

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136526/FO/2023
Date registered valid: 13 April 2023
Proposal: Change of use of dental surgery with storage at first floor to a 4 bedroom dwellinghouse (Class C3)
Address: 334 Moston Lane, Manchester, M40 9JS
Ward(s): Moston Ward

Applicant: Mr Qasim Abbasali, ACCA Property Group Ltd
Agent (if any): Mr Jason Cartwright, P4B Architecture Ltd
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 23 May 2023

Application details

Type of application: Full Application Consent

Development type: Minor Dwellings

Date of site visit: 5 May 2023

Standard consultations:

Printed: 27 April 2023 Expired: 18 May 2023

Neighbour notifications

Printed: 27 April 2023 Expired: 18 May 2023

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 site relates to a vacant, two storey, mid-terraced property, formerly in use as a dental practice.



View of application site (middle property – Dental Solutions)

The building incorporates enclosed front and rear yard areas and is neighboured on one side by a dwellinghouse and to the other by a funeral directors. The rear yard backs onto a gated alleyway.

To the front the ground floor window is covered by a metal roller shutter, above which is a fascia sign.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The site is situated with a local centre focused around the Moston Lane/Kenyon Lane junction. The immediate area is mixed in character containing a variety of residential and small-scale retail and other commercial uses.

Description of development

Planning permission is sought to change the use of the building from a dental surgery to a 4 bedroom dwellinghouse (Class C3).

The accommodation comprises 4 bedrooms to the first floor and communal living accommodation to the ground floor.

The exterior is to be refurbished and include the removal of the fascia sign, making good the brickwork, the removal of barbed wire from the rear yard and the creation of rear garden area.

Consultations & Notification Responses

Local Residents/Occupiers – No representations received.

Environmental Health – Conditions are advised in with respect to waste management and acoustic insulation.

Highway Services - In comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Considering the site's location and proximity to sustainable travel offer, this is acceptable in principle. As such, no parking concerns are raised from a Highways.

Secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.

The waste management arrangement is considered acceptable.

It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians.

Flood Risk Management – No objection.

GMP (Design for Security) – No objection. Any alterations should be done to 'Secured by Design' standards.

Planning History

049711/FU/NORTH2/96

Change of use of ground floor of dwellinghouse to a dental surgery, and associated storage at first floor. *Approved 5 June 1996.*

Policy

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

- Saved policy DC26 of the UDP;
- Policies DM1, SP1, H1, H3, EN19 of the Core Strategy;
- National Planning Policy Framework (NPPF);

Issues

Principle

With reference to Development Plan policy and national planning guidance, the principle of the development is considered acceptable.

Policy H1 outlines the strategic approach to housing growth in the City. Approximately 60,000 new homes need to be provided in the city between 2009 and 2027. This growth is expected to be accommodated principally within the North, East, City Centre and central areas of Manchester which fall within the Regional Centre and inner areas of Manchester. This is as a direct response to Manchester's growing economy and population growth the later which is expected to rise significantly over the next 20 years.

New developments in the City will therefore be expected to contribute towards this growth strategy ensuring that development takes place within the right areas to meet demands along with creating high quality places and neighbourhoods of choice.

Policy H1 goes on to state that the Regional Centre is a priority area for residential schemes in order to support regeneration and drive regional growth.

Policy H3 states further that north Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained.

Further policy support is also given within policies SP1 and H1 which seek to encourage development on previously developed land, including the renewal of areas characterised by poor quality housing. The NPPF further advocates a presumption of sustainable development particularly where existing resources can be utilised and shared.

In this case, the proposed change of use would bring a vacant building back into effective use and would contribute, albeit in a small way, to the supply of family housing in the city.

Prior to its use as a dental practice, the property was in use as a residential dwellinghouse. The property therefore readily lends itself of a conversion to its originally intended use.

Specific planning issues are outlined further below.

Residential Amenity

As no substantive external changes are proposed, the proposed development would not result in any unacceptable impact in terms of any over-dominance or overlooking etc..as a consequence of the physical presence of the building.

In terms of any noise and disturbance, the proposed use as a dwellinghouse would generate less comings and goings to that of the authorised use of the building as dental practice and given the context of the immediate area, it is not anticipated that the proposed change of use would have any adverse impact to neighbouring living conditions in terms of level of activity and associated noise and disturbance. The proposed use would typify the type of residential accommodation found in the immediate area and readily assimilate into the area.

Whilst Environmental Health suggest a condition requiring acoustic insulation of the property, it should be noted that the originally intended use of the property was for as a dwellinghouse and would mirror the acoustic credential of most other properties in the area. It is therefore considered unreasonable an unnecessary to impose such a condition.

Visual Amenity

The only external changes proposed include the removal of excluding signage, reinstatement of brickwork and an overall clean-up/repair of windows. The appearance of the building would therefore be substantially the same, except for the removal of the sign. In this respect, coupled with enlivening of the building through its reoccupation and re-use, the impact to visual amenity is considered positive.

Impact to the Highway

The existing property does not have any on-site parking provision. However, in comparison to the existing authorised use of the property as a dental practice, the proposed use would generate much lesser vehicular movements or parking demand.

Together with the sustainable location of the site, with local amenities and bus services within a short walking distance of the property, any impact to the operation of the highway or competition for on-street parking spaces is likely to be negligible. Highway Services do not raise any objection to the proposal.

Waste Management

Space is shown, within the rear yard for the storage of the necessary quantity of bins. The bin storage area is easily accessible via the rear alleyway to the roadside for collection. This arrangement is considered to be satisfactory and typical of the area. A condition has been included to ensure compliance with the submitted arrangement.

Standard of Accommodation

The room sizes exceed the minimum areas in terms of national housing space standards and all habitable rooms would enjoy natural light and ventilation. As such, the proposed standard of accommodation is considered acceptable.

Cycle Storage

As is typically the case for dwellinghouses, space is available in the rear yard for cycle storage if required. For a single house, this arrangement is acceptable.

Climate Change - As the proposal would result in the addition of a single residential unit within the context of a mixed-use environment and would result in the removal of a commercial use.

The site is located near to a busy, main route and transport corridor, and is therefore unlikely that there would be any significant or harmful contribution to air quality or climate change as a consequence of vehicular movements or ongoing activity. The impact upon climate change is therefore considered negligible.

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 / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

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

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

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

Drawings referenced 01, 02, 03, 07, 08 and 09 received by the City Council as Local Planning Authority on 20 March 2023.

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) The development hereby approved shall be implemented in accordance with the waste management details indicated on drawing referenced 07 and the accompanying waste management pro forma, received by the City Council, as Local Planning Authority on 20 March 2023 and 13 April 2023 respectively. 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. No bins shall be stored outside the curtilage of each property, other than on the day of collection.

Reason - In the interests of amenity and public health, pursuant to policies EN19, DM1 and SP1 of the Manchester Core Strategy.

4) 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 Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.

5) The development hereby approved shall be used as a private dwellinghouse only. This shall not include a serviced property, short term let or similar use, where sleeping accommodation (with or without other services) is provided by way of trade for money or money's worth and occupied by the same person for less than ninety consecutive nights) and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To safeguard the amenities of the neighbourhood by ensuring that other uses which could cause a loss of amenity such as short term lets do not commence without prior approval; 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 Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

Flat 5, 1A Kenyon Lane, Manchester, M40 9JG
Flat 4, 1A Kenyon Lane, Manchester, M40 9JG
Flat 3, 1A Kenyon Lane, Manchester, M40 9JG
Flat 2, 1A Kenyon Lane, Manchester, M40 9JG
Flat 1, 1A Kenyon Lane, Manchester, M40 9JG
Flat Above, 338 Moston Lane, Manchester, M40 9JS
340A Moston Lane, Manchester, M40 9JS
342A Moston Lane, Manchester, M40 9JS
Flat 2, 336 Moston Lane, Manchester, M40 9JS
342 Moston Lane, Manchester, M40 9JS
324 - 332 Moston Lane, Manchester, M40 9JS
Flat 1, 336 Moston Lane, Manchester, M40 9JS
340 Moston Lane, Manchester, M40 9JS
338 Moston Lane, Manchester, M40 9JS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH AREA