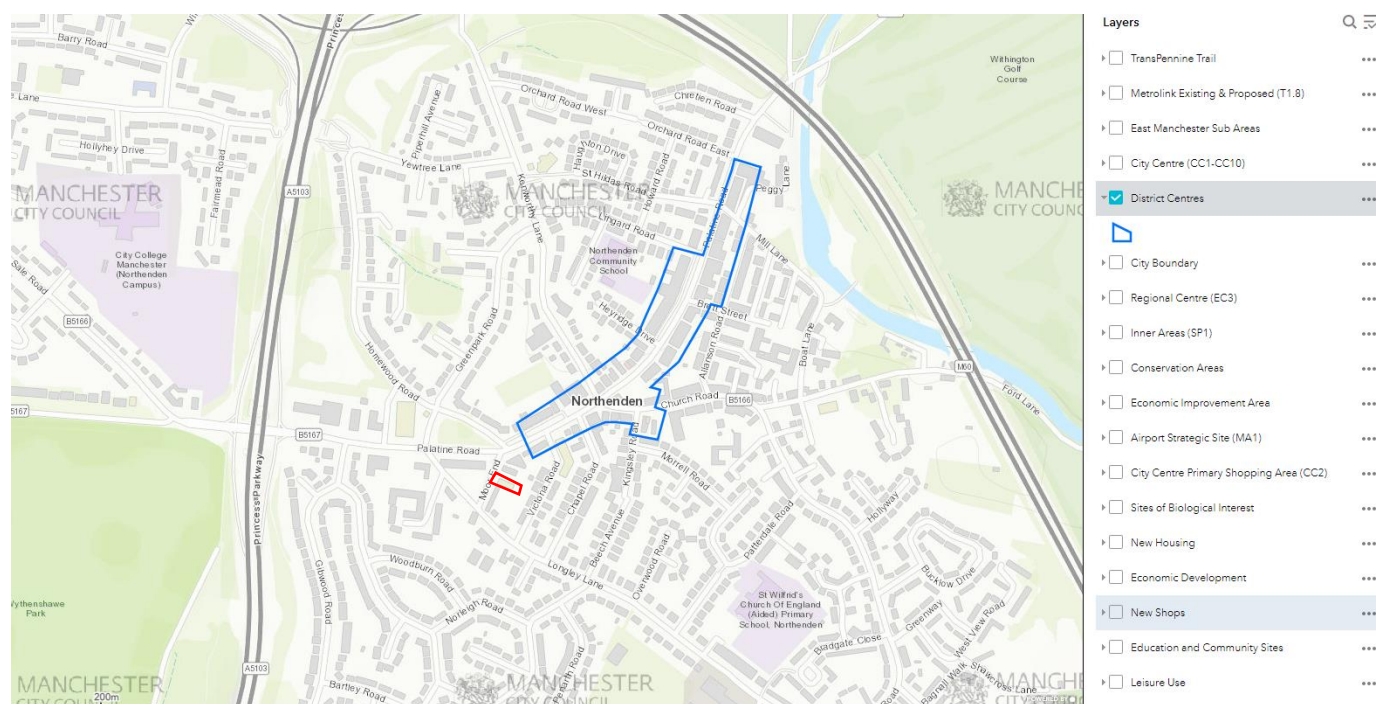


Image 1 Northenden District Centre Boundary and application site shown in red – Source: Local Development Framework Area Map Browser <https://mcr-council.maps.arcgis.com/apps/webappviewer/index.html?id=565a33eaba904b2dabf4c3dd8685db80>

The application is a re-submission of the previous application reference 131474/FO/2021 which was refused for the following reasons:

The proposed use as day nursery is considered to be unacceptable due to the detrimental impact the use would have on the residential amenity of the occupiers of surrounding properties, including from internal and external use of the site, in terms of activity associated with, traffic generation and increased comings and goings to a single property in a predominantly residential area. The proposed use is therefore considered to be contrary to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

The accompanying planning statement submitted with the current application makes it clear that:

The application is a resubmission of application ref. 131474/FO/2021 ("the previous application") for the exact same proposed development, made by the same applicant, and made within 12-months of the decision. (Page 2, Covering Letter)

It should also be noted that an appeal has also been submitted against the Council's decision on the 4th February 2022, under appeal reference APP/B4215/W/22/3292150. At the time of this report, a decision was still awaited with Council's Statement of Case due to be submitted on the 27th April 2022 and Final Comments due on the 11th May 2022.

