

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139056/JO/2024

Date registered valid: 22 January 2024

Proposal: Variation of Condition Number 5 (opening hours) attached to planning permission referenced 125973/FU/2020 to allow opening 7am to 8.30pm Monday to Saturday

Address: Droylsden Road Dental Practice, 117-119 Droylsden Road, Manchester, M40 1NT

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr David Farrington R.A. Fisk & Associates Ltd

Agent (if any): Mr David Farrington R. A. Fisk & Associates

Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 4 March 2024

Application details

Type of application: Variation or Removal of Condition

Development type: Change of use

Standard consultations:

Printed: 24 January 2024 Expired: 14 February 2024

Neighbour notifications

Printed: 24 January 2024 Expired: 14 February 2024

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 relates to an end terraced property situated at the corner of Droylsden Road and Gaskell Street, Newton Heath, currently occupied by Droylsden Road Dental Practice.

The site is bounded by a terraced dwellinghouse to the east, a communal parking area to the north (rear) and road frontages to the south and west.

The site relates to two former, terraced dwellinghouses combined to create a single unit and occupies the last two end properties within a terrace of four properties.

The property has been extended at ground and first floor to the rear, with the rear also incorporating an off-road parking area, including an accessible space.

The building itself is encased with a mixture of cream coloured render and painted brickwork.

To the front is small garden area incorporating an access ramp, enclosed by a brick wall with metal railing above.

Pedestrian access is served from both Droylsden Road and Gaskell Street.

To the front of the building is a Zebra Crossing between the host building and the primary school opposite. On-street parking restrictions are in place to the highway in front of the building along Droylsden Road.

To the side of the building along Gaskell Street, is a grass verge with tree planting.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

With the exception of a public house a short distance to the west (Church Inn) and a primary school (All Saints C of E primary) opposite, the immediate area is largely residential in character, mainly comprising two storey dwellinghouses.

Description of development

Variation of Condition Number 5 (opening hours) attached to planning permission referenced 125973/FU/2020 which allowed the change of use of a dwellinghouse (Class C3) to form dental practice (Class D1). In this case, it is proposed to extend the opening hours from 8am to 6pm Monday to Saturday to 7am to 8.30pm Monday to Saturday and at no time on Sundays and Bank Holidays.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection.

Planning History

125973/FU/2020 (119 Droylsden Road)

Change of use of dwellinghouse (Class C3) to form dental practice (Class D1). *Approved 27 May 2020.*

098713/FO/2012/N1

Erection of part side, part rear single storey extension to existing dental surgery to create additional accommodation, together with installation of disabled access ramp to front of building and associated alterations. *Approved 2 July 2012.*

078710/FO/2006/N1

Erection of 2 no. air conditioning units to side elevation of rear outrigger at low level. *Approved 3 April 2006.*

027206

Change of use of vacant first floor rooms to provide additional accommodation for dental practice on ground floor. *Approved 8 October 1986.*

024222

Change of use of dwellinghouse to ground floor dental surgery with new access, a self-contained first floor flat and provision of parking for four vehicles. *Approved 26 June 1985.*

Policy

The below policy and guidance is considered relevant to the consideration of this application.

-Saved policy DC26 of the UDP;

- Policies DM1, EC1, EC2 and SP1 of the Manchester Core Strategy;
- Places for Everyone (consultation draft);
- National Planning Policy Framework (NPPF);

Issues

Principle

The principle of the use has already been established by the host and previous planning permissions.

The only issue for consideration in this case, relates solely to the impact of the extended opening hours. Namely, the impact to residential amenity.

Residential Amenity

Policies DM1 and SP1 of the Core Strategy indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. Saved policy DC26 of the UDP requires consideration of uses likely to result in the generation of noise.

In this case, account should be taken of the existing site context and the existing function of the property as a busy dental practice.

Whilst the proposed use would generate further activity for an hour earlier in the morning and two and half hours later in the evening – principally in the form of pedestrian/vehicular movements and operations within the building, it not considered that significant undue noise and disturbance would arise that would be materially harmful to neighbouring living conditions.

Dental practices typically operate on an appointment only basis, with only a limited number of people within the building at any one time, staggered throughout the day. This would in effect, control level of activity and parking demand.

Taking account of the way the practice functions and as the proposed hours of use are still within those generally defined as daytime hours, it not believed any adverse impact to residential amenity would result as a consequence of the proposed variation of hours.

The proposed hours of use would also increase flexibility for patients and would allow more time for dentists to see patients, which in turn would facilitate a reduction in waiting lists and to ensure those who require treatment, receive it. These factors in addressing a clear clinical demand would also serve to outweigh any amenity concerns in this instance.

In light of the above, the proposed variation to operating hours is considered to accord with the aforementioned planning policy and guidance.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter. The proposal is considered to be acceptable and therefore determined within a timely manner.

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

- 1) The development must be begun not later than 27 May 2023.

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:

3419/02 and 3419/06, stamped as received on the 20 January 2020;

3419/03 Rev B, stamped as received on the 12 May 2020;

Location Plan and the Design and Access Statement, stamped as received on the 20 January 2020;

The Acoustic Report by AB Acoustics, stamped as received on the 3 April 2020;

The Statement on Waste Management Strategy and the Waste Management Proforma, stamped as received on the 12 February 2020;

Transport Statement and Transport Plan by Vectos Transport Planning Specialist, stamped as received on the 24 February 2020;

The emails from David Farrington Associates dated 20 April 2020 and the 20 March 2020. 3419/07 Acoustic Fence Detail, stamped as received on the 12 May 2020.

