

Planning

Growth & Development

Delegated officer report for planning application

Application no. 138512/FO/2023

Date registered valid: 18 November 2023

Proposal: Erection of single storey front and side extensions in connection with existing day nursery (Class E)

Address: Kids Choice Day Nursery, 929 Oldham Road, Manchester, M40 2EB

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Mr Sadegh Ansari, Mohebban Al Zahra

Agent (if any): Mr KK Karimi, K Design Solution

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

Recommendation: Approve

Date of recommendation: 22 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 22 December 2023

Standard consultations:

Printed: 23 November 2023

Expired: 14 December 2023

Neighbour notifications

Printed: 23 November 2023

Expired: 14 December 2023

Site notice

Posted: 22 December 2023

Expired: 15 January 2024

Press advert

Published: 28 November 2023

Expired: 12 December 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a large, three storey, red brick building, currently authorised for use as a children's day nursery. Prior to this, the property was occupied as a dwellinghouse and former rectory associated with the adjacent church - Redeemed Christian Church of God (formerly St. Wilfred's Church). Whilst the neighbouring church is listed, the application site is not.



View of the rear from private access road

The building has been previously extended to the side and front with various single storey structures and is enclosed by a brick walls. Primary access and principal frontage to the building is from the access road. To the rear, neighbouring Oldham Road is a garden area.

Vehicular access to the building is achieved via a private access road which effectively forms an extension of Ceylon Street, separated by a gated access. The road comprises a rough surface and is used for car parking which is shared by the neighbouring church.



View of access road to the rear and application site (left middle)

To the front the building lies adjacent to the main north/south arterial route of Oldham Road and is partially screened by large Conifer trees.



View of property frontage from opposite side of Oldham Road

Neighbouring the site to the north is a new dwellinghouse currently under construction.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is mixed use in character and includes two storey residential properties to the northwest along Ceylon Street and to the east, on the opposite side of Oldham Road. To the south is the Grade II listed church, whereas to the rear (west) site adjoins a couple of large, double height industrial warehouses, beyond which is a railway line.

Description of development

Planning permission is sought for the erection of single storey, flat roof extension to the front and side.

The extension which will replace existing single storey structures to the front and are intended to form a meeting room and hall. The application as submitted states that the propose floorspace is to be used for ancillary functions to the existing use of the building as day nursery.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – No objection. Conditions are requested in relation to external equipment, waste management, air quality, EV charging and ground conditions.

Flood Risk Management – A condition is requested in relation to the submission and agreement of a surface water drainage scheme.

Highways Services – It is noted that limited details have been provided regarding proposed operations/activities, pedestrian access and waste storage/servicing operations in terms of how the proposals may change or impact on the existing site. Highways also requested additional details on existing/proposed car and cycle parking provision and/or how car parking demand is currently managed.

Cadent – A holding objection was initially submitted in order for Cadent to ascertain if the proposed development would affect their assets and infrastructure. The holding objection has subsequently been removed. Advisory information has been provided which was forwarded to the applicant and an 'Informative' added.

Planning History

099473/FO/2012/N1

Change of use from residential to day nursery (D1 use) with associated boundary treatments, car parking and landscaping. *Approved 14 December 2012.*

070669/FH/2004/N1

Erection of single storey extension to form a double garage and sauna room. Erection of 2.2-metre-high boundary wall, railings and gates to enclose car parking area to be used in conjunction with former St. Wilfred's Church building. *Approved 18 June 2004.*

Policy

The following policy and guidance is considered relevant to the consideration of this application:

- Policies DM1, SP1, EC1, T2, EN3, EN14, EN14, EN16-19 of the Core Strategy;
- Saved policy DC19.1 and DC26 of the UDP;
- Guide to Development in Manchester (SPD);
- Place for Everyone (consultation draft);
- National Planning Policy Framework (NPPF).

Issues

Principle

The principle of the proposed extensions which are intended to provide improved space and facilities for an existing day nursery is considered acceptable and would improve the offer for nearby residents. As such, the development complies with the aforementioned policy and guidance.