On the 1st September 2020 amendments to the Town and Country Planning (Use Classes) Order 1987 (as amended) came in force that created new broader 'Commercial, Business and Service;' use class (Class E) which incorporated the previous shops (A1) and professional services (A2), restaurants and cafes (A3) and offices (B1) use classes. In addition, uses such as gyms, nurseries and health centres (previously in use classes D1 Non-residential institutions and D2 Assembly and leisure) were also included in the new use class. An explanatory memorandum issues

alongside the amendment explained that the changes were brought to reflect the diversity of uses found on the high streets and in town centres and to provide flexibility for business to adapt and diversity to meet changing demands.

These regulations also created a new 'Learning and non-residential institutions' (Class F1 and 'Local Community (Class F2) use classes. The 'Learning and non-residential institutions' use class (F1) incorporates those uses from the former D1 Non-residential institutions use class which are more likely to involve buildings which are regularly in wider public use.

The relevance for this application is that prior to these changes planning permission would not have been required as both uses fell within Use Class D1. However, due these changes planning permission is now required and should be fully considered.

As with the previous application the proposed development is expected to cater for 60 children and would employ around 20 members of staff (full time equivalent). The nursery would operate from 07:30 to 18:30 Monday-Friday through 51 weeks of the calendar year.

To the rear of the building, there is an outdoor space which would be used as a play area during certain hours of the day. The number of children using the garden at any one time would not exceed 22 and the use of the play area by the different age groups will be planned.

Therefore, in order to assess such an application matters which, need to be considered include the impacts on residential amenity, highway impacts (car parking/drop offs), noise, waste management and servicing. Each matter will be considered in turn in the sections which follow.

Highway Impacts - Car Parking/Drop offs – Representations were received from four residents objecting to the application. The majority expressed concerns regarding the proposal from a highways perspective.

The application site which is located on Moor End are covered by double yellow lines which prevent car parking but would allow for drop offs by parents using the nursery. The street is also a one way street and together with part of Longley Lane, the red arrows in image 2 indicate the one way system and direction of travel.

Core Strategy Policy T1 states that to deliver a sustainable, high quality, integrated transport system to encourage modal shift away from car travel to public transport, cycling and walking, to support the needs of residents and businesses and to prepare for carbon free modes of transport.

The proposal seeks to provide four forecourt car parking spaces and provide an additional car parking space for blue badge holders. The on-site car parking will be only available to staff and no drop off points for parents/carers. The representations received indicated that the place of worship relied upon an agreement for parking off site.

The application has been accompanied by both a transport statement and a travel plan.

As described the proposed development is expected to cater for 60 children and would employ around 20 members of staff.

Highway Services have not expressed concerns with the proposal, summarising that with the scale of development and amount of parking provided, it is anticipated that the proposals are unlikely to generate a significant increase in the level of vehicular trips, therefore they do not raise any network capacity concerns.

As with the previous application residents have regard to the use of Moor End for pick up and drop off (as restrictions would allow) drop off there this would further contribute to traffic congestion along Palatine Road and Longley Lane.

In the previous application officers sought changes to the application that would have enabled drop offs and pickups from within the site thus keeping Moor End Road free, it is noted that in section 3.9 of Appendix 1: Statement of Case (by Pegasus) contained within the submitted covering letter that the applicant has offered to amend the on-site car parking arrangement to address concerns raised by ward members in the previous application so that two of the spaces are provided for drop-off purposes rather than for staff parking. Although this would mean a loss of two staff parking spaces, on balance, Highways consider that the provision of such spaces for drop-off purposes would reduce the overall impact of the development on the adjacent highway and we could therefore support such an alteration. However, this is not reflected in the site plan which was submitted with the application still shows 5 car parking spaces with 1 space allocated for disabled parking.

