

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129847/FO/2021

Date registered valid: 12 April 2021

Proposal: Erection of two storey side and part single part two storey rear extension, to form extended dental practice (Class E)

Address: 155 Kenyon Lane, Manchester, M40 9DJ

Ward(s): Moston Ward

Applicant: akhi Silvering Properties 155, Kenyon Lane, Manchester, M40 9DJ

Agent (if any): Mr Mark Walsh 6 Harrycroft Road, Woodley, Stockport, SK6 1NT

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

Recommendation: Approve

Date of recommendation: 17 June 2021

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit:

Standard consultations:

Printed: 14 April 2021 Expired: 5 May 2021

Neighbour notifications

Printed: 14 April 2021 Expired: 5 May 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 seeks planning permission to erection of two storey side and part single part two storey rear extension, to form extended dental practice (Class E). The extension is required as the neighbouring property 153 Kenyon Lane collapsed during construction that was approved under planning reference no 126083/FO/2020 to change the use of a vacant ground and first floor of the property that has previously been used as a hot food takeaway to dental surgery (Use Class D1) in conjunction with existing dental surgery at 155 Kenyon Lane together with single storey rear extension, elevational alterations including new shop front and alterations to the windows.

The application site lies between Harpurhey and Newton heath Distract centre and is one of four commercial premises in a row

The area is predominantly residential however a number of commercial units are present in the vicinity that front Kenyon Lane. Immediately opposite the site lies Lightbown Evangelistic Church and 3 other commercial premises.

The site has no car parking provision and the refuse storage takes place at the rear of the property.

The hours of operation are:

Monday to Friday 08:00 - 19:00

Saturday, Sunday and Bank Holiday 08:00 - 18:00

Two additional staff members would be required as result of the proposal.

Consultations & Notification Responses

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

The Environmental Health Team were consulted and agreed the refuse arrangements are acceptable and request that a noise and gas membrane condition.

The Highways Team were consulted and made the following comments:

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street and a travel plan and cycle provision condition has been attached to the consent. Highways agree the refuse arrangements.

Gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway. The rear access gate opens in to the alley gated area and it is not anticipated that the gates opening outward would restrict access to the rear alleyway.

The Flood Team requested flood measures be incorporated into the proposal and request and informative to be added to ensure compliance.

Greater Manchester Police suggests security measure informative to be added to the consent.

Issues

The following policies are applicable to the scheme.

DM1, SP1, T2, C9 ,EN19 of the Core Strategy for Manchester and UDP Policy DC26.

Nation Planning Policy Framework (NPPF)

8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of local shops.

92. To provide services the community needs, planning policies and decisions should: a (such as local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health and well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of services.

The Development is considered to be consistent with the NPPF section 8. Promoting healthy and safe communities sub section 91 and 92. The provision of a dental practise in this location is considered to be acceptable, as it lies within an area that has become a small hub for a mixture of different uses and is also within close proximity to a high number of residential dwelling house. Therefore the dental practise would provide a service in a sustainable location that makes a positive contribution to the health and well-being of residents. The application by its very nature increases the size of the existing dental practise along with infilling the demolished two storey building proposed unit at 153 Kenyon Lane and accords with sub section (d) of section 8 of the NPPF which states, that should be able to develop and modernise, and are retained for the benefit of the community.

Manchester's Core Strategy:

Policy SP1 - Core Development Principles states:

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.

Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core development Principles

Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

creating well designed places that enhance or create character, making a positive contribution to the health, safety and wellbeing of residents.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The Development is considered to be consistent with the Policy SP1- as the dental practise provides a service within a neighbourhood which for many residents would be able to access by walking or cycling. There is no dedicated car parking provision however the site is served by the public transport network which is easily accessible from this location. The proposed rear extension is considered to be of a design which is acceptable and has no harmful impact on the

amenity of the surrounding properties and the implementation of the extension would effectively contribute the functionality of the existing dental practise. Therefore, the proposal is considered to be in accordance with policy SP1.

