

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130520/FO/2021

Date registered valid: 15 October 2021

Proposal: Roof alteration to create second floor to provide additional accommodation associated with existing dental surgery

Address: 301 Moston Lane, Manchester, M40 9NL

Ward(s): Moston Ward

Applicant: Mr Abdull Hussain Moston Dental Surgery 301 Moston Lane, Manchester, M40 9NL

Agent (if any):

Case officer: Janine Renshaw-Livesey
Tel: 0161 234 4555
Email: janine.renshaw-livesey@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 9 December 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 26 October 2021 Expired: 16 November 2021

Neighbour notifications

Printed: 26 October 2021 Expired: 16 November 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

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site is a two-storey red brick Edwardian end terrace that lies within a commercial row of properties along a busy mixed-use area known as Moston Lane. This area of Moston Lane comprises of ground floor commercial premises characterised by first floor residential units. Behind Moston Lane lies a predominantly residential area.

This planning application seeks consent for a roof alteration to create a second floor to provide additional accommodation associated with existing dental surgery. The site currently operates as a dental surgery with 7 treatment rooms in operation. The proposals is to provide two further treatment room by constructing a dormer extension on the top floor of the premises.

The maximum number of staff on site at any one time is 13. The floor plans provided demonstrate there are currently 7 treatment rooms and this proposal would increase the overall amount of treatment rooms to 9.

The proposals would result in up to two additional staff being employed. The proposals would result in up to two additional patients being on site at any one time.

The opening time of the surgery are as follows:

- o Monday 9am to 6pm

- o Tuesday 8.45am to 5pm
- o Wednesday 9am to 5pm
- o Thursday 9am to 5pm
- o Friday 8.45am to 2.15pm
- o Saturday 9am to 3pm (limited appointments)

Consultations & Notification Responses

The Occupiers of the surrounding properties were consulted, and no representations were received.

Environmental health was consulted and recommend should the proposal be supported a refused and construction/demolition condition be attached to the consent.

The Highways Team were consulted and raised concerns about the development, due to the existing on-street parking that occurs in residential streets surrounding the site. The Site visit found that the local streets have limited capacity for on-street parking and existing parking impacts vehicle manoeuvres which causes concern for highway and pedestrian safety. Highways are concerned that on-street parking issues will be exacerbated with the additional accommodation proposed.

Issues

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long-term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy SP1 refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high-quality development alongside major orbital road routes.

Policy T2 (Accessible Areas of Opportunity and Need) states that the Council will actively manage the pattern of development to ensure that new development: is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections. Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. It states further that 'all new development should provide appropriate car parking facilities'.

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Policy DC26 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

The Guide to Development in Manchester (2007) contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in February 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It defines the Government's requirements for the planning system 'only to the extent that it is relevant, proportionate and necessary to do so'. It provides a mechanism through 'which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'.

The Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory status of the development plan remains as the starting point for decision making. However, paragraph 10 states that 'at the heart of the Framework is a presumption in favour of sustainable development' and, in 'decision-taking', this means that development proposals should accord with the development plan should be approved without delay unless: any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

The Framework has been related to the proposed development, with particular emphasis given to the following:

iv. Chapter 11: Making effective use of land - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress.

v. Chapter 12: Achieving well-designed places 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)

Issues

Principle of the Development

The proposed use by its very nature involves a level of activity that is not appropriate close to a residential area due to heightened levels of comings and goings to the site during the hours of operation including Saturday, coupled with the lack of car parking within the curtilage of the site. Furthermore, the extension to the existing building would result in the over intensification of the use of the site and the appearance of the building due to its height, scale and massing would be an inappropriate form of development which appears incongruous, out of character in this highly visible location and detracts from the architecture of the host building.

In this case, the proposed development relates to a dental surgery situation adjacent to residential properties on Moston Lane, Bute Street and Brodick Street. It is believed that the proposed extension increases the level of activity at the site which would cause unreasonable levels of noise and activity which would be harmful to residential amenity and amenity levels within the area.