The submitted Transport Statement explains how there would be in the order of 15–16 vehicle movements to and from the day nursery during peak periods, which would largely be associated with children being dropped off and collected at the start and end of the day.

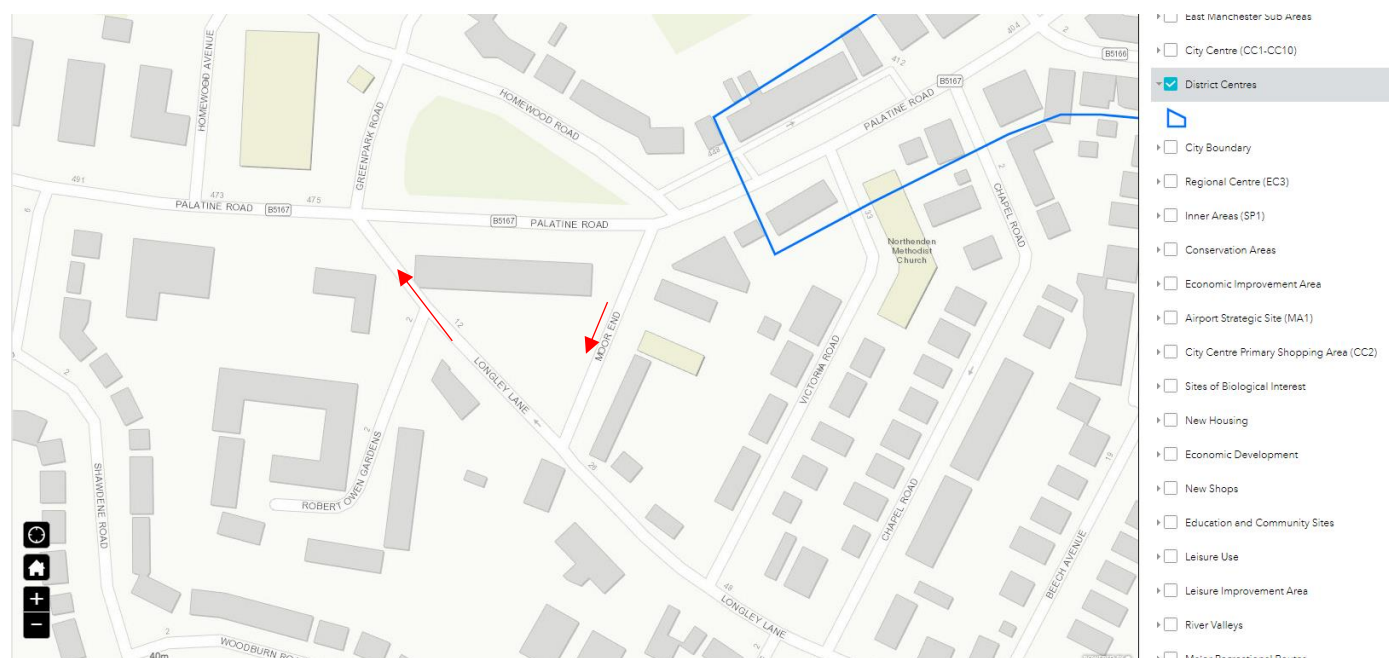


Image 2 One way systems and direction of travel as indicated by the red arrows.



Photograph 3 and 4; highway restrictions on Moor End. Source: Officer's Site Photographs (08.03.2022)

Highway Services raised that the existing footway layout is not ideal in terms of facilitating pedestrian movement to the development and raised that S278 agreement would be required to improve this situation.

Residential Amenity – Policy DM1 of the Core Strategy requires that all development should have regard to effects on amenity, and saved policy DC26 of the UDP states that the development control process will be used to reduce the impact of noise on people living and working in, or visiting, the City and that developments likely to result in unacceptably high levels of noises will not be permitted in residential areas.

In terms of noise an acoustic assessment was submitted which recommended that an acoustic fence is installed to the north of the site to protect residential amenity, the report also recommended a number of steps in terms of managing behaviour to keep noise levels down especially on the outside. Environmental Health also recommended that the hours for outdoor play area should be agreed by a means of a condition.

