

Planning

Growth & Development

Delegated officer report for planning application

Application no. 129757/FO/2021

Date registered valid: 17 March 2021

Proposal: Erection of a part single /part two storey building to form Medical Clinic (use class E) with associated access ramp, bin and bike store

Address: Land to The Rear of the Premises, 120 And 120A Withington Road, Manchester, M16 8FA

Ward(s): Whalley Range Ward

Applicant: Dr Ugo Umeadi, 6 Somerdale Avenue, Bolton, BL1 5HS

Agent (if any): Mr Michael Cummings, CA&D Architects Moss House, Moss Lane, Altrincham, WA15 8GZ

Case officer: Jennifer Connor
Tel: 0161 234 4545
Email: jennifer.connor@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17.05.2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 1 April 2021

Standard consultations:

Printed: 25 March 2021 Expired: 15 April 2021

Neighbour notifications

Printed: 25 March 2021 Expired: 15 April 2021

Site notice

Posted: 1 April 2021 Expired: 22 April 2021

Press advert

Published: 30 March 2021 Expired: 20 April 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building/area

The site is land to the rear of a property located to the south of a parade of commercial properties fronting Withington Road as it turns the corner with May Road within Whalley Range local centre, which lies within Whalley Range Conservation Area.

This application follows the withdrawal of a previous application for the erection of a part single/part two storey building to form clinic (Class E) on the 17th December 2020.

Listed building: Not applicable

Conservation area: Whalley Range Conservation Area 1992

Tree Preservation Order: Tree protected by virtue of location in Conservation Area

Description of development

Erection of a part single /part two storey building to form Medical Clinic (use class E) with associated access ramp, bin and bike store

Consultations & Notification Responses

One email of objection has been received. Whilst the resident welcome the use of a space currently only used for flytipping, their objection is that the development impacts on pedestrians and the immediate neighbourhood. They query the position of the vehicle entrance and the level of parking. They also object to the loss of a stretch of pavement to provide the vehicular access.

Highway Services - The site is located adjacent to the junction of the adopted highways Withington Road and May Road, to the rear of the existing building. May Road is largely unrestricted and therefore on-street parking demands are high. Short stay parking can be

accommodated on Withington Road (Limited Waiting 30 Minutes, No Return within 1 Hour Mon-Sat 8am - 6pm). A 20mph speed restriction is in place on May Road.

To the rear of the site there is a rear alleyway which is partially adopted. This acts as a rear service route for the properties fronting Withington Road. A comment was made that a similar provision of service is offered within 2 miles.

HIGHWAYS RESPONSE

It is understood that the clinic will operate via an appointment only basis (9am-6pm), with a maximum of 4 patients at any given time. Clarification is sought on the number of staff likely to be on site at any one time.

SITE ACCESSIBILITY

The site is well accessed by sustainable modes. Regular bus services run along Alexandra Road South. Firbank Metrolink stop is a 25-minute walk away.

PARKING & ACCESS

The site offers one car parking space- it is unclear whether this is for the use of staff or clients. Limited detail of this parking space is provided. It appears that access would be taken from the existing dropped crossing at the entrance to the rear alleyway. Highways have concerns that it would be difficult to access/egress this space and in reality would not be used. Whilst the sustainable nature of the site is acknowledged, it is likely that the proposed development will generate further demands for parking on May Road. Highways have strong concerns that the development relies on on-street car parking both for staff and clients which is likely to create further congestion in the area.

It must be ensured that the rear alleyway remains accessible at all times. This is an adopted route and is shared between neighbouring premises. The proposed development must not adversely affect the current servicing strategies for other units fronting Withington Road.

CYCLE PARKING

Three secure cycle spaces will be provided on site as part of the development, this is acceptable to Highways.

REFUSE AND SERVICING

The proposed refuse storage area noted within the site is acceptable. Bins will be presented to the collection point on May Road by the occupant on waste collection days, it should be ensured that refuse does not remain on the highway for any length of time given the obstruction posed to pedestrians. A specialist contractor will collect medical waste.

This is acceptable to Highways. It is unclear from the submitted documents what additional servicing activity will be required, i.e. deliveries, stock replenishment etc.

BOUNDARY TREATMENTS:

Any boundary treatments with frontage to the adopted highway should retain appropriate visibility from a height of 600mm upwards in order to protect sight lines.

For the avoidance of doubt, all gating which is accessed from the highway must be ensured to be inwardly opening, in order to prevent obstruction to passing footway users.

CONSTRUCTION AND DEMOLITION MANAGEMENT:

A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

Environmental Health - Recommend the following conditions/advisory, deliveries, (hours during construction – outside of our control), Hours (as applied for), External Equipment, Refuse – informative relating to contaminated land watching brief.