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

3) (a) The development hereby approved shall be carried out in accordance with the noise survey and acoustic design advice prepared by AB Acoustics, stamped as received by the City Council, as Local Planning Authority, on 3 April 2020.

(b) Prior to the first use of the development, a verification report will be required to validate that the work undertaken conforms to the recommendations and requirements approved as part of part (a) of this planning condition. The verification report shall include post completion testing to confirm the noise criteria has been met. In instances of non-conformity, these shall be detailed along with mitigation measures required to ensure compliance with the noise criteria. Any mitigation measures shall be implemented in accordance with a timescale to be agreed with the City Council, as Local Planning Authority, and thereafter retained and maintained in situ.

Reason: To secure a reduction in noise disturbance for residents pursuant to policies SP1, H1 and DM1 of the Core Strategy (2007) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

4) Prior to the first use of the development hereby approved details of any externally mounted ancillary equipment shall be submitted for approval in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment. The approved details shall be implemented and be in place prior to the first use of the development.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

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

Monday to Saturday 7am to 8.30pm;
Closed Sundays and Bank Holidays.

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

6) 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 - In interests of residential amenity, in order to reduce noise and general disturbance, in accordance with saved policy DC26 of the Unitary Development Plan and policy DM1 of Manchester Core Strategy.

7) The development hereby approved shall be carried out in accordance with the Statement on Waste Management Strategy received by the City Council on 12 February 2020. The agreed

arrangement, including the associated bin storage structures, shall be implemented in full prior to the first use of the development and maintained in situ thereafter.

Reason - In the interests of residential amenity and to secure appropriate arrangements for the storage and collection of segregated waste and recycling, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

8) Prior to the first use of the development hereby approved a travel plan framework shall be submitted for approval 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 building, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval 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 school, pursuant to policies SP1, T2 and DM1 of the Manchester Core Strategy and the Guide to Development in Manchester SPD (2007).

9) Prior to the first use of the development hereby approved, details of the siting, scale and appearance of a secure, covered space and facilities for bicycle parking for both staff and visitors shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved details shall be implemented prior to the first use of the development and thereafter retained and permanently for bicycle parking for as long as the development remains in use.

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 Manchester Core Strategy.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no part of the development hereby approved shall be used for any purpose other than the for the following purpose(s) of contained within Schedule 2, Part A, Class E of 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):

E(e) Medical services not attached to the residence of the practitioner;

Reason - To safeguard the amenity, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

11) Notwithstanding drawing 3419/03 Rev B, stamped as received by the City Council, as Local Planning Authority, on the 12 May 2020, prior to the first use of the development hereby approved, details of a hard and soft landscaping treatment scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority.

The approved scheme shall be implemented prior to the first use of the development. 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, EN9 and DM1 of the Manchester Core Strategy.

12) Notwithstanding the details contained on drawing referenced 3419/03 Rev B, received by the City Council, as Local Planning Authority on 12 May 2020, details of the siting, scale and appearance of the vehicular access gates shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and thereafter retained and maintained in situ for as long as the development remains in use.

Reason - In the interest of visual amenity and security of the car parking area pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

13) Prior to the first use of the development hereby approved, the boundary treatment to the boundary with 121 Droyslden Road shall be implemented in accordance with drawings 3419/03 Rev B and 3419/07 Acoustic Fence Detail, received by the City Council, as Local Planning Authority on 12 May 2020.

The boundary treatment shall be retained and maintained in situ thereafter and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no boundary treatment shall be erected on site, other than that shown on the approved plans.

Reason - In the interest of visual amenity and security of the site pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

14) Prior to the first occupation of the development, details and specification for fitting an agreed number of the car parking spaces with a 7kw electric car charging points shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented and be in place prior to the first use of the development and thereafter retained and maintained in situ.

Reason - In the interest of air quality pursuant to policies SP1 and EN16 of the Manchester Core Strategy.

15) Prior to the first use of the development hereby approved, the car parking spaces, as indicated on drawing 3419/03 Rev B, received by the City Council, as Local Planning Authority on 12 May 2020 shall be laid out, demarcated and made available. The car parking layout shall be retained and maintained for as long as the development remains in use.

Reason - To ensure car parking is available for the development pursuant to policies SP1, T1, and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Environmental Health

Flat At, The Church Inn, 1 Gaskell Street, Manchester, M40 1JB
9 James Bentley Walk, Manchester, M40 1JD
7 James Bentley Walk, Manchester, M40 1JD
125 Droylsden Road, Manchester, M40 1NT
The Church Inn, 1 Gaskell Street, Manchester, M40 1JB
15 Wallis Street, Manchester, M40 1NU
13 Wallis Street, Manchester, M40 1NU
123 Droylsden Road, Manchester, M40 1NT
96 Droylsden Road, Manchester, M40 1WT
102 Droylsden Road, Manchester, M40 1WT
127 Droylsden Road, Manchester, M40 1NT
17 Wallis Street, Manchester, M40 1NU
121 Droylsden Road, Manchester, M40 1NT
19 Wallis Street, Manchester, M40 1NU
98 Droylsden Road, Manchester, M40 1WT
100 Droylsden Road, Manchester, M40 1WT
11 James Bentley Walk, Manchester, M40 1JD
All Saints CE Primary, Culcheth Lane, Manchester, M40 1LS
3 Petrock Walk, Manchester, M40 1HZ
1 Petrock Walk, Manchester, M40 1HZ
7 Petrock Walk, Manchester, M40 1HZ
5 Petrock Walk, Manchester, M40 1HZ

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Area Team Boundary - Name: NORTH AREA