The property is located in between residential properties which are located either side and to the rear of the building. There are concerns that a 60 place nursery will lead to greater intensive use of the site for longer periods of both the day and week. According to the submitted documentation, the development would be in use for 51 weeks of the year, Monday to Friday from 07:30 to 18:30 each day. Whilst it is noted that the highways arguments put forward by the applicant raise that the proposed nursery use would result in fewer vehicles and total person trips than the current use of the site as a place of worship and that the site could be used presently by a more intensive use, it is still considered that there would be a negative impact on the residential amenity of nearby residents from a more intensive use of the site on a regular basis from increased coming and goings and associated noise this would bring which would not be appropriate for a residential area. A place of worship would usually be open on the day of worship and possibly a few days in the week.

Furthermore, the changes in the use class order and taking into account the explanatory note the Government now consider that a nursery use to be appropriate for town centres and this site is not located within the district centre of Northenden.

Waste Management and Servicing – The application was submitted with a full waste management strategy and the site plan shows that there will be 5no. bins (2x 240ltr, 2 x 120 ltr and 1 x 80 ltr) in a quad chest timber bin store. Environmental Health considered that the information submitted regarding waste management was acceptable.

Conclusion – A summary of the comments received by both local residents and consultees were provided to the applicant together with the Councils views, which having reviewed the application in detail there remain concerns regarding the proposed nursery use and there are no changes proposed to overcome the previous reason for refusal for application reference: 131474/FO/2021.

The applicant responded by saying that in reaching our view on the current application that we have placed greater weight on the highway and amenity comments from four local residents than the comments submitted by colleagues from highways and environmental health. That the site could be used for an exhibition or place of worship without any restrictions to capacity, noise or hours of use, and which could generate an uncontrolled manner of traffic. However, it should be noted that both Highways and Environmental Health take a specific narrow view based on their specialisms of the application and we have taken into considerations the issues discussed above it is consider that the proposed use as day nursery is considered to be unacceptable due to the detrimental impact the use would have on the residential amenity of the occupiers of surrounding

properties, including from internal and external use of the site, in terms of activity associated with, traffic generation and increased comings and goings to a single property in a predominantly residential area. The proposed use is therefore considered to be contrary to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

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

Article 35 Declaration

Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

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

1) The proposed use as day nursery is considered to be unacceptable due to the detrimental impact the use would have on the residential amenity of the occupiers of surrounding properties, including from internal and external use of the site, in terms of activity associated with, traffic generation and increased comings and goings to a single property in a predominantly residential area. The proposed use is therefore considered to be contrary to policies SP1 and DM1 of the Manchester Core Strategy and saved policy DC26 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Northenden Civic Society

9 Moor End, Manchester, M22 4JQ
19 Moor End, Manchester, M22 4JQ
17 Moor End, Manchester, M22 4JQ
19 Victoria Road, Northenden, Manchester, M22 4JP
15 Moor End, Manchester, M22 4JQ
Ground Floor, Parkway House, Palatine Road, Manchester, M22 4DB
First Floor, Parkway House, Palatine Road, Manchester, M22 4DB
Second Floor, Parkway House, Palatine Road, Manchester, M22 4DB
Parkway House, Palatine Road, Manchester, M22 4DB
1A Moor End, Manchester, M22 4JQ
1 Moor End, Manchester, M22 4JQ
21 Victoria Road, Northenden, Manchester, M22 4JP
15 Victoria Road, Northenden, Manchester, M22 4JP
5 Moor End, Manchester, M22 4JQ
3 Moor End, Manchester, M22 4JQ
13 Moor End, Manchester, M22 4JQ
11 Moor End, Manchester, M22 4JQ
5A Moor End, Manchester, M22 4JQ
3A Moor End, Manchester, M22 4JQ
17 Victoria Road, Northenden, Manchester, M22 4JP
13 Victoria Road, Northenden, Manchester, M22 4JP

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 Zone - All Exceeding 90M
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH