

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138686/FO/2023
Date registered valid: 20 December 2023
Proposal: Change of Use of property from dentist (Class E) to a dwellinghouse (Class C3)
Address: 628 Wilmslow Road, Manchester, M20 3QX
Ward(s): Didsbury West Ward

Applicant: Mrs Zahra Jafari
Agent (if any):
Case officer: Holly Wright
Tel: 0161 219 6381
Email: holly.wright@manchester.gov.uk
Recommendation: Approve
Date of recommendation: 12 February 2024

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 05 January 2024

Standard consultations: Printed: 20 December 2023 Expired: 13 January 2024

Neighbour notifications: Printed: 20 December 2023 Expired: 13 January 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

Listed building: Not applicable

Conservation area: Ballbrook Conservation Area 1992

Tree Preservation Order: Not applicable

The application relates to a two-storey detached redbrick building with a red concrete tile hipped roof. The property features white uPVC windows, including a two-storey bay to the front (with a gable end roof form and black and white timber detailing), a two-storey bay to the rear, and a ground floor bay to the side. The property also features a single storey rear outrigger, a tarmac driveway bordered by a low-level stone wall, and detached outbuilding situated within the rear garden. Originally in use as a C3 dwellinghouse, the property received planning permission for its conversion into a ground-floor health clinic / dental practice and self-contained first-floor flat in 2007 under 084130/FO/2007/S2. The applicant now seeks to return the property to its original use.



Figure 1. Principal elevation.



Figure 2. Rear elevation.



Figure 3. Rear garden.

Description of area

This stretch of Wilmslow Road is predominantly residential in terms of its character, consisting of semi-detached and detached residential properties as well as apartment complexes. Situated within the Didsbury West ward of Manchester, the property is close to Fog Lane Park, West Didsbury Metrolink tram stop, and the Christie Hospital and benefits from its proximity to public outdoor amenity and green spaces.

The application property is also sited within the Ballbrook conservation area (first designated in November 1991). The conservation area is situated approximately four miles south of Manchester city centre. Adjacent to the Blackburn Park conservation area, Ballbrook is predominantly residential in nature and extends to just over ten hectares, bounded by Wilmslow Road to the east, Lapwing Lane to the southwest, Palatine Road to the northwest and Sandleigh Avenue to the north.

Development control in Ballbrook is aimed at encouraging development which enhances the prosperity of the area whilst paying attention to its special architectural and visual qualities. Property owners in the area are encouraged to retain the original character and detail of their houses. This should include the details, colour, and materials of windows frames, doors, and other elements of the buildings.

Description of development

The applicant is seeking permission for the Change of Use of property from dentist (Class E) to a dwellinghouse (Class C3).

Planning history

084130/FO/2007/S2 - Change of use from dwelling to health clinic (Class D1) on the ground floor with self-contained flat above, including installation of access ramp at front and elevational alterations to form access to self-contained flat – **APPROVED** (31.10.2007).

084127/AO/2007/S2 - Installation of 2 metre high non illuminated free standing sign board to front perimeter – **APPROVED** (08.11.2007).

097411/JO/2011/S2 - Variation of condition no. 4 attached to planning permission 084130/FO/2007/S2 to allow two treatment rooms to be used at the same time – **APPROVED** (12.12.2011).

105662/TCA/2014/S2 - Works to tree - proposed felling of Oak (T1) as extensive cavities present in the trunk section of the tree, considering potential for failure and proximity to the road – **APPROVED** (20.06.2014).

Consultations & Notification Responses

Correspondence was received from Councillor John Leech in response to this application, confirming their support for the proposal.

Local residents – no comments or objections received.

HS2 made no objection to the proposal, requesting that an informative be attached to the decision notice.

Highways made no objection to the proposal.

Environmental Health recommended that conditions relating to residential sound insulation and overheating (NSE4b), a scheme for the storage and disposal of refuse, and air quality control, be attached to the decision notice.

Policies

The following policies are considered relevant in the consideration of this application.

Unitary Development Plan (UDP) – The UDP has been superseded by the Core Strategy Development Plan, but certain policies are still considered of relevance:

- Policy DC18 – Conservation Areas

The Manchester Core Strategy – Development Plan Document 2012-2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy DM1 – Development Management
- Policy SP1 – Spatial Principles
- Policy EN3 – Heritage
- Policy EN19 – Waste
- Policy H1 – Overall Housing Provision
- Policy H6 – South Manchester

The National Planning Policy Framework (NPPF, 2021)

- Chapter 12 – Achieving Well-Designed Places
- Chapter 16 - Conserving and Enhancing the Historic Environment

Manchester – Residential Quality Guidance, 2017

- Appendix – Manchester’s Emerging Space Standards

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester’s development plan.

To date, five consultations have taken place in relation to the Plan. The Examination of the Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council’s Executive agreed the Main Modification on 4 October 2023 and endorsed an 8-week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies are now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance.



Figure 4. Submitted existing and proposed plans.

Issues

Principle – the principle of the proposal, to change the use of the property from a dental health clinic (Class E) to a dwellinghouse (Class C3), is acceptable given that this would return the property to its original use as well as increasing the availability of family dwellinghouses in this area, in accordance with policies H1 and H6 of the Core Strategy. However, consideration must be given to the standard of accommodation as well as the proposal's siting, scale and massing, appearance, and impact upon visual amenity, residential amenity, waste storage, parking, and the Ballbrook conservation area.

