

Planning

Growth & Development

Delegated officer report for planning application

Application no. 132579/FO/2021

Date registered valid: 10 January 2022

Proposal: Change of use from car hire place (sui generis) to day nursery with associated siting of single storey portable building

Address: 131 Ashton Old Road, Manchester, M12 6LE

Ward(s): Ancoats & Beswick Ward

Applicant: Mr Ayokunle Alade, Merry Kidz Childcare Ltd, Merry Kidz Day Nursery, The Pineapple, Garratt Way, Manchester, M18 8HE

Agent (if any): Simon Plowman, Plan:8 Town Planning Ltd, G7 44 Europa Business Park, Stockport, SK3 0XA

Case officer: Carl Glennon
Tel: 0161 234 4530
Email: carl.glennon@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 6 July 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 19 January 2022

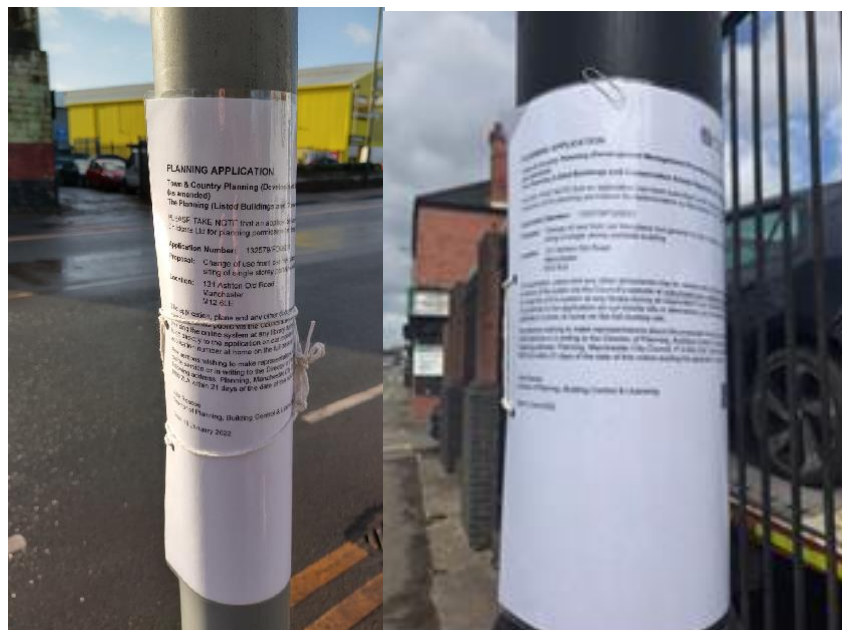
Standard consultations:

Printed: 13 January 2022 Expired: 3 February 2022

Neighbour notifications

Printed: 13 January 2022 Expired: 3 February 2022

Site notice



1. Site notice – 19 January 2022 Expiry – 9 February 2022
2. Site notice – 9 June 2022 Expiry – 30 June 2022

Press advert

Published – 14 June 2022 Expiry 5 July 2022

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The application site is offset from the north-east junction of Ashton Old Road and Viaduct Street by a treelined grassed landscaped strip that continues northwards. The western side of Viaduct Street comprises 2- storey housing with the nearest located 47 metres from the site boundaries. Notwithstanding the above the site is set with an industrial and commercial context. A car repair business is in operation immediately to the east of the site

Application relates to a former car hire business comprising 2-storey building with rear service yard with a perimeter enclosed by 2.4 metres high palisade fencing with an access via Viaduct Street. A TRO is positioned on the immediate section of Ashton Old Road.



Fig.1 Views of the application site from Ashton Old Road and Viaduct Street

Site History

- i. 067508/FO/NORTH2/03 - Application Approved - 08.05.2003: Two single storey extensions at rear
- ii. 050291/FO/NORTH2/96 - Application Approved - 18.07.1996: Installation of a 1.2 metre satellite antenna
- iii. 050619/AO/NORTH2/96 - Application Approved - 02.12.1996: Illuminated fascia name signs to front and side elevations
- iv. 049961/FU/NORTH2/96 - Application Approved - 28.06.1996: Change of use from vacant public house to a car hire office
- v. F/AD00968 Application Refused - 15.04.1976: Old House at Home Public, House, 131 Ashton Old Road,, Ardwick: Erection of non-illuminated single-sided 48 sheet advertisement board situated on gable wall of public house.
- vi. 021137 Application Approved - 25.04.1984: Land at Holly Street, Poplar, Street, Ashton Old Road and, Viaduct Street, Beswick, BRADFORD: CITY COUNCIL DEVELOPMENT Formation of informal public open space and car park

