

Planning

Growth & Development

Delegated officer report for planning application

Application no. 133434/JO/2022

Date registered valid: 25 April 2022

Proposal: Variation of condition 9 (restriction to Day Nursery D1 use only) from planning permission reference 043255/FU/SOUTH1/93 to allow the use of the lower and upper ground floors as a Dentists Clinic

Address: Basement And Upper Ground Floor, 397 Wilmslow Road, Manchester, M20 4WA

Ward(s): Withington Ward

Applicant: Mr Luai Alkhatib, 356 Wilmslow Road, Manchester, M14 6AB

Agent (if any): Mr Dan Llado, TDM Designs 538 Rochdale Road, Oldham, OL2 6SF

Case officer: Dave Morris
Tel: 0161 600 7924
Email: dave.morris@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 20.06.2022

Application details

Type of application: Variation or Removal of Condition

Development type: Change of use

Date of site visit: 20 May 2022

Standard consultations:

Printed: 26 April 2022 Expired: 17 May 2022

Neighbour notifications

Printed: 23 May 2022 Expired: 6 June 2022

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

This application relates to the basement and round floors of a large double fronted three storey semi detached villa with an elevated ground floor. The front and rear gardens are used for parking and there is a large two storey detached building in the rear garden which provided staff accommodation for the nursery.





In August 1993 planning permission reference 043255/FU/SOUTH1/93 was granted for the change of use of lower ground floor and upper ground floor from hotel annex to childrens day nursery with ancillary residential accommodation, 1st & 2nd floors to be sealed off & remain vacant. The approval was subject to the following condition.

“The premises shall be used as a day nursery for a maximum of 40 children only and for no other purposes, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.” This would now equate to Class E.

The upper floors appear to be in residential use.

Listed building: Not applicable

Conservation area: Not applicable

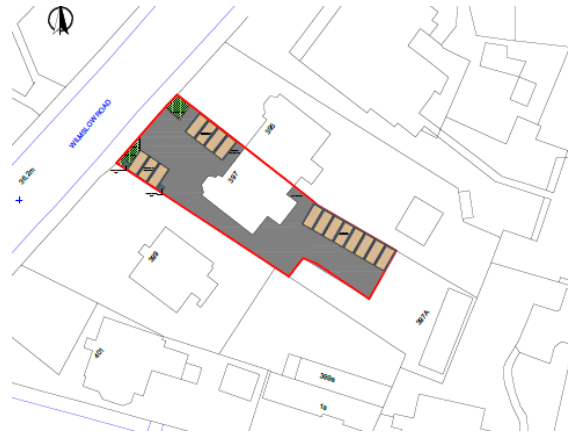
Tree Preservation Order: Not applicable

Description of area

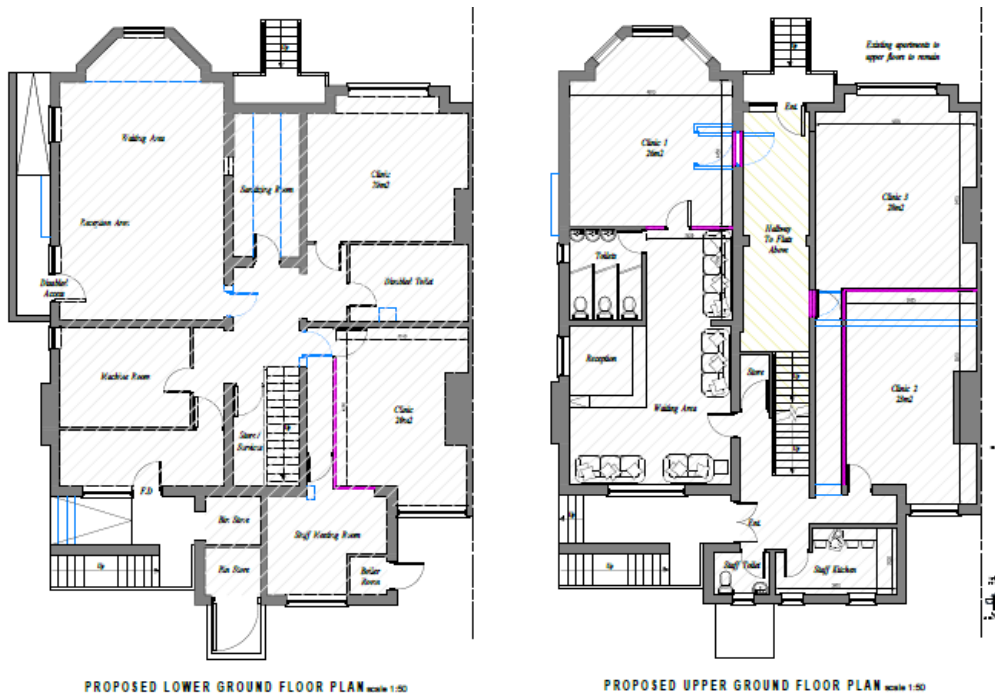
The adjoining semi detached property appear to be in residential use, and has a two storey detached house in the rear garden. To the south west is a two storey detached property which appears to be in residential use. This property also has a detached building in the rear garden that is used for residential purposes. To the rear of the site is Mitford Court a modern flat development on Derby Road. Facing the site across Wilmslow Road is Agnes Court, a modern flat development.