Neighbourhood Team Leader (Arboriculture) – Recommend a condition relating to Tree Works.

Greater Manchester Police - Thank you for the opportunity to comment on the above application, having looked at the documents submitted, we would recommend that a condition to reflect the physical security specifications set out in appendix B of the design & access statement should be added, if the application is to be approved.

Whalley Range Forum - The size and scale appear to be appropriate. Development of the site might help to alleviate the dreadful fly-tipping problem on May Road on the boundary of the site. Main concern would be the importance of the protection and retention of the trees, apart from the dead one.

Cadent gas comments forwarded to applicant. Unsolicited comments received from United Utilities requesting details of Sustainable Urban Drainage.

Policies

National Planning Policy Framework

The National Planning Policy Framework replaced previous guidance in PPGs and PPSs, setting out the Government's planning policies and how they are expected to be applied. The NPPF underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the Framework is a material consideration in planning decisions. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Development Plan

Manchester's Core Strategy Development Plan Document now forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan; however, some of the UDP policies will remain extant until they are superseded by policies in a future Development Plan Document.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester and states that, outside the City Centre and the Airport, the emphasis is on the creation of neighbourhoods of choice. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Policy DM1 seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice.

Policy EN3 - Heritage - This policy addresses historic and heritage features, the aim being to preserve or enhance the historic environment, the character, setting and accessibility of areas and buildings of acknowledged importance.

Saved UDP Policy DC18.1a - Conservation Areas - The Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering the following issues: the relationship of new structures to neighbouring buildings and spaces; the effect of major changes to the appearance of existing buildings; the desirability of retaining existing features, such as boundary walls, gardens, trees, (including street trees); the effect of signs and advertisements; any further guidance on specific areas which has been approved by

the Council.

Legislative Requirements - Section 72 of the Planning (Listed Building and Conservation Areas) Act imposes a general duty as respects conservation areas in exercise of planning functions and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Sections 16(2) and 66(1) of the Act state that decision makers must have "special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest

For reasons to be outlined below, it is considered the proposal accords with the principles of the abovementioned policies.

Issues

Principle

The principle of the use of a premises within a local centre for a Class E use is acceptable. However, this is the use of land to the rear of a premises within a local centre turning the corner into a more residential setting. An assessment must therefore be made about the localised impacts of accommodating such a development.

Development in Whalley Range Conservation Area

It is noted that this land had been the subject of flytipping and does not presently contribute positively to the designated heritage asset that is the Whalley Range Conservation Area. The scheme that is now proposed has a contextual response to the historic pattern of development of the area. It is considered for the reasons set out below that the proposal would cause less than substantial harm that is outweighed by the benefits of the development proposals, subject to the imposition of appropriate conditions.

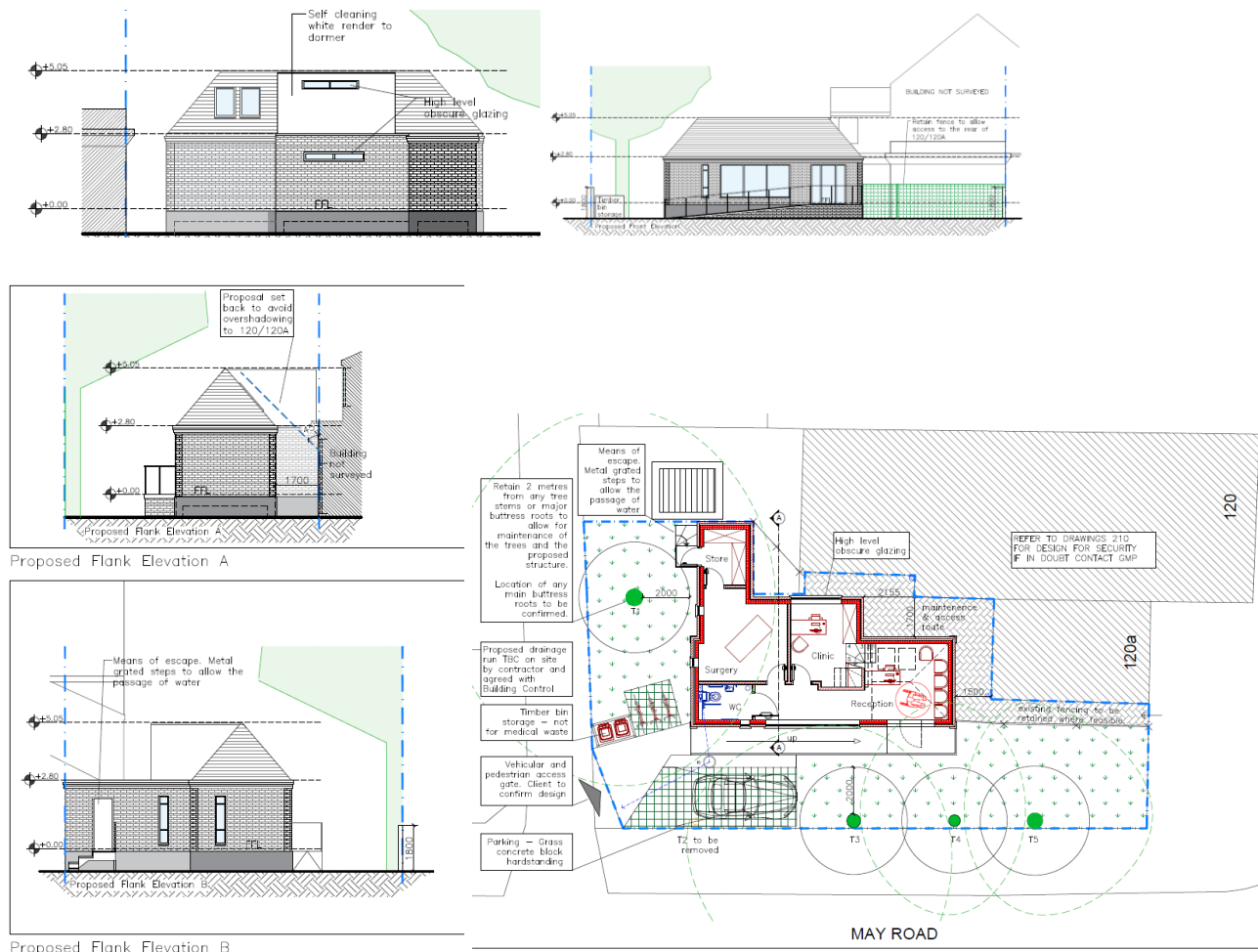
Scale, Massing and Layout

This application follows the withdrawal of a previous application for the erection of a part single/part two storey building to form clinic (Class E) on the 17th December 2020. The building had a surgery, a store, two clinics and a waiting room at ground floor. At first floor the building had an office, kitchen, shower and WC.



The building proposed as part of this planning application would be part single /part two storey building to form Medical Clinic (Use Class E) with associated access ramp, bin and bike store.

The building has been reduced in scale and massing and altered in materiality (it is now considered to read in the context of the existing parade – subject to the use of red brick to be conditioned, which has outbuildings and extensions to the rear) and less intrusive with regards to the extent of the use (surgery, clinic, reception, WC and store at ground floor and a staff room and WC above)



Use and Car Parking

The clinic would be operational between the hours of 08.00 and 18.00 Monday to Friday and 10.00 to 16.00 on a Saturday. They would not be open on Sundays/Bank Holidays.

The application forms submitted show that there will be 1 full time and 6 part time members of staff. The level of car parking requirement for these employees and the patients that they are attending to on site is considered to have a low parking requirement for this in centre location.

The scheme includes for a dedicated car parking facility and for 3 secure cycle parking spaces.

Residential Amenity

The proposed building has a close relationship to the neighboring property, however, access to that building has been maintained as part of this application. Greater Manchester Police are satisfied with the relationship subject to the applicant following the recommendations in the Design for Security Specification and Design and Access Statement Submitted, a condition to this effect is appended.

The building is not considered to unduly impact upon the amenity of the nearest neighbouring property at 120 Withington Road by virtue of loss of privacy, due to obscure glazing and high level windows to be utilised to the north elevation (to be conditioned).

The building which is of a much smaller scale and has now been moved away from 120 Withington Road is not considered to be unduly dominant or to result in a loss of light that would warrant the refusal of planning consent.



It is not considered that the scheme would have any undue impact upon property to the west on May Road by virtue of the distance provided and screening retained. Nor is that any adverse impact upon the property opposite which fronts Withington Road.

The hours of opening are restricted and the comings and goings associated with the use are not considered to adversely impact residential amenity in this centre location. A construction management plan is conditioned to control disruption during construction.

Trees, Landscaping and Boundary Treatment

The development would see the removal of one dead thorn tree (Category U T2) and the retention of trees T1, T3, T4 and T5. The arboriculturalist has assessed the information supplied and would want an independent arboricultural consultant embedded into the project to oversee works in relation to trees, particularly with regards to the storing of materials on this constrained site.

Indicative landscaping has been shown on submitted site plans, which would positively impact upon the appearance of the site, which is largely hard surfaces at present. Details of the planting need to be submitted for approval.

It is stated that the concrete post and beam boundary and metal fence will be retained, however, plans submitted show gates to be agreed, a condition requiring the submission of these details is therefore imposed.