Description of development

The proposed development involves the formation of a day nursey accommodating 65 children supported by 15 staff. The nursery would utilise the existing 2- storey building supplemented by a single storey portable building position of the rear service yards. The buildings would be linked by respective external doorways and via a ramped plateau. The main building would accommodate up to 50 children supported by 10 staff. The ground floor would provide accommodation for 26 two to three year old children, a sensory room and WCs. The first floor would accommodate 24 pre-school children with kitchen space and WCs. The portable building would accommodate 15 children between 3 months and two years supported by 5 staff. The related space would include WCs changing areas and a reception area.

Pedestrian and vehicular access to site would be taken from the Viaduct Street boundary. The principal entrance to the main building would be located on the west side elevation following the enclosure of a pathway (within the site boundaries) with 2.4 metre high weld-mesh fencing. The rear service yard would be bisected by 1.8 metre high weld mesh fencing to allow the formation of secured play area with landscaping, play equipment and boundary treatments. The car park and remaining site perimeter would be enclosed by retained 2.4 metres high palisade fencing. The car parking area would be demarcated to provide 7 staff car parking spaces, 11 visitor/ drop off spaces and one accessible space. The development would involve the formation of two sections of footpath to each side of the vehicular access and returning into the site. A bin enclosure with gated access via a small service road off Ashton Old Road and within the application site would be provided.

Consultations & Notification Responses

Local residents and businesses – No comments received

Highway Services – The following comments have been received:

- i. The estimated trip rates are acceptable to highways, i.e., 21 two-way trips in the AM peak hour and 18 two-way trips in the PM peak hour. A parking accumulation has been undertaken for staff and parents at the site the outcome is acceptable;
- ii. Accident records for the site have been reviewed for the most recent five-year period. The database indicates that there was one slight recorded accident in 2018. Based on this assessment Highways have no concerns about highway safety issues within the vicinity of the site;
- iii. The site is well served by sustainable modes, i.e., bus services serving Ashton Old Road;
- iv. 18 car parking spaces will be retained. Seven parking spaces will be allocated to staff and priority given to car sharers. The remaining 11 car parking spaces will be allocated to parents. Staff will not be allowed to park in the designated drop off/pick up spaces. Parents drop off/pick up will be monitored and the parent contract will ensure they do not park all day. It is requested the car parking and pick-up/drop-off behaviour is monitored as part of the Travel Plan.
- v. Parking spaces should all accord with MCC's standard minimum requirement. It is recommended that standard parking bay dimensions be a minimum of 2.4m x 4.8m and disabled parking bay dimensions a minimum of 3.6m x 6.0m. This should also include a 6-metre aisle width to allow vehicles to safely manoeuvre within the car park with formal demarcation of all spaces. This has been confirmed by the applicant.
- vi. Vehicular access to the site is gained from the existing access to the car park from Viaduct Street. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. If the existing access is to be upgraded then a Section 184 vehicle crossing licence/agreement will be required which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester.
- vii. A new 2m path will be installed along Viaduct Street which will link Ashton Old Road to Viaduct Street. It is understood that this 2m path will be located on the unadopted highway. If adoption is required the highway will need to be carried out under a S38 Agreement (Highways Act 1980) to ensure that all elements of new highway infrastructure are constructed to acceptable and adoptable standards.
- viii. As limited off site highways works will be required and the development relates to an existing vehicular access, a road safety audit will not be required.
- ix. It is required, in line with MCC Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available. Five electronic charging points are to be installed on-site.
- x. In line with MCC recommendations, secure and sheltered cycle parking provision should be made, within the curtilage of the site, for the accommodation of staff/ visitor cycles. Five cycle hoops (with provision for 10 cycle spaces) will be in place on-site. It is requested that these cycle spaces are secure and sheltered.
- xi. 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. (Existing visually permeable palisade fencing would be retained adjacent to the car parking area).
- xii. Inward opening gates adjacent to the highway should be provided to avoid obstruction to the highway / footpath.
- xii. A bin store is located at the rear of the site. Access is provided via Ashton New Road via inward opening gates. Bins will be taken to/from the bin store to the collection point by staff on collection day. It is requested that servicing take place outside of peak hours.
- xiii. A Travel Plan has been produced for the development site. The travel plan framework is acceptable. A condition should be requested to ensure that, as specified, a travel survey will be undertaken 3 months after occupation with an 18 month monitoring report will be submitted for assessment and approval.
- xiv. A construction management plan condition is requested.

xv. The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with MCC Highways Applications and Network Resilience teams.

Environmental Health – The following comments have been received:

- i. Any required equipment relating to the extraction of fumes and odours shall be related to approved details including a post installation verification report to ensure its future appropriate operation;
- ii. The development should be operated in accordance with approved hours;
- iii. Deliveries, servicing and collections, including waste collections should not take place outside the hours: 07:30 am to 8.00 pm, Monday to Saturday with no deliveries / waste collections on Sundays/Bank Holidays.
- iv. A condition should be included to attenuate noise for any required plant and equipment before its installation
- v. The waste management plan should be supplemented with details relating to its operation, bin capacity and bin storage arrangements.
- v. The development should be implemented in accordance with the recommendations of the air quality assessment.
- vi. A condition should be included to ensure that any imported soil in planters is validated as suitable for such use.
- vii. A watching brief condition is requested to address any issues encountered in respect of land contamination upon commencement of the development.

Flood Risk Management Team – The requested drainage condition has been conditioned.

Greater Manchester Police – Recommend that a condition to reflect the physical security measures set out in the crime risk and tackling measures document should be added if the application is to be approved.

Issues

National Planning Policy Framework (NPPF) - This Framework came into effect on 27th March 2012 and was amended and updated in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. It provides a mechanism through 'which locally-prepared plans for housing and other development can be produced.' It states that 'at the heart of the Framework is a presumption in favour of sustainable development.' However, the Framework re-iterates that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Furthermore, the statutory status of the development plan remains as the starting point for decision making. In 'decision-taking', this means that development proposals that accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Framework has been related to the proposed development, with particular emphasis given to the following:

- i. Chapter 8: Promoting healthy and safe communities - States that planning decisions should aim to achieve healthy, inclusive, accessible and safe places, where crime and disorder (and the fear of crime) do not undermine the quality of life or community cohesion (paragraph 92). The recommendation of Design for Security have been included as an informative is

response to this point. It also encourages social interaction, which would be achieved in this case as the use would contribute to children's' socialisation (paragraph 92). The need to provide and maintain social facilities and services that enhance the sustainability of communities is also discussed (paragraph 92). It is considered that the on-going uses of the premises at its existing capacity would accord with the objectives of Chapter 8.

Planning Practice Guidance - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. The PPG seeks to both simplify and clarify planning guidance easier and simpler. It is intended to be read in conjunction with the National Planning Policy Framework (NPPF) and is relevant to key planning issues of significance to applicants and local authorities. In considering this application consideration has been given to the following aspects of the PPG, which have been satisfactorily addressed (as demonstrated below):

- i. Consultation and pre-decision matters
- ii. Design
- iii. Health and well-being -
- iv. Land affected by contamination
- v. Noise
- vi. Travel plans and traffic / transport assessments.

Manchester's Local Development Framework: Core Strategy - The Core Strategy Development Plan Document 2012 -2027 ('the Core Strategy') was adopted by the Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.' The following policies are relevant to the proposed development:

Policy SP 1 - Specifies the Core Development Principles for parts of the City. In this case the relevant principles relate to the extent to which the development:

- a. Makes a positive contribution to neighbourhoods of choice including the creation of well designed places that enhance or create character; making a positive contribution to the health, safety and well-being of residents, considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income and to protect and enhance the built and natural environment;
- b. Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- c. Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

It is considered that the continued operation of the uses would be beneficial to the well -being of the children and allow their parents and guardians to work and be economically active. The development also provides small scale local employment. The development is therefore positively related to policy SP1.

Policy EC 1 - Relates to employment and economic growth in Manchester and identifies the need to manage the provision of employment land within the city. It also identifies the need to ensure continued economic growth through a number of factors; the most pertinent to this application being:

- i. Improving to access to jobs for all via public transport, walking and cycling;
- ii. Measures to demonstrate that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- iii. Ensuring the continued social, economic and environmental regeneration of the City;

The development would provide 13 full time equivalent posts thereby providing a direct employment contribution. The provision of childcare would provide opportunities for presents and carers to undertaken active employment thereby delivering a wider positive social and economic benefits. Policy EC1 would thereby be accorded with.

Policy EN8 Adaptation to Climate Change - States that all new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In this case of this application reference has been given to the adaptability of the development to climate change with particular reference to:

- i. Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rainwater permeability.
- ii. The opportunity to provide linked and diverse green space to enhance natural habitats, which will assist species adaptation.

The extent of carbon reduction would be restricted by the constraints and fabric of the existing building. Notwithstanding the above. Carbon reduction would be secure thorough the provision EV charging points and measure to reduce private car usage. The development would incorporate landscaping. On balance, the development would be satisfactorily related to policy EN8.

Policy EN18 Contaminated Land and Ground Stability - States that any proposal for development of contaminated land must be accompanied by a health risk assessment. This application has been assessed by the Contaminated Land Section whose recommendations are capable of being related to the development by condition.

Policy EN19 Waste - Requires consideration of the submitted details relating to determine if the applicant has satisfactorily demonstrated how:

- i. Both construction and demolition waste will be minimised and recycled on site wherever possible;
- ii. The sustainable waste management needs of the end user will be met.

The submission demonstrates that waste management can be accommodate. Require supplementary details can be delivered through the included condition.

Policy T1 - Relates to the delivery of sustainable, high quality, integrated transport system, which encourages a modal shift away from car travel to public transport, cycling and walking and prepare for carbon free modes of transport. The policy states that the Council will support proposals that, amongst other things:

- i. Improve choice by developing alternatives to the car;
- ii. Promote regeneration and economic vitality by relieving traffic congestion and improving access to jobs and services, particularly for those most in need and for those without a car;
- iii. Improve pedestrian routes and the pedestrian environment;
- iv. Reduce the negative impacts of road traffic, for example, congestion, air pollution and road accident casualties.

Furthermore, development should take account of the needs of road users according to a broad hierarchy consisting of (in the following priority):

- i. Pedestrians and disabled people;
- ii. Cyclists, public transport;
- iii. Commercial access;
- iv. General off peak traffic;
- v. General peak time traffic.

Policy T1 has been positively responded to in relation to the provision of managed car parking and cycle storage, the inclusion of a travel plan and access to sustainable public transport. The delivery of works through the off-site highways condition would also improve pedestrian access to the site.

Policy DM1 - States that all development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document.

Relevant considerations in this case are:

- a. Appropriate siting, layout, scale, form, massing, materials and detail;
- b. Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development and its relationship to the surrounding area;
- c. Effects on amenity including noise, vibration, air quality and road safety and traffic generation;
- d. Accessibility: buildings and neighbourhoods should be fully accessible to disabled people with new development providing access to all via sustainable transport modes;
- e. Community safety and crime prevention;
- f. Design for health;
- g. Adequacy of internal accommodation and external amenity space;
- h. Refuse storage and collection.

Unitary Development Plan (UDP) saved policies -The following saved UDP policies are also considered to be relevant:

Policy E3.3 (Environmental Improvement and Protection) - States that all development in Manchester should meet high standards of urban design and opportunities for good design, which enhance the overall image of the City should be fully realised, particularly along major radial roads, such as Ashton Old Road. In this case, The development would not substantially affect the appearance of the streetscene but would bring a vacant building into active use, which is considered it is considered to be beneficial. In these circumstances policy E3.3 would be positively responded to.

Policy DC26.1 - Has been related to the proposals contribution to the local noise environment, in relation to the operation of the proposed extension and the additional activity it may generate, including customers and traffic movements and the undertaking of servicing and deliveries. These impacts have been considered with particular regard to housing on Viaduct Street.

Policy DC26.4 - Requires that where an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, consideration is given to measures to deal with it satisfactorily. This particularly relevant given the proximity of the site to established residential uses.

Policy DC26.5 - Has been related to the assessment of the development, in terms of measures to control noise, including the provision of noise insulation.

In this case, the development would not be located in close proximity to housing. Any noise would be relate to vehicular movement and the operation of the play area, which would be predominately related to daytime use and thereby affected by background traffic noise. In these circumstances, residential amenity would not be substantially harmed by the noise disturbance.

A condition has been included to ensure any externally mounted equipment is appropriately insulated against noise to safeguard residential amenity.

Positive and proactive engagement with the applicant - An amendment to the DMO, which came into effect on 1st December 2012, requires every decision notice relating to planning permission and reserved matters application to include an explanation as to how the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems which arise during the determination of the planning application.

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. In this case, further details have been sought to ensure that air quality issues have been appropriately addressed and the layout of the external areas have the capacity to be appropriately managed and landscaped. On this basis, it is considered that the application has been supported with sufficient detail to facilitate its appropriate assessment.

Principle of the proposed development – The development would provide a new use for a vacant building in a highly prominent location. It benefits from dedicated car parking with access from Viaduct Street thereby reducing disruption to the flow of traffic moving along Ashton Old Road. Given its location and accessibility by bus, it is considered that the nursery would present childcare opportunities for people working in the city centre. The use in itself would present local employment opportunities for nursery staff. The development would thereby securing early years care and educational provision alongside the social and economic benefits of access to paid employment. The principle of the development is thereby considered to be acceptable.

Use - The condition limiting the number of children also limits the use of the premises to a day nursery within Class E. This restriction is considered to necessary to prevent the future conversion of the premises to use that may not be appropriate in the related location.

Numbers of attending children – The above condition also limits the day nursery uses to the care of no more than 65 children between the ages of 0 and 4 years (inclusive) at any one time. This condition would ensure that the development would not exceed the operational capacity of the site.

Temporary siting of a portable building – The applicant has been advised that the siting of the proposed building would only be given temporary permission. In this location a permission for 5 years would be reasonable to facilitate the establishment of the business and allow more appropriate extensions to the building to be considered and brought forward. The development has been conditioned accordingly.

Residential amenity – As stated the application site is located in a commercial and industrial context characterised by significant traffic flows along Ashton Old Road. Open space is located immediately to the north of the site and the nearest house is located on the western side of Viaduct Street approximately 47 metres from the nearest part of the site boundary. It is considered that, in this context, it is unlikely that the development would unduly affect residential amenity. Any potentially harmful impact would be capable of being managed through the attached condition.

Design - The development would not have a significant impact on the existing building. The portable building would have some visual impact but this would be site for a temporary period. The site has the capacity to accommodate a more appropriately designed extension in the future.

Noise – Given the commercial and industrial context of the site and the distance from neighbouring houses, it is not anticipated that noise generation would be a significant issue. A condition has been included to ensure that any required externally mounted equipment is appropriately insulated against noise. This approach would prevent a reduction in noise to safeguard the amenity of residents and the well-being of children being cared for.

Opening hours – In response to potential childcare needs, including early drop off and later collection, the applicant has sought extended opening hours of: Monday to Sunday (including bank holidays): 6.00 am to 9.00 pm. These hours are considered to be appropriate given the surrounding noise climate, the maintained distance of 47 metres to the perimeter of the site to the nearest house on Viaduct Street. It is also anticipated that the majority of children would be on-site between the hours of 8.00 am and 6.00 pm. The application has been conditioned to reflect the extended opening times.

Servicing hours - A condition has been recommended to limit servicing to the following hours:
Monday to Saturday: 7.30 am to 8.00 pm;
No deliveries / waste collections on Sunday or Bank Holidays.

Air quality – Given the proximity of the site to a major road and air quality management area, it has been necessary for the development to be accompanied with an air quality assessment. This assessment has also considered the impact of the operation of a car repair business on the use of the play area. An assessment of the report has been undertaken by Environmental Health who have accepted that further mitigation would not be required and confirmed that the operation of the nursery would not be unduly affected by surrounding and existing air quality. The findings of the air quality assessment are related to the development through condition, including the provision of EV charging points and emissions from new gas boilers.

Waste management - A condition has been recommended to relate the development to the waste management scheme as set out in the submitted application. Given the configuration of the site and the necessary positioning of play areas, the proposed siting of the storage area is considered to be a viable location. Notwithstanding the position of TROs on the adjacent highway, relevant highways legislation facilitates such site servicing where the disruption to traffic is infrequent and for very short periods. The waste compound is accessed via a small service road thereby facilitating presentation of bins without disruption to pedestrian movement. When stored bins would be screened behind gates thereby reducing any harm to the appearance of the streetscene. The proposed arrangements are therefore considered to be acceptable.

Accessibility - The applicant has indicated changes to external thresholds to secure level access to the building. Internally suitably wide corridors, circulation spaces and doorways would be formed along with an accessible WC. These arrangements are considered to be acceptable.

Highways and vehicular access issues – Highways have accepted the findings of the submitted transport assessment that estimates the generation of 21 two-way trips in the morning peak hour and 18 two-way trips in the evening peak hour. The levels of traffic generation are considered to be proportionate and capable of being potentially reduced through the implementation of the conditioned travel plan and provision of cycle storage.

The applicant has indicated that the existing vehicular access would be maintained with the adjacent formation of a new and extended section of footpath along Viaduct Street to facilitate pedestrian access to the site. As these works are included within the application site but would need to be undertaken with Highways approval. An appropriate condition and informative has been included.

Car parking – The applicant has confirmed that the proposed car parking spaces would meet the required dimensions for standard and accessible spaces. Satisfactory distances would be maintained between banks of car parking spaces to facilitate the manoeuvring of vehicles. The demarcation of car parking with a supplementary requirement to provide an identified pedestrian route through the site are related to the development by condition. Seven of the car parking spaces have been identified for use by staff with remaining spaces 12 available for drop-off purposes and visitors. This provision and arrangement of car parking is considered to be appropriate. A condition has been included to prevent the use of the car parking area for event or match day car parking.

Cycle parking – A condition has been included to secure the delivery of the proposed secure cycle as part of the development.

Travel plan - The applicant has acknowledged the need for a travel plan in the application submission. The site provided staff car parking and cycle storage and site contained drop off facilities. The application site is in a sustainable location in terms of its access to public transport and there is potential for sustainable transport options to be delivered as part of the development. An appropriate condition has therefore been recommended.

Security and designing out crime – The application has been accompanied with a statement specifying measures to reduce crime and improve security. This statement has been conditioned to the development and the measures involve:

- i. The retention of existing 2.4 metre high palisade fencing and roller shutters to the building;
- ii. The provision of replacement doors, windows, fittings and lock to SBD standard;
- iii. The arrangement of car parking and paly areas to maximise natural surveillance;
- iv. The provision of external lighting, CCTV and alarm systems.

Secure cycle storage would also be provided. Given the magnitude of the development the measures set out in the statement are considered to be appropriate and are implemented as part of the development.

External Lighting – A condition has been included to ensure that any external light required as part of the development is managed to prevent undue glare.

Land contamination – The development would involve limited ground breaking and the contaminated land watching brief requested by Environmental Health has been included.

Landscaping - A condition has been recommended to ensure that the submitted landscaping details are more comprehensively developed as part of a detailed landscaping scheme, including tree planting. The recommended condition will also ensure that appropriate maintenance arrangements are out in place upon its subsequent implementation.

Accessibility – Whilst the upper floor of the main building would not be accessible. However, satisfactory arrangements would be made to provide inclusive access across the car parking and into the ground floor of the main building and the portable building. On balance and given the constraints of the site, these arrangements are considered to be acceptable.

Employment – It is consideration that the proposed provision of 15 employment opportunities is likely to exceed the number of jobs directly provided by the former car hire use. In addition to direct employment opportunities resulting from the proposed uses and the subsequent operation of the site, access to childcare with facilitate parents and carers continued

participation in the labour market. The development is therefore considered to be positively related to Core Strategy policy EC1.

Drainage – The condition requested by the Flood Risk Management Team has been included.

Construction Management – Notwithstanding consultation comments regard a CMP, it is considered that refurbishment to the existing building could be undertaken utilising the enclosed service yard. Potential impacts on the highway would be limited. It is also considered that the provision of a CMP would be an onerous requirement given the limited magnitude of refurbishment works that would be required to deliver the development.

Conditions – A schedule of conditions was forwarded to the applicant's agent and agreed by email on 17 May 2022.

Conclusion - It is considered that the proposed development would secure a sustainable use for a building that is suitable for retention and conversion. The proposal would respond to the need for child care facilities and assist parents and carers to enter and remain within the labour market. The development thereby responds positively to the City Councils objectives towards social and economic regeneration. Issues raised by the development are capable of being addressed by condition. Within this context the development has been appropriately related to Core Strategy and UDP saved policies as outlined above, as well as, the NPPF.

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. In this case, further details have been sought to ensure that air quality issues have been appropriately addressed and the layout of the external areas have the capacity to be appropriately managed and landscaped. On this basis, it is considered that the application has been supported with sufficient detail to facilitate its appropriate assessment.