It is further considered that the site layout and design of the new structure has been poorly conceived and the appearance would be a visually intrusive feature, detrimental to the visual appearance of the street-scene, the host building and the character of an area with similar design genres.

The layout and intensity of the use and the lack of car parking provision within the curtilage of the site and the surrounding area, coupled with the car parking that already takes place outside the site would have detrimental impact on the amenity of the occupiers of the surrounding areas.

Given the above, the City Council considers that the principle of the proposal is not acceptable and is contrary to saved policy DC26 of the UDP, policies EN1 DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

Residential Amenity

Policy DM1 of the Core Strategy states that regard should be had to the amenity of residents in considering development proposals.

Policy SP1 states further within the Core Development Principles section that all development should make a positive contribution to neighbourhoods of choice including 'making a positive contribution to the health, safety and wellbeing of residents'.

In this instance, the dental surgery immediately lies opposite a large residential housing estate behind on Bute Street and there is likely hood that the neighbouring first floor unit is occupied as a residential dwelling. Due to the nature of the intensified use which will involve constant vehicular activity, comings and goings and noise generated by staff, it is considered that the proposed use would have a significantly harmful impact upon the living conditions of neighbouring occupiers.

The proposed use will involve frequent vehicle movements and other activity along Moston Lane and Bute Street. The size of the site and the number of potential visitors in particular would increase the need for car parking which would be solely reliant on on-street car parking within the vicinity. Highways have objected on the basis that due to the existing on-street parking that occurs in residential streets surrounding the site. The Site visit found that the local streets have limited capacity for on-street parking and existing parking impacts vehicle manoeuvres which causes concern for highway and pedestrian safety. Highways are concerned that on-street parking issues will be exacerbated with the additional accommodation proposed.

Therefore, the further intensification of the use as a result of the proposed extension would further contribute to the already existing car parking problem within the area, which in turn, creates noise and disturbance by far greater than occupiers of residential accommodation should be expected to endure.

Policy T2 of the Core Strategy states that all new developments should provide appropriate car parking facilities and also that the circumstances of each proposal should be taken into account to establish what level of parking is appropriate.

Policy DM1 requires that adequate parking should be provided for all new development and consideration should be given to traffic generation and road safety. Policy SP1 also states that new developments should making a positive contribution to the health, safety and wellbeing of residents.

In the case the development , whilst it is acknowledged that the application site is situated within an accessible location the proposal does not seek to provide any level of off road parking provision, given the nature of the use and the anticipated level of parking demand the proposed development is not appropriately located and would have a significant, adverse impact upon nearby residential occupiers, particularly those that immediately adjoin the application site.

Furthermore, the potential number of vehicles that could be attracted to the local area as a consequence of the development, would put increased pressure on local kerbside parking. In

turn, this would lead to localized congestion, close to a busy, T junction and along nearby surrounding roads, such as Bute Street, Brodick Street, Pym Street and Albine Street, as well as leading to increased competition for limited off road parking. It is considered that will would be detrimental to other highway users and the amenity of neighbouring occupiers, including occupiers of neighbouring business premises.

Design, Scale and Appearance and Impact upon Visual Amenity

The Guide to Development in Manchester (SPD) advocates that consideration should be given to the scale of new developments and ensure that they are informed by their context.

Policy DM1 of the Core Strategy along with the Guide to Development in Manchester (SPD, also requires that consideration be given to the layout of new developments, ensuring that they respond to the surrounding context and maximise frontages with the street scene.

Policy DM1 states further, that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- o Appropriate siting, layout, scale, form, massing, materials and detail.
- o Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Policy EN1 (Design Principles and Strategic Character Areas) of the Core Strategy seeks to enhance the overall image of the City Centre by requiring good designs and high-quality development alongside major orbital road routes

Supplementary to this, The National Planning Policy Framework (NPPF) provides guidance on the design of new development at Section 7 which outlines the Governments expectations in respect of new developments:

Making effective use of land - support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress.