Standard of accommodation – the proposed ground floor of the property would have a gross internal floor space of 58.5 square metres, providing a kitchen, dining area, lounge and WC for the property's occupants. The proposed first floor of the property would have a gross internal floor space of 55 square metres and would provide three bedrooms and one bathroom. This accords with the relevant Council policy outlined in the Manchester Residential Quality Guidance, which stipulates that three-bedroom, two-storey dwellings (occupied by a maximum of 6 persons), should provide a minimum of 108 square metres of living space.

Additionally, the property is considered to provide sufficient access to light and airflow as windows are featured to the front, side and rear at both ground and first floor level. The property's rear garden would also be retained, thereby ensuring that occupants would have access to an appropriately sized outdoor amenity space, in accordance with policies DM1 and SP1 of the Core Strategy.

Siting, scale, and massing – no external alterations would be made as part of the proposal. The siting, scale, and massing of the property would therefore be unaffected by the proposed works, in accordance with policies DM1 and SP1 of the Core Strategy.

Appearance and visual amenity – no external alterations would be made as part of the proposal. The appearance of the property would therefore be unaffected by the proposed works, with the proposal having a minimal impact upon the visual amenity of the area, in accordance with policies DM1 and SP1 of the Core Strategy.

Residential amenity – the proposal is likely to result in a decrease in the number of comings and goings to the property, as visits to the dental practice would cease. The proposal is therefore likely to incur a positive effect on the area's residential amenity, as it would reinforce the residential character of the neighbourhood and would lead to a reduction in potential noise disturbance and activity.

The proposal therefore accords with policies DM1 and SP1 of the Core Strategy.

Waste storage – the property would produce household waste, rather than waste produced by a dental practice, with the submitted application form indicating that bins would be collected on a weekly basis. This is acceptable, according with policies DM1 and EN19 of the Core Strategy.

Parking – the property's existing three car parking spaces would be retained. This is acceptable, according with policies DM1 and SP1 of the Core Strategy.

Impact upon the Ballbrook Conservation Area – no external alterations would be made as part of the proposal. The appearance of the property would therefore be unaffected by the proposed works, with the proposal having a minimal impact upon the Ballbrook conservation area, in accordance with policy DC18 of the UDP, policy EN3 of the Core Strategy and chapter 16 of the NPPF.

Environmental Health - recommended that conditions relating to residential sound insulation and overheating (NSE4b), a scheme for the storage and disposal of refuse, and air quality control, be attached to the decision notice.

With regards to the recommended NSE4b condition, the proposal would involve reverting the property to its original use as a C3 dwellinghouse and would not include any external alterations to its fabric or structure. As such, due to the historic uses of the application site, this condition is deemed unnecessary.

On their application form, the applicant indicated that the property would produce household waste which would be collected on a weekly basis. A scheme for the storage and disposal of refuse is therefore unnecessary in these circumstances as sufficient information has been provided.

Reverting the property to its original use as a C3 dwellinghouse would result in a decrease in comings and goings to the property as visits to the dental practice would cease. This would lead to a reduction in the associated carbon emissions of the property, with an overall positive effect on the area's air quality. A scheme for electric vehicle charging is therefore unnecessary.

For the reasons specified above, none of the conditions recommended by Environmental Health have been attached to the decision notice.

Conclusion – given the above issues, it is considered that the proposal is acceptable in terms of its principle, standard of accommodation, siting, scale and massing, appearance, impact upon visual and residential amenity and effect upon the Ballbrook conservation area, waste storage and parking as it broadly complies with policy DC18 of the UDP, policies DM1, SP1, EN19, H1, H6 and EN3 of the Core Strategy and chapters 12 and 16 of the NPPF.

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. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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 permission.

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

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

- 'Application for Planning Permission', stamped as received by the City Council as Local Planning Authority on the 30th November 2023.

-‘Proposed Ground Floor Plan. Proposed First Floor Plan’, stamped as received by the City Council as Local Planning Authority on the 13th December 2023.

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

3) 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 shall be used for any purpose other than the purpose(s) of Class C3(a) of the Schedule to 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 residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community through provision of accommodation that is suitable for people living as families pursuant to policies DM1 and H11 of the Core Strategy for Manchester and the guidance contained within the National Planning Policy Framework.

Informatives

1) The applicant is advised that part of the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes.

As such, the applicant is advised to closely follow ongoing progress of the Network North programme for any updates at: Network North - GOV.UK

Appendix 1 – List of consultees & neighbours notified

High Speed Two (HS2) Limited
Highway Services
Environmental Health

626 Wilmslow Road, Manchester, M20 3QX
1 Redcourt Avenue, Manchester, M20 3QL
630 Wilmslow Road, Manchester, M20 3QX
Flat 2, 630 Wilmslow Road, Manchester, M20 3QX
Flat 1, 630 Wilmslow Road, Manchester, M20 3QX
Flat 4, 630 Wilmslow Road, Manchester, M20 3QX
Flat 7, 630 Wilmslow Road, Manchester, M20 3QX
43 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
30 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
48 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
47 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
46 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
45 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
44 Ballbrook Court, Wilmslow Road, Manchester, M20 3GU
25 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
26 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
27 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
29 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
28 Ballbrook Court, Wilmslow Road, Manchester, M20 3QU
Flat 3, 630 Wilmslow Road, Manchester, M20 3QX
Flat 5, 630 Wilmslow Road, Manchester, M20 3QX
Flat 6, 630 Wilmslow Road, Manchester, M20 3QX
Flat 8, 630 Wilmslow Road, Manchester, M20 3QX
3 Redcourt Avenue, Manchester, M20 3QL

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 - Ballbrook Conservation Area 1992
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (October 2020)
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA