

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131474/FO/2021

Date registered valid: 3 September 2021

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 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, 10 Albemarle Street, London, W1S 4HH

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

Recommendation: REFUSE

Date of recommendation: 19 November 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 21 September 2021

Standard consultations:

Printed: 17 September 2021 Expired: 8 October 2021

Neighbour notifications

Printed: 9 September 2021 Expired: 30 September 2021

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 Front Elevation as viewed from Moor End Road

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: None

Description of area

The site is located on the edge Northenden District Centre, where the surrounding streets are principally an area of housing it is a 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 and erection of acoustic fence.

Consultations & Notification Responses

Local Residents/Public Opinion - The application proposals were subject to notification letters to neighbouring properties.

A total of 3 representations were received objecting to the application, concerns raised are as follows:

- Traffic/Highway Safety;
 - Residents are concerned that cars will park on Moor Road to drop off and pick up children to and from the nursery and stop the traffic flow on this 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;
 - Concerns have also been raised regarding noise and disturbance from the proposed use.
- Noise and Disturbance
 - Especially to residents who are home working and the close relationship of the properties to residential properties.
 - Fence between the residential properties and the application site are thin.
 - The resident won't be able to open windows due to the noise.
 - Overflow pipes run directly into a residents garden, concerned that the area where the pipes are linked to is shown as a toilet on the proposed which may become blocked and overflow into their garden.

Ward Councillors -Three representation has been received from all ward councillors who have objected to the proposal.

Councillor Monaghan and Councillor Russell's comments are detailed below, and Councillor Lynch has objected following concerns raised with her by a resident and considers that the concerns are valid.

Councillor Monaghan has objected to the application and raised the following comments;

- Moor End is a small road of terraced houses with parking restrictions on both sides. (double yellow lines) Traffic enters Moor End from a main road, Palatine Rd, and then leads to Longley Lane, another busy, main road. Both already raising concerns from residents due to speeding and volume of traffic. Moor End faces Parkway House, a large business development, and is only a two minute walk to both the Jehovah Witness building (which attracts many hundreds of visitors weekly) and also the Northenden Health Practice.
- We invited Highways officers fairly recently, to look at the amount of cars parking and blocking access around Parkway House. The additional parking to drop off and pick up at the nursery, would add to resident concerns and complaints. All of these issues already result in a large volume of constant traffic in this small, residential area.
- The amount of staff to be employed (20) in a 60 place nursery, would be near impossible to accommodate with many arriving and leaving at the same time. Traffic would build up and cause problems on the main road through Northenden. Fairly near to the junction to the motorway.
- It also raises concerns about the road safety of the children, parents, staff and visitors, entering and leaving this small site.

Councillor Russell has objected to the application and raised the following comments;

- Nursery estimates that 50% of children will be dropped off and collected on foot. I consider that highly optimistic. Northenden has high levels of car ownership and no tram. Most parents would probably do drop off and continue to work via car. Even non-working and working from-home parents will probably drive during colder months.
- The site just isn't suitable for the level of additional traffic involved. There will be nothing like enough car parking spaces for pick up and drop off and given that Moor End is one way, the cars coming in and out and queuing to stop will be a nightmare. Palatine Road is already stationary at rush hour, and this will have a knock-on effect there.

- The nursery isn't equivalent to a place of worship, which had very limited opening hours and a car parking arrangement with the larger Jehovahs Witness Hall and Parkway Green House on Palatine Road - treating them as if they were is unhelpful.

Highway Services - A summary of the comments received are as follows:

- Car parking arrangements are acceptable;
- 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.
- Given the scale of development and amount of parking provided, Highway Services anticipate that the proposals is unlikely to generate a significant increase in the level of vehicular trips therefore they do not raise any network capacity concerns.
- A covered store cycles and children's scooters is acceptable from a highway perspective.
- Refuse storage and collection point are acceptable to highways;
- Boundary Treatment and Pedestrian access arrangements are acceptable to highways
- Recommended a condition for a full travel plan should the application be approved.

Environmental Health- Environmental Health have recommended that the following conditions are attached for fumes/odours, services hours, opening hours, external plant equipment and refuse.

In term of noise, Environmental Health have commented that the ACA Acoustics noise report reference 210708-R001B dated 17 August 2021 is acceptable and the acoustic fence will need to be constructed before the development is brought into use. A verification report is needed once work has been completed.