- v. Chapter 12: Achieving well-designed places 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)

In this case it is considered the design of the roof extension dormer is ill-conceived and of a poor quality. The architecture of the building has been compromised by the necessity to allow the building to function within the obvious constraints associated with the site. The site does not include any car parking for visitors or staff. The dormer extension is highly visible on the side elevation of building and as a result would present a negative, intrusive feature in the street-scene to the detriment of visual amenity. This in turn would undermine the character of the area. It appears that the restrictive nature of the site has contributed to the inappropriate appearance of the extension and represents an inappropriate form of design that fails to improve the character and appearance of Moston Lane to the detriment of visual amenity.

The host building is an end terrace Edwardian property situated on a busy corner of Moston Lane and Bute Street. The property is highly visible due to its position and has considerable architectural merit and is typical in this location. However, the extension in terms of its position and appearance does not make a positive contribution to the architecture of the building and interrupts the roof scape which defines the character of area fronting Moston Lane. Not only does the roof extension detract from the architecture of the host building it appears incongruous in relation to the roof scape characterised on buildings of this type. Therefore, the size and scale and design of the roof extension would create a visually intrusive feature in the street-scene, in a highly visible location and detract from the architecture of the host building route of Oldham Road.

It is therefore considered that the development represents an inappropriate form of design that fails to improve the character and appearance of Moston Lane, to the detriment of visual amenity. As such the development is considered contrary to policies EN1, DM1 and SP1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF).

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

In this instance it was not considered possible to negotiate an appropriate solution that was acceptable to the Local Planning Authority, as the nature of the proposal was considered to be

fundamentally unacceptable due to the inadequate level of dedicated car parking and amenity space provided, the standard of accommodation proposed, the means of access proposed and the waste management arrangements, and resulting impacts that this would have

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

1) The proposed roof extension and resultant increase in floorspace and occupancy would result in harmful levels of activity. The associated increase in noise and disturbance arising from the intensification of use would result in unacceptable harm to the amenity of neighbouring residential occupiers, contrary to policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan (1995) and the National Planning Policy Framework (2021).

2) The proposed roof extension by reason of its height, mass and flat roof design, would result in a bulky, overly dominant feature, out of character with the appearance of the street-scene. This in turn would have a harmful impact to visual amenity, contrary to the policies SP1, EN1 and DM1 of the Manchester Core Strategy, saved policy DC1 of the Unitary Development Plan for the City Of Manchester, the Guide to Development in Manchester (SPD) and the National Planning Policy Framework (2021)

3) The proposed development fails to provide sufficient arrangements for parking of vehicles within the curtilage of the premises. The additional parking demand to be generated, in an area that suffers a high demand for parking, would exacerbate on-street parking difficulties and localised traffic congestion, to the detriment of highway safety and the amenity of neighbouring business premises. As such, the proposal is contrary to policies DM1, T2 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

3 Bute Street, Manchester, M40 9NY
1 Bute Street, Manchester, M40 9NY
Flat Above, 303 Moston Lane, Manchester, M40 9NL
297A Moston Lane, Manchester, M40 9WJ
305A Moston Lane, Manchester, M40 9NL
Flat Above, 252 Moston Lane, Manchester, M40 9WF
Top Flat, 250 Moston Lane, Manchester, M40 9WF
305 Moston Lane, Manchester, M40 9NL
299 Moston Lane, Manchester, M40 9WJ
303 Moston Lane, Manchester, M40 9NL
40 Brodick Street, Manchester, M40 9WL
38 Brodick Street, Manchester, M40 9WL
297 Moston Lane, Manchester, M40 9WJ
252 Moston Lane, Manchester, M40 9WF
250 Moston Lane, Manchester, M40 9WF

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 - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1