Refuse

Whilst the amount of storage and location area acceptable for both commercial and medical waste, the details of the contractor for the commercial waste have not been provided, as such a condition has been recommended to agree this.

Flood Risk

The development is small scale, the existing site is hard landscaped and would have landscaping introduced, the site is not within a Flood Risk Area.

Accessibility

The scheme has been designed to allow for wheelchair use with a ramped access and door widths and turning and appropriate WC facilities.

Sustainability

The building would achieve BREEAM very good with regards to the submitted pre-assessor.

Conclusion

The proposal is considered acceptable in this location in terms of design and it is not considered that the proposal would create any undue loss of amenity to neighbouring occupiers. It is considered of sufficient quality with regards to its siting within the Whalley Range Conservation Area. The proposal therefore complies with policies DC1 and DC18 of the Unitary Development Plan, DM1, SP1 and EN3 of the Core Strategy.

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. The scheme is considered to be in accordance with the guidance contained within saved policy DC18 of the Manchester Unitary Development Plan and to policies SP1, DM1 and EN3 of the Core Strategy.

Condition(s) to be attached to decision for approval

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:

200 FLOOR PLAN
205 FLOOR PLANS
300 ELEVATIONS
305 ELEVATIONS
400 SECTIONS
500 RENDERS
505 RENDERS
600 Location Plan
605 Site Plan
Design & Access Statement
Design for Security Specification
Sustainability Appraisal prepared by Antis Energy

Received 17th March 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. Above-ground construction works shall not commence until samples and specifications of all materials to be used in the external elevations and hard landscaping around the buildings as detailed on the approved drawings have been submitted to and approved in writing by the City Council as local planning authority. Thereafter the development shall be carried out in accordance with those details.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1, DM1 and EN3 of the Core Strategy.

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

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

5. The premises shall not be open outside the following hours:

08.00 to 18.00 hours Monday to Friday
10.00 to 16.00 hours on Saturday

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies SP1 and DM1 of the Core Strategy and saved Policy DC26 of the City of Manchester Unitary Development Plan.

6. 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.

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. The approved scheme shall be completed before the premises is occupied.

Upon completion of the development a verification report will be required 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 has 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 pursuant to policy DM1 of the Core Strategy and saved UDP policy DC26.

7. Prior to the commencement of above ground works a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interests of amenity and public health, pursuant to policy DM1 of the Core Strategy for the City of Manchester.

8. In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained within the approved drawings, documents and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the use or occupation of the phase of development within which the retained tree is located for its permitted use.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction) in the presence of an independent arboricultural consultant.
 - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Evidence of the installation of fencing shall be supplied in writing to the City Council as local planning authority prior to any works commencing on site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies SP1, DM1 and EN3 of the Core Strategy.

9. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent

ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Core Strategy.

10. Above-ground construction works shall not commence until a hard and soft landscaping treatment scheme (to include details of the vehicular and pedestrian access gate) has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN3, EN9 and DM1 of the Manchester Core Strategy.

11. The development hereby approved shall not be occupied or used until the Council as local planning authority has acknowledged in writing that the development has been constructed in accordance with the Design for Security Specification and Design and Access Statement Submitted.

Reason - To reduce the risk of crime pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and to reflect the guidance contained in the National Planning Policy Framework.

12. Prior to occupation of the development hereby approved the windows to the north elevation of the building shall be obscurely 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 property from overlooking or perceived overlooking and in accordance with policies SP1 and DM1 of the Core Strategy.

13. Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the City Council as local planning authority.

The development shall be implemented in accordance with the agreed Construction Management Plan. The Plan shall include:

- The routing of construction traffic;
- The identification of the vehicular access points into the site for all construction traffic, staff vehicles and Heavy Goods Vehicles;
- Identify measures to control dust and mud on the surrounding public highway including: details of how the wheels of contractor's vehicles are to be cleaned;
- Specify the working hours for the site;

- Identify advisory routes to and from the site for staff and HGVs;
- Dust management statement;
- Noise management statement.

Reason - In the interest of pedestrian and highway safety, and to ensure that construction works are not prejudicial or a nuisance to adjacent dwellings and properties pursuant to policy DM1 of the Core Strategy.

Informative - In the event that ground and/or groundwater contamination and/or ground gas are encountered on the site before the development is occupied, the developer is advised to cease works and contact Environment On Call on 0161 234 5004 or email contact@manchester.gov.uk for advice on how to proceed.

Appendix 1 – List of consultees & neighbours notified

Highway Services
 Environmental Health
 Neighbourhood Team Leader (Arboriculture)
 Greater Manchester Police
 Whalley Range Conservation Area Group
 Whalley Range Forum

List of properties notified on Uniform

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
 Conservation Area - Whalley Range Conservation Area 1992
 Area Team Boundary - Name: SOUTH