Policy DM1 states - All development should have regard to:

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on 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.

Effects upon amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Community safety and crime prevention.

Design for health.

Refuse storage and collection.

The Development is consistent with Policy DM1 as the proposed rear extension does not have detrimental impact of the amenity of the surrounding area. The extension in terms of its height, scale and massing is acceptable. The position of the extension within the confines of an alleyway surrounded by similar extension is conducive with the character of the area in which it would be located.

The impact of the proposal in terms of the proposed use is acceptable as there are no concerns in relation to the unacceptable effects upon noise and air quality. The expansion of an existing dental practise within a building that is physically attached on one side of the unit to the existing dental practise, which has been in operation and the proposed use is considered to have less impact in terms of comings and goings than the hot food takeaway use it replaces is considered to be acceptable.

Policy T 2

Accessible areas of opportunity and need. The Council will actively manage the pattern of development to ensure that new development:

Is easily accessible by walking, cycling and public transport; connecting residents to jobs, centres, health, leisure, open space and educational opportunities. This application site lies within a cluster of commercial properties and is easily accessible via public transport. Furthermore, given the type of neighbourhood in which the dental practise would be situated there are opportunities that residence that visit the dental practise could do so either walking and cycling which is consistent with Policy T2.

Local Centres

Local centres meet local needs for small scale retail and services to meet day-day needs. There are 24 identified local centres, including new local centres at Moston Lane, Collyhurst and Merseybank Avenue. Locations which are not identified in the Local Development Framework but which perform the same function in terms of scale and meeting local needs will also be considered to be local centres.

Policy C9 make reference to the development outside the centre should not have unacceptable impacts individually or cumulatively with recently and approved schemes and should not have a detrimental impact on the vitality and viability of the city centre, district and local centres. The dental practise type use is deemed appropriate as the dental surgery use is not considered to take away any dental practice provision either locally or from the district centre and are usually found within an area that is predominantly residential in nature.

Policy EN19 Waste requires consideration of the submitted details relating to the applicants has given due consideration of measures to deal with the storage and collection of waste; including the provision of a waste management plan to demonstrate how the sustainable waste management needs of the end user will be met. The applicant has identified the area in which the refuse can be effectively stored. However, details of waste recycling and segregating will be provide in the form of condition discharge prior to the commencement if the use.

Saved Unitary Development Plan (UDP) policies:

The following saved UDP policies are applicable to the proposed development:

Policy 26 Development and Noise states:

DC26.1 The Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.5 The Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

The proposal is considered to be in accordance with policy DC26 as the noise impact of the dental practise is relatively low and the intensification of the use would take place between an established practise and a void between the neighbouring residential apartments. Therefore, the activity associated with a dental practise in this instance does not require any noise mitigation measures to be incorporated into the proposal to control noise from the premiers. However, environmental health have requested that any external plant and equipment be attached to the building should be acoustically attenuated and a condition has been attached to the consent.

DC14 Shop Fronts and Related Signs.

This policy applies to all retail premises and to other commercial premises which have similar physical characteristics e.g. betting shops, banks, building society offices, optician's premises etc. DC14.1 In determining applications relating to these premises for shop fronts, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

The proposed shop front and the enlarged windows consist with policy DC14 in terms of there design and appearance as they are considered to be in keeping with the host building and the neighbouring property next door.

ISSUES

Principle of the Development

The principle of a larger dental practice is considered to be an effective use of the extended building in this location and is therefore, considered to be acceptable.

In terms of the dental surgery in this location weight has been given to the appropriateness to merge the existing practise into the extended building. There is an obvious need for this type of community facility within the Moston Ward and this proposal seeks to increase capacity of dental provision for patients within the same site which the current facility fails to provide. The existing dental practise is located within a building that does not have much scope for further development due to the physical constraints associated with the site and the alternative to extend the dental practise into the location of what was the neighbouring premises is considered to be a viable option. Furthermore, coupled with the proposed use will create a useful local amenity within a growing residential neighbourhood and due to its position next to an established commercial use and because of the relatively small capacity of the practice, there are unlikely to be any significant, negative impacts upon the amenity of the nearest residential occupiers or upon additional on street parking demand.

It is considered the proposed development is acceptable in terms of the National Planning Policy Framework (NPPF), and Manchester's Core Strategy, including policies DM1, SP1 and T2, and saved Unitary Development Plan policy DC26.

Residential Amenity

It is considered that the proposal will not unduly adversely affect the amenities of the occupiers of neighbouring residential properties, pursuant to policies DM1 and DC26.

The proposed use will uplift the intensity and level of use of the premises, however, this is an established site for medical provision in this location and it is considered that no mitigation measure in terms of noise outbreak is required for this scheme and the change in the use will not unduly affect residential amenity, and will assist to provide the community with additional medical provision, pursuant to policy SP1. The dental surgery will provide an important service for the local community by making a positive contribution to the health, safety and well-being of residents. It is considered that due to the largely residential nature of the area, and the planning approvals for similar development, that it would not adversely impact upon current levels of residential amenity currently experienced.

The introduction of an intensification of the existing dental surgery within this location will marginally increase activity levels in the immediate vicinity however, to mitigate the impact of comings and goings an additional access door to the premises would be created to assimilate the appearance the of the existing entrance to the operational dental practise.

It is anticipated that there will be an element of heightened levels of activity associated with the use of dental equipment within the application site however, environmental health have assessed the proposal and have not request acoustic insulation of the premises.

Furthermore, the hours of operation have been assessed and agreed with environmental health.

The proposal does not include any external plant and equipment to be attached to the building.

The application site is situated next to a residential apartment block, however, is separated with a considerable gap between the two buildings. Furthermore, the site is not considered to be in close to noise sensitive locations other than the neighbouring apartments. Therefore, given that the two premises are not jointed, it is anticipated that the activity associated with the dental practise would not detrimental to residential amenity.

Visual and residential Amenity

The proposal includes replacing the demolished building with a development consistent with the previously approved application ref 126083. The extension will occupy, at two storey, the entire side of the property and extend at single storey the yard area at the rear (retaining a small yard area). The first floor rear extension would extend 2.2 metres from the rear wall of the property and the rear window would be obscurely glazed to prevent loss of privacy to the residential properties beyond the alleyway.

There are a number of similar extensions along the row and as a result the proposed extension it's not out of character within the area, nor does the extension detract from within the street scene. The introduction of a new shop front and the creation of a new door and larger windows at first floor level are considered to be acceptable.

A shop front would be installed to Moston Lane with upper floor window which would follow the pattern of development to the other shop fronts.

Materials would match the original property and this would be a condition of the approval.

Highways

Highways have advised that secure cycle parking to be offered within the site and an appropriate condition has been added to the consent. The proposal is in accordance with the Council's Core Strategy commitment to sustainable development.

Bins

The proposal incorporates adequate space for the storage of the bins and has been accepted by highway and environmental health.

Travel

It is not considered that the uplift in numbers of visitors to the premises will result in an unsustainable use in terms of travel, pursuant to policies DM1 and T2. The site is located within a sustainable location and is situated close to residential properties. A Travel plan condition was not required for this proposal.

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:

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application. Further information was sought from officers during the application and amendments were made to the proposal.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

A101 Rev 1 and the Location Plan, stamped as received by the City Council, as Local Planning Authority, on the 26 March 2021,

A102 Rev 2, A103 Rev 3, A104 Rev 2 and A110 Rev 3 stamped as received by the City Council, as Local Planning Authority, on the 13 June 2021

A113 Rev 1 and 112 Rev 1, The Waste Management Plan, Technical Specification for the Roller Shutters, and the Design and Access Statement, stamped as received by the City Council, as Local Planning Authority, on the 12 April 2021.

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 external facing materials to be used on the extension hereby permitted shall match those of the existing buildings in terms of type, colour, texture and scale.

Reason - To ensure that the appearance of the building to be extended is not adversely affected by the materials to be used in the construction of the extension, pursuant to saved policies DC1 of the Unitary Development Plan for the City of Manchester and Policy DM1 and SP1 of Manchester's Local Development Framework: The Manchester Core Strategy

4) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

Monday to Friday 08:00 - 19:00

Saturday, Sunday and Bank Holiday 08:00 - 1700

Reason - In interests of residential amenity, in order to reduce noise and general disturbance, in accordance with policies H2.2 and DC26 of the adopted Unitary Development Plan for the City of Manchester, and policy DM1 of Manchester's emerging Core Strategy.

5) The waste management arrangements shall be carried out in accordance with Waste Management Proforma and the Design and Access Statement, stamped as received by the City Council, as Local Planning Authority, on the 12 April 2021. The approved scheme shall be implemented prior to the first occupation of the building and shall remain in situ whilst the use or development is in operation.

Reason - To ensure adequate refuse arrangement are put in place for the development pursuant to policies EN19 and DM1 of the Manchester Core Strategy.

6) The use hereby approved shall not commence until secure, covered space and facilities for bicycle parking for both staff and visitors have been provided in accordance with details to be submitted to and approved in writing by the City Council as Local Planning Authority. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport in order to comply with policies SP1, T1 and DM1 of the Core Strategy.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) the only uses permitted within Class E are for "Dental Surgery" purposes only and for no other purpose, including any other purpose falling within Class E as set out within the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason -In the interests of amenity, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to alleviate any possibility of landfill had ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.

Reason - The development site lies within 250 metres of a registered landfill site or in close proximity to a potential historical source of landfill had pursuant to policy EN18 of the Manchester Core Strategy (2012).

9) Before the development hereby approved is first occupied a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car

- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the premises, pursuant to policies SP1, T2 and DM1 of the Core Strategy and the Guide to Development in Manchester SPD (2007).

10) 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.

11) The window, as indicated on drawing A104 Rev 2 stamped as received by the City Council, as Local Planning Authority, on the 13 June 2021 shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Reason - To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

12) Prior to the commencement of the development, a construction management plan outlining working practices during construction shall be submitted for approval in writing by the Local Planning Authority, which for the avoidance of doubt should include;

- Display of an emergency contact number;
- Details of Wheel Washing;
- Dust and dirt suppression measures;
- Compound locations where relevant;
- Consultation with local residents;
- Location, removal/loading, storage and recycling of waste, plant and materials;
- Parking of construction vehicles and staff;
- Sheeting over of construction vehicles;

Manchester City Council encourages all contractors to be 'considerate contractors' when working in the city by being aware of the needs of neighbours and the environment. Membership of the Considerate Constructors Scheme is highly recommended.

The development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, highway safety and the safety and operations of the adjacent tramway, pursuant to policies SP1, EN9, EN19 and DM1 of the Manchester Core Strategy (July 2012).

Informatives

1) o The new external fittings (i.e. shutters, windows or doors, cycle storage) should be certified to Secured by Design standards.

o All aspects of the proposed extension, particularly doorways should be illuminated with dusk 'til dawn lighting.

o Coverage for any CCTV systems and alarms will need to be reviewed to check all areas of the development are covered.

2) The applicant should design and construct the drainage system to prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system pursuant to policy EN14 & EN17 of the Core Strategy. The existing drainage should be surveyed to ensure it is fit to serve the proposed extension. Green SuDS components are recommended to mitigate any loss of impermeable area.

3) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Environmental Health
Greater Manchester Police
MCC Flood Risk Management
Highway Services

LIGHTBOWNE EVANGELICAL CHURCH, 120 Kenyon Lane, Manchester, M40 9DF
Top Flat, 153 Kenyon Lane, Manchester, M40 9DJ
157 Kenyon Lane, Manchester, M40 9DJ
3 Chinley Avenue, Manchester, M40 9HT
1 Chinley Avenue, Manchester, M40 9HT
153 Kenyon Lane, Manchester, M40 9DJ

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
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1