Specific planning issues are outlined further below.

Design, Scale and Appearance

The proposed extensions represent single storey, modest additions, with limited views from the public domain.

The window design and proportions reflect that of the host building and through the use of similar materials, which can be controlled by way of an attached planning condition, it is believed that the design, scale and appearance of the building can effectively assimilate into the existing building fabric with minimal impact.

Residential Amenity

Given the existing use of the building as a day nursery located adjacent to the busy, arterial route of Oldham Road and next door to a church sharing the same vehicular access, it is not considered that the proposed ancillary accommodation would have significantly material impact upon the living conditions of neighbouring occupiers as a result of any increase level of activity or associated noise and disturbance.

The site relates an existing, authorised, commercial operation and the proposed development in this case is not anticipated to result in any increased capacity or functions that would give rise to further impacts because of intensification of use.

In terms of any impact arising from the physical siting of the building, including the position of windows, it is believed that its single storey scale, orientation and current relationship with neighbouring properties, is unlikely to result in any significant, harmful impacts in terms of any over-dominance, overshadowing or overlooking.

In light of the above, the impact to residential amenity is considered acceptable and compliant with relevant policy.

Heritage Impact

A Grade II* listed building church formerly associated with the host building is situated immediately to the south along Oldham Road. Given this relationship, it is necessary to assess the impact upon a heritage asset.

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Policy EN3 of the Core Strategy, likewise refers to the need for the consideration to be given to the impact of new developments on heritage assets, whilst saved Policy DC19.1 of the UDP seeks to preserve and enhance the setting of listed buildings.

Section 12 of aforementioned National Planning Policy Framework also places great emphasis on the preservation and enhancement of heritage assets.

Paragraph 203 states that: *'In determining applications, Local Planning Authorities should take account of:*

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) The desirability of new development making a positive contribution to local character and distinctiveness'..*

Paragraph 208 advises further that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'

Paragraph 209 states that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'

In this case, it is considered that the proposed extensions are modest in size and scale and would provide subservient additions to the host building. Through the use of matching materials and fenestration that would be sympathetic to the existing building, it is not believed that the extensions would be unduly strident. Further, given the positions of the extensions and relationship with the neighbouring listed building, with only limited views from the public domain, it is not considered that the proposed extensions would have a significantly harmful impact upon setting of the listed church building, and neither would it have an adverse impact upon the ability to understand the historic significance of the Listed Building. As such, the proposed development would conserve the character and significance of the local heritage asset and is considered acceptable on this basis.

Impact to the Highway

The application is submitted on the premise that the proposed extensions are for improved, ancillary accommodation and not to facilitate increase capacity. On this basis, it is not considered that there would be any material impact to existing vehicular movements, trip generation and parking demand. As such, the impact to the operation of the highway is considered satisfactory. It should also be noted that the site lies adjacent to a busy, arterial route with decent public transport links which would aid travel to the site by means other than by private car.

Whilst Environmental Health and Highways Service suggest conditions requiring electric vehicle charging points, it should be noted that the proposal relates to an existing operation with not change to existing parking arrangements. Parking provided for the site is located in a shared area along an unadopted access road, with no allocation of spaces. It is therefore considered unreasonable and unworkable to request such charging provision on this occasion.

Waste Management

Whilst it is likely that existing waste management arrangement would continue, Environmental Health have requested further details in terms of management arrangements due to the potential for an uplift in waste generation. A suitable condition is included.

Construction Management

To make sure construction and/or fit-out of the building is effectively controlled and to prevent any disruption to existing occupiers in the area, or along key routes throughout this part the city, a condition is included which requires the submission and approval of a construction management plan which details amongst other matters, working practices, working hours, dust suppression, the parking of construction vehicles and the removal of waste.

Climate Change

Given the existing context of the site close to a busy, arterial route, coupled with the authorised use of the premises as a day nursery, there is unlikely to be a significant uplift in vehicular emissions or impact to air quality which would affect climate change to a noticeable degree as consequence of the proposed development. The proposed extensions are intended to serve as ancillary space and not to increase capacity. As such, it is not anticipated that there would be any material impact in terms of vehicular movement.