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).

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 according to the documents provided by the applicant the building has been vacant since June 2020.

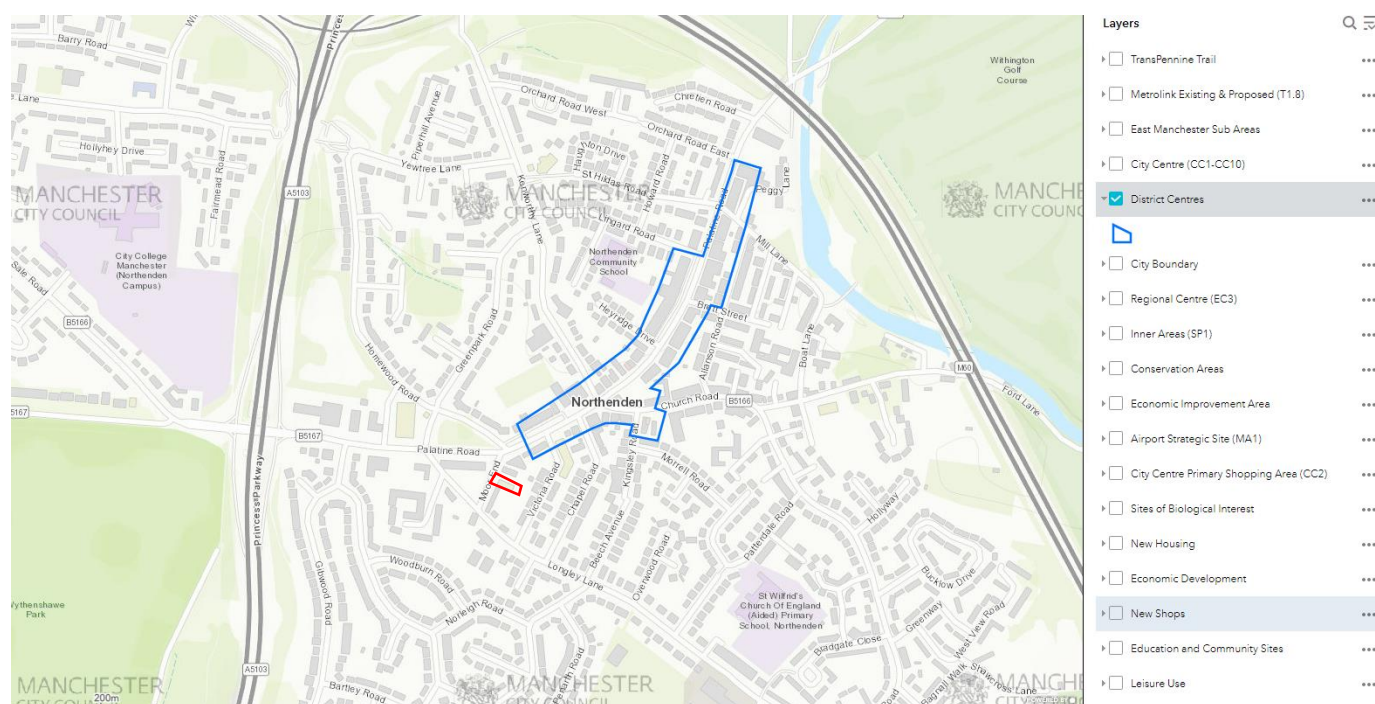


Image 1 Northenden District Centre Boundary and application site shown in red – Source: Local Development Framework Area Map Browser <https://mcr-council.maps.arcgis.com/apps/webappviewer/index.html?id=565a33eaba904b2dabf4c3dd8685db80>

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 uses 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.

Therefore, it is clear that from the explanatory memorandum that a nursery which falls within Class E is considered by the Government to be an appropriate use for a town centre.

According to the submitted document the proposed development is expected to cater for 60 children and would employ around 20 members of staff. The facility 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 three residents and by all ward councillors 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. 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 previous use 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.

The concerns raised by both local councillors and residents have regard to the use of Moor End Road 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. Officers sought changes to the application that would have enabled drop offs and pick ups from within the site thus keeping Moor End Road free.

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.

The amendments put forward by the applicant showed that due to the limitations of the site they proposed that the drawing be amended to provide 2 staff spaces, 2 drop off / pick up spaces

and 1 disabled space. The applicant considers that this arrangement would easily accommodate both the morning and evening peak hour periods.

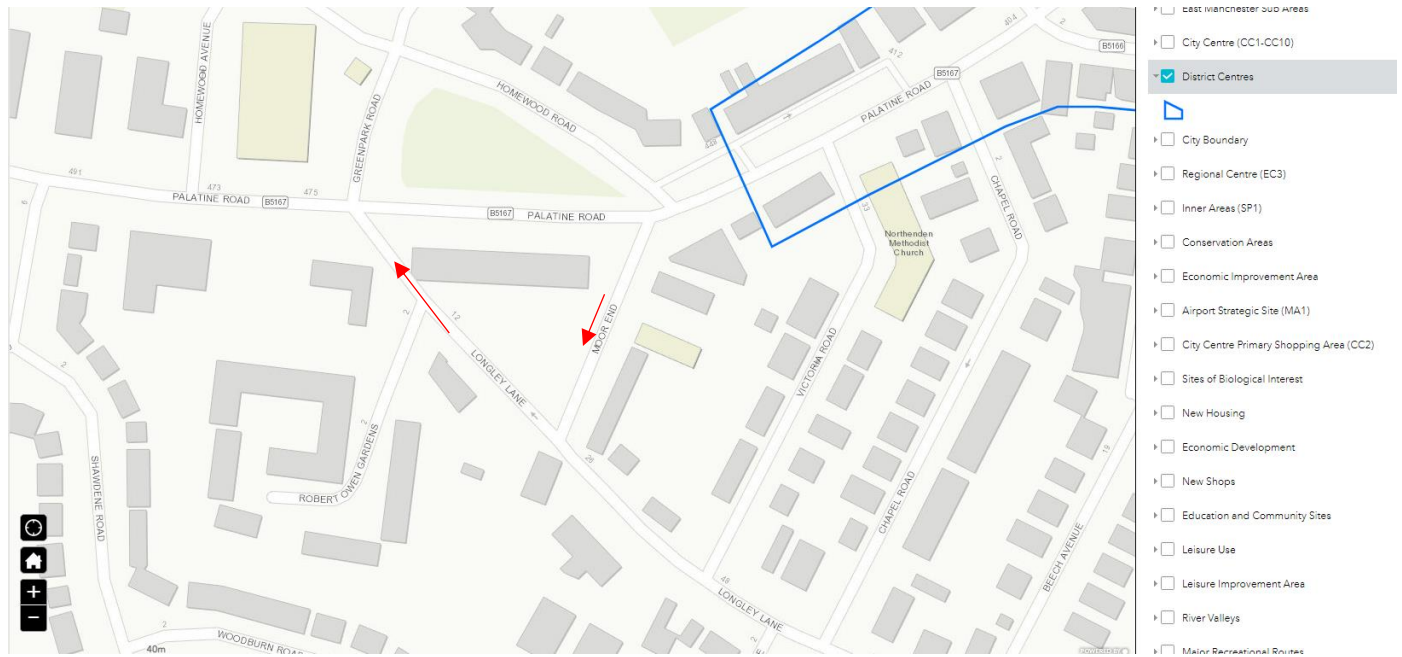


Image 2 One way systems and direction of travel as indicated by the red arrows.

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 the applicant was asked to look at if this number could be reduced and it is noted that the nursery would not operate at full capacity to begin with it is 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.

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 – Environmental Health had originally raised that the applicant has not proposed any recycling facilities for pulpable waste or food waste which will be needed for this development. The applicant has submitted an updated waste proforma and site plan to address this matter.

Secondly Environmental Health recommended a condition requiring that 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 to protect residential amenity of the nearby properties.

Conclusion – Therefore taking into considerations the issues discussed above it is considered 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 worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant before and 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

Northenden Neighbourhood Forum
Northenden Civic Society
Environmental Health
Highway Services

9 Moor End, Manchester, M22 4JQ
11 Victoria Road, Northenden, Manchester, M22 4JP
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
15 Victoria Road, Northenden, Manchester, M22 4JP
5 Moor End, Manchester, M22 4JQ
3 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