

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131837/FO/2021

Date registered valid: 15 February 2022

Proposal: Retention of single storey container to be used as a day time nursery (Class E (f))

Address: 38 Meldon Road, Manchester, M13 0TR

Ward(s): Rusholme Ward

Applicant: John Sweeney One Manchester Lovell House, 6 Archway, Manchester, M15 5RN

Agent (if any): Mr John Sweeney One Manchester Lovell House, 6 Archway, M15 5RN

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

Recommendation: Approve

Date of recommendation: 11 April 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 29 March 2022

Standard consultations:

Printed: 18 February 2022 Expired: 11 March 2022

Neighbour notifications

Printed: 18 February 2022 Expired: 11 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 relates to a single storey container within the grounds of 38 Meldon Road.



The cabin is indicated by the orange outline and the red line indicates the curtilage of the site.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area surrounding the site is a mixture of two storey semi-detached and terraced houses built as a planned interwar residential estate. The area contains both a large public park and educational establishments such as Manchester Grammar School, MEA Central and Birchfield Primary School.

Description of development

The applicant is seeking to retain a single storey container to be used as a day time nursery (Class E (f))

Consultations & Notification Responses

Local residents/public opinion – No comments, objections or representations in support of the application have been received.

Highway Services - The single storey container has been operating where no known highway issues have arisen, therefore we can support this application.

It is acceptable for waste bins to be stored within the curtilage of the property and serviced in-line with surrounding operations, with bins being presented to the collection point by the occupants on collection days.

Environmental Health - Requested a condition for acoustic insulation.

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

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).

Principle and Use – The principle for the cabin was established under planning application reference: 081139/FO/2006/N2 for a “replacement of existing portacabin with a double unit (Height 2.59m) to be used in conjunction with use of property as community facility”. This current application is to retain the cabin for a longer period as a day time nursery (Use Class D1) for 12 children, a more recent application 126724/FO/2020 approved the continued use of the nursery on site until 21.10.2023.

The applicant is now seeking to increase the expiry date for additional five years to 21.10.2028.

From the details provided it is understood that the proposal relates to 2no adapted metal shipping container units jointed together on their longest open sides to form one single storey unit measuring 4900mm x 7930mm x 2510mm high. The containers are located within the garden space of 38 Meldon Road which is a two storey dwellinghouse that is in use as a community centre.

A structure report (September 2021) submitted with the application found that the cabin is in a sound structural condition and founded on a firm concrete hardstanding base. However, the report says that it would benefit from a repainting scheme to arrest any further deeper rusting of the structure.

A cyclical programme should be put in place to keep the central roof joining channel and the ground level channel free of debris-Suggest this is carried out every 6 months.

The structure should be re-inspected yearly to detect an early signs of corrosion. Next survey due 2nd September 2022.



Photograph 1 Medley of photographs showing the external and internal condition of the cabin.

The statement submitted with the previous 2020 application indicated that the project has 6 members of staff (3 part time sessional workers and the other 3 staff members cover play and youth sessions as and when needed).

The applicant states that staffing and sessions depends on funding, as they are a registered charity and apply for funding that fits within the charitable aims and constitution of the charity.

The Playgroup – 2 staff members opening times are term time Monday to Friday 9.30am – 12pm.

Open access afterschool play sessions are Monday – Thursday term time 3.45-5.45pm 3 staff members 2 of which also work on playgroup

Saturdays opening times are 12.30-3.30pm 3 staff members.

Youth sessions are Monday Wednesday and Thursday evenings 6-8pm 2 members of staff cover the youth sessions with 30 min either side for youth staff to prepare, plan and evaluate sessions. The statement also indicates that the opening times alter during school holidays and dependent on additional funding for additional activities for example community events specific project work including knife crime, Keeping Children Safe, social action projects/community clean ups.

Clarification was sought from the applicant/agent that these hours and members of staff have remained the same. Confirmation was received in an email on the 11th April 2022.

The matters which need to be considered include the impacts on residential amenity, car parking, noise, access to the service road by other tenants, security, waste management and servicing. Each matter will be considered in turn in the sections which follow.

Residential Amenity – The use is already existing and has been established for some time, as with the previous application, no objections to the retention of the nursery or structure were received during the planning application.