On this basis, it is not believed that the impact to air quality or climate change should form a barrier to development.

Other Matters

Whilst subsequent information submitted as part of the application indicate proposed activities outside of the authorised use, the application as submitted indicate that the purpose of the proposed extensions was for ancillary use to the day nursery. The application has been assessed and determined on this basis. If alternative activities are proposed, a further change of use planning application may be required.

A condition has been included which restricts the use of existing building and proposed extensions to that of a day nursery only, since it is considered that the enlargement of the building has the potential to cause amenity and highway issues arising from intensity of use for many uses outside of that of as day nursery.

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 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) No above ground development works above ground shall take place unless and until samples and specifications of all materials to be used on all external elevations of the development have been submitted to and approved in writing by the City Council as local planning authority. The development shall be constructed only using the approved materials. The development shall only be implemented in accordance with the agreed 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, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

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

Location Plan and drawings referenced 23/PE/02/K, 23/PE/02/K,23/PG/01/K and 23/PR/03/K, received by the City Council as Local Planning Authority on 23 November 2023.

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.

4) Prior to the commencement of development, a construction management plan outlining working practices during development shall be submitted to and approved in writing by the City Council as Local Planning Authority, which for the avoidance of doubt should include:

- Measures to control noise and vibrations;
- Dust suppression measures;
- Compound locations where relevant;
- Location, removal and recycling of waste;
- Detail of an emergency contact telephone number;
- Parking of construction vehicles; and
- Sheeting over of construction vehicles.

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

Reason - To safeguard the amenities of nearby residents pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy.

5) No development shall commence until a surface water drainage layout for the site, based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The development shall be constructed and completed in accordance with the approved details and details provided of how the scheme shall be maintained and managed after completion.

Reason - 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 policies EN8 and EN14 of the Manchester Core Strategy.

6) In the event that ground contamination, groundwater contamination and/or ground gas are encountered on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no contamination is found, then a post-completion report shall be submitted to evidence this prior to occupation of the development.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety, pursuant to policy EN18 of the Manchester Core Strategy.

7) Any 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 apartments are 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 nonconformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the agreed noise criteria.

Reason - To safeguard the amenity of existing and future occupiers of nearby residential accommodation, pursuant to saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Manchester Core Strategy.

8) Notwithstanding details submitted, the development hereby approved shall not be occupied until a more detailed scheme for the storage (including segregated waste recycling) and disposal of refuse has been 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 - To cater for any uplift in waste generation and in the interests of public health and residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

9) 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(f) Non-residential creche, day centre or nursery;

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

Informatives

1) Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection.NW@cadentgas.com

Appendix 1 – List of consultees & neighbours notified

Highway Services
MCC Flood Risk Management
Environmental Health
Manchester Cathedral

101 Troydale Drive, Manchester, M40 2ES
Unit 1, 1 Thorp Road, Manchester, M40 5BJ
17 Ceylon Street, Manchester, M40 2EF
21 Ceylon Street, Manchester, M40 2EF
19 Ceylon Street, Manchester, M40 2EF
Redeemed Christian Church Of God, 923 - 927 Oldham Road, Manchester, M40 2EB
91 Troydale Drive, Manchester, M40 2FL
85 Troydale Drive, Manchester, M40 2FL
10 Ceylon Street, Manchester, M40 2EF
95 Troydale Drive, Manchester, M40 2ES
Top Flat, 943 Oldham Road, Manchester, M40 2FE
89 Troydale Drive, Manchester, M40 2FL
87 Troydale Drive, Manchester, M40 2FL
943 Oldham Road, Manchester, M40 2FE
103 Troydale Drive, Manchester, M40 2ES
99 Troydale Drive, Manchester, M40 2ES
93 Troydale Drive, Manchester, M40 2ES
97 Troydale Drive, Manchester, M40 2ES

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Manchester Cathedral Ownership - Manchester Cathedral Newton Heath Manor
Area Team Boundary - Name: NORTH AREA