Description of development

Consent is sought to vary condition 9 attached to planning permission reference 043255/FU/SOUTH1/93 which restricts the use of the premises to a day nursery within Class E. The applicant seeks to use the basement and ground floor levels as a dentists practice which is also a Class E use. The applicant has indicated that the practice would operate between 8.00am and 6.00pm Monday to Saturday. The submitted drawing show 8 parking spaces at the rear of the property and a designated area for the storage of cycles.



The submitted plans show the main access at basement level using an existing ramp. In addition the basement would contain the reception area, two treatment rooms, a staff room, sanitizing room accessible toilet, storage and equipment rooms and refuse storage. The ground floor would comprise three treatment rooms, a reception area, toilets and staff facilities. The practice will not be accessible from the front entrance which will be solely for access to the flats on the upper floors.



Consultations & Notification Responses

Local Residents

No representations received.

Environmental Protection

Have requested conditions in respect of air quality, hours, delivery times, and external plant, refuse and equipment.

Highways

-The level of trips generated by the development is unlikely to be significantly dissimilar to that previously experienced under the former consented use. Trips are likely to be dispersed across the day given the appointment-only basis. It is also accepted that a number of trips will be taken on-foot, via sustainable modes or from linked/pass-by trips with being in close proximity to the District Centre.

-The site is well served by sustainable modes with regular bus services routed along Wilmslow Road.

-The existing car park is accessed via an existing entrance point on Wilmslow Road. It is noted that 10 car park spaces are situated to the front of the property and there are further car park spaces to the rear of the property. A parking strategy is required to confirm the total number of car park spaces that will be available, how the spaces will be allocated and swept path analysis to demonstrate the routing of vehicles when all spaces are occupied to show the full capacity of the space.

-Whilst cycle storage has been noted, it should be ensured that this is both secure and sheltered.

-Highways would also recommend that electric vehicle charging facilities are provided in order to commit to the ongoing promotion of sustainable travel.

-It would be useful to understand the servicing and refuse arrangements in more detail.

-There are no boundary treatments noted.

-No information is given at this stage on intended arrangements for the fit-out or storage of materials. This should be accommodated within the site and that there will be no impact on the adjacent highway. The applicant should note that this activity should not detrimentally impact the operation of adjacent units.

Policy

Core Strategy

The relevant Core Strategy policies are SP1, C9 and DM1

Policy SP1 sets down the spatial principles that guide development in the City.

Policy C9 Out of centre development will be unacceptable unless the proposal is appropriate in terms of its scale and function to its location.

Policy DM1 seeks to protect the amenity of an area from the adverse impacts of development.

Issues

Principle

Whilst the proposed use falls within Class E it is not necessarily a use that needs to be located within a local or district centre setting. In this case the property is no longer in residential use and the proposed development will not therefore result in the loss of residential accommodation.

On balance therefore it is considered that the principle of the use is acceptable.

Use

Changes of use

Class E covers a wide range of uses which are in the main best suited to local and district centre locations due to comings and goings, noise fumes odours etc and it is therefore considered that in order to protect the amenity of the residential accommodation both on the site and in adjacent properties a condition should be imposed prohibiting changes within Class E.

Hours

The applicant has indicated that the operating hours will be 8.00am to 6.00pm Monday to Saturday. For a non residential use in a residential area these are not considered excessive and are shorter than the hours proposed by Environmental Protection for deliveries. There are no hours limitations on the current use as a day nursery, which could potentially generate more noise.

Residential amenity

Compared to the current use as a day nursery the proposed use is unlikely to generate as much noise whilst the comings and goings which may be at the same level as the existing use would in the opinion of highways be spread across the day. On balance it is considered that the proposed development will not have a significant impact on the amenity of residents.

Parking

This is a sustainable location with good access to public transport and within walking distance of a large potential catchment area. It is considered that the provision of 8 parking spaces is acceptable. The spaces are segregated from the spaces for the flats.

On balance the proposed parking is considered acceptable.

Cycles.

A designated area for the storage of cycles is provided at the rear of the property. This is considered acceptable.

Refuse

An internal refuse store is shown on the drawings. This is separate to the flats whose refuse storage area is in a compound at the front of the property. There is no waste management strategy and Environmental Protection have requested a refuse storage condition. Whilst the principle of the refuse storage is acceptable a condition is proposed in order that it can be determined that the space is adequate. It should be noted that if more space is required there is ample space within the curtilage of the site.

Air quality

This is a sustainable location easily accessible by foot of public transport. The development already incorporates cycle storage and a condition is proposed requiring the provision of EV charging points in the car park. The applicant has shown two EV434 charging points although these are at the front of the property adjacent to the residents parking.