Neither Environmental Health nor Highway Services have objected to the application. Environmental Health have requested relating to noise insulation due to the proximity to neighbouring residential properties. However as described the units have been in situ since 2007 and had the use been causing a nuisance or noise then these would have been raised by the residents. No objections or comments were received; therefore it is considered that the use is not causing a nuisance in terms of noise.

Furthermore, it is recommended that the use be given a temporary permission of 6 and half years years to allow for the charity to explore more permanent structures and solutions to the cabins and to protect residential amenity.

The hours of use 09:00 – 20:00, Monday to Friday and Saturday 12:30 – 15:00. There are no concerns with these hours as they are in accordance with the Monday to Friday hours approved under the previous application.

However, there will be activities on Saturday between 12:30 to 15:00 however these are acceptable and should not cause any amenity issues.

Parking – No dedicated parking is provided for the site; however, highway services have not raised any concerns to the use or lack of car parking. There is on street parking available should parking be required including drop offs.

Opening hours

The hours of use 09:00 – 20:00, Monday to Friday and Saturday 12:30 – 15:00 and these are acceptable for the proposed use and in the wider context of a residential area and would not give rise to residential amenity issues that would be to the detriment of the nearby properties. .

Waste Management

Details of waste management have been submitted with the application and Environmental Health have not raised any concerns with the details provided. The strategy says that the charity is seeking funding for a wheelie bin store.

Conclusion

On balance it is considered that the development has regard to the Development Plan for Manchester and is capable of being supported subject to compliance with the recommended conditions.

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

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, no negotiations were necessary but appropriate conditions have been attached to the end of this report. The scheme is considered to be in accordance with the guidance contained within saved policy DC26 of the Manchester Unitary Development Plan and to policies SP1 and DM1 of the Core Strategy.

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

1) The permission hereby granted is for a limited period only, expiring on 21.10.2028; and the buildings, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within 6 months ; in accordance with a scheme previously approved, which shall include a timetable of implementation to be submitted to and approved in writing by the City Council local planning authority before this permission expires.

Reason - To enable the local planning authority to review the situation in the interest of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester, Saved Unitary Development Plan policy DC26 and the National Planning Policy Framework.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Documents and drawings as received by the City Council on the 05.10.2021 and 15.02.2022

Email from John Sweeney (applicant/agent) subject: 2RE: Planning Application: 131837/FO/2021 - 38 Meldon Road Manchester M13 0TR" received 11.04.2022 at 09:24am

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The premises shall not be open outside the following hours:-

Monday to Friday 09:00 - 20:00

Saturday 12:30 - 15:30

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) The nursery shall be occupied by no more than 12 children and the required number of educational and support staff at any one time.

Reason - In the interests of residential amenity and to safeguard against the overly intensive use of the site pursuant to policy DC25 of the Unitary Development Plan for the City of Manchester and DM1 of the adopted Core Strategy for Manchester.

5) The premises shall be used for a child care and community facilities only and for no other purposes, including any other purpose in Class E(f) of the Use Classes Order 1987 (as amended)

Reason - To prevent potential disamenity issues that are outside the scope of the comments made in relation to the use applied for pursuant to saved policy DC26 of the Unitary Development Plan and policies SP1 and DM1 of the Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Childrens Services
Greater Manchester Police

1 Omer Avenue, Manchester, M13 0UP
42 Brynton Road, Manchester, M13 0UG
43A Brynton Road, Manchester, M13 0UQ
43 Brynton Road, Manchester, M13 0UQ
33 Meldon Road, Manchester, M13 0TT
37 Meldon Road, Manchester, M13 0TS
36 Meldon Road, Manchester, M13 0TT
34 Meldon Road, Manchester, M13 0TT
4 Whitburn Avenue, Manchester, M13 0UR
2 Whitburn Avenue, Manchester, M13 0UR
41 Brynton Road, Manchester, M13 0UQ
3 Omer Avenue, Manchester, M13 0UP
44 Brynton Road, Manchester, M13 0UG
35 Meldon Road, Manchester, M13 0TT
41 Meldon Road, Manchester, M13 0TS
39 Meldon Road, Manchester, M13 0TS
42 Meldon Road, Manchester, M13 0TR
40 Meldon Road, Manchester, M13 0TR
40 Brynton Road, Manchester, M13 0GY
39 Brynton Road, Manchester, M13 0GY

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
Area Team Boundary - Name: SOUTH