Conclusion

It is considered that the proposed use as a dental practice would have less impact than the existing use as a day nursery and subject to the conditions proposed it is considered that the use as a dental practice is acceptable in this location.

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 issues arising from the consideration of this 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:

PL02 revision B received 25 April 2022

PL03 revision C received 24 May 2022

Location Plan received 24 May 2022

Email from Agent dated 24 May 2022

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) The premises shall be used solely as a dental practice and for no other purpose within Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 As amended) (or any order revoking and re-enacting that Order with or without modification) and 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).

Reason - The unrestricted use of the premises for uses within Class E would adversely impact on the amenity of the occupiers of adjoining and nearby residential properties, pursuant to Core Strategy policy DM1 and Saved UDP policy DC26.

4) The premises shall not be open outside the following hours:-
8.00am to 6.00pm Mondays to Saturdays and closed on 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 Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

5) 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 order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy.

6) a) Before the dental practice opens to the public 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.

New developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

b) 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 Core Strategy policy DM1.

7) Development of the hereby approved shall not open to the public until details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points have been submitted to and approved by the City Council as Local Planning Authority.

Reason - To promote sustainable development and in the interests of residential amenity, pursuant to Policies DM1 and EN16 in the Manchester Core Strategy (2012).

8) The cycle storage facilities shown on the approved plans shall be available for use prior to the use as a dental practice commences and retained thereafter

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 Core Strategy.

9) The car parking dental practice shown on the approved drawings shall be available for use by staff and patients for as long as the use is in operation.

Reason-To ensure that there is adequate parking for the dental practice.

10) a) 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. Prior to the installation of any external plant or equipment 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 scheme shall be implemented in full before the use commences or as otherwise agreed in writing by the City Council as local planning authority.

b) Prior to the operation of the scheme a verification report shall be submitted to and approved in writing by the City Council as local planning authority 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 have 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 Core Strategy policy DM1 and saved Unitary Development Plan policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Withington Civic Society

58 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
67 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
66 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
69 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
65 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
64 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
68 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
63 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
59 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
61 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
62 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
Flat 66, 397 Wilmslow Road, Manchester, M20 4WA
Flat At, The Coach House, 395 Wilmslow Road, Manchester, M20 4WA
Flat 4, 399 Wilmslow Road, Manchester, M20 4WA
399A Wilmslow Road, Manchester, M20 4WA
Flat 63, 397 Wilmslow Road, Manchester, M20 4WA
Flat 71, 397 Wilmslow Road, Manchester, M20 4WA
Flat 59, 397 Wilmslow Road, Manchester, M20 4WA
Flat 4, 395 Wilmslow Road, Manchester, M20 4WA
Flat 5, 395 Wilmslow Road, Manchester, M20 4WA
Flat 3, 395 Wilmslow Road, Manchester, M20 4WA
Flat 1, 395 Wilmslow Road, Manchester, M20 4WA
Flat A, 395 Wilmslow Road, Manchester, M20 4WA
Flat B, 395 Wilmslow Road, Manchester, M20 4WA
Flat 2, 395 Wilmslow Road, Manchester, M20 4WA
The Coach House, 395 Wilmslow Road, Manchester, M20 4WA
The Rams Lodge, 393 Wilmslow Road, Manchester, M20 4WA
Basement And Ground Floor, 397 Wilmslow Road, Manchester, M20 4WA
Flat 3, 399 Wilmslow Road, Manchester, M20 4WA
The Coach House, 1A Derby Road, Manchester, M14 6UN
10 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
7 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
3 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
Flat 2, 399 Wilmslow Road, Manchester, M20 4WA
Flat 5, 399 Wilmslow Road, Manchester, M20 4WA
Flat 7, 399 Wilmslow Road, Manchester, M20 4WA
Flat 24, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 21, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 18, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 16, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 12, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 10, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 7, Mitford Court, Derby Road, Manchester, M14 6WD
12 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
11 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
9 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
8 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
5 Agnes Court, Wilmslow Road, Manchester, M14 6AJ

4 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
2 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
1 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
6 Agnes Court, Wilmslow Road, Manchester, M14 6AJ
Flat 1, 399 Wilmslow Road, Manchester, M20 4WA
Flat 6, 399 Wilmslow Road, Manchester, M20 4WA
Flat 8, 399 Wilmslow Road, Manchester, M20 4WA
Flat 25, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 23, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 22, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 20, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 19, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 17, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 15, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 14, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 11, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 9, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 8, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 6, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 5, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 4, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 3, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 2, Mitford Court, Derby Road, Manchester, M14 6WD
Flat 1, Mitford Court, Derby Road, Manchester, M14 6WD

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

Flood Zones Type 2 (low to medium risk) -

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Middle) -

Susceptible to Surf Water Flood (Middle) -

Area Team Boundary - Name: SOUTH