Condition(s) to be attached to decision for approval

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 stamped as received by the City Council as local planning authority on: 10 January 2022, 4 March 2022, 25 April 2022 and 20 May 2022:

Location plan with a red edge

Existing site plan Ref: 9472/01

Proposed site plan Ref: 9472/02 Rev C

Plans and elevations of existing and proposed Ref: 9472/03 Rev A

Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04

Planning Statement 131 Ashton Old Road dated 23 December 2021 by Plan8:Town Planning Ltd.

Proposed nursery development of Ashton Old Road: Transport Statement Report No J1368/TS dated December 2021 by DTPC.

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 for the City of Manchester.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no part of the premises shall be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than as a day nursery for the care of no more than 65 children between the ages of 0 and 4 years (inclusive) at any one time.

Reason - In the interests of residential amenity, to safeguard the character of the area pursuant to policies SP1, DM1 and T1 of the Core Strategy for Manchester, saved policy DC26 of the Unitary Development Plan and the guidance contained within the National Planning Policy Framework.

4) The portable single storey building as indicated on approved drawing referenced shall only be sited for a temporary period of five years from the date of the planning permission hereby granted. Prior to the expiry of the temporary approval, the portable building shall be removed and the site reinstated in accordance with a scheme to be submitted to and approved in writing by the City Council as local planning authority.

Reason – In the interests of the amenity of the area, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) The premises shall not be open for the purposes of childcare or otherwise open to the public outside the following hours:

Monday to Sunday (including bank holidays): 6.00 am to 9.00 pm.

Reason - In interests of residential amenity and 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 for the City of Manchester.

6) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours: 7.30 am to 8.00 pm, Monday to Saturday with no deliveries / waste collections on Sunday or Bank Holidays.

Reason - In order to protect the amenity of local residents and in accordance with policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) The development shall be implemented in accordance with the detail of document referenced: Proposed nursery development of Ashton Old Road: Transport Statement Report No J1368/TS dated December 2021 by DTTC.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

8) The car parking area as shown on approved drawing Proposed site plan Ref: 9472/02 Rev C shall be surfaced, demarcated (including the provision of an identified pedestrian route through car park) and available of use upon commencement of the authorised development. The demarcated car parking area shall be subsequently available whilst the development is in operation.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

9) The car parking areas shall only be used in conjunction with the authorised day nursery (Class E) and for no other purpose, including event and match day car parking.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

10) Before the occupation of the development finalised detailed drawings of the highways works, as shown on drawing: Proposed site plan Ref: 9472/02 Rev C relating to Viaduct Street, shall be submitted to and approved in writing by the City Council as local planning authority. The development shall not be occupied until the works have been constructed in accordance with the approved details, which shall be maintained in situ at all times thereafter.

Reason - In the interests of pedestrian and highway safety and residential amenity, pursuant to policies SP1, DM1 and T1 of the Core Strategy for the City of Manchester.

11) Before the occupation of the development elevational details of the cycle storage enclosure as detailed on drawings referenced: Proposed site plan Ref: 9472/02 Rev C and Ref: 9472/03 Rev A and Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04 shall be submitted to and approved in writing by the City Council as local planning authority. Upon occupation of the development the authorised enclosure and the specified five Sheffield type cycle storage racks, shall be erected and installed and be available for use at all times 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 for the City of Manchester.

12) The development shall be undertaken in accordance with the details of document referenced: Full travel plan: Proposed nursery development of Ashton Old Road dated December 2021 Ref: J1368/FTP Rev A, including the undertaking of a travel survey 3 months

after occupation and an 18 month monitoring report that shall also review the suitability and effectiveness of drop off and collection arrangements, which will be submitted to and approved 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 whilst the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel, pursuant to policies SP1, T2 and DM1 of the Core Strategy for the City of Manchester and the Guide to Development in Manchester SPD (2007).

13) The development hereby approved shall be undertaken in accordance with the recommendations of document ref: Air Quality Assessment for 131 Ashton Old Road Report date 25 April 2022 Report No 102710v3 by Miller Goodall, including the measures specified in Section 10 Mitigation. Before the occupation of the development a verification report shall be submitted to and approved in writing by the City Council as local planning authority confirming the implementation agreed measures, including the provisions of electrical vehicle charging points achieving a capacity of no less than 7kw/H. The specified measures shall be implemented upon occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity and to contribute to the reduction of carbon emissions and improve air quality, pursuant to policies SP1, EN16 and DM1 of the Core Strategy for the City of Manchester and the National Planning Policy Framework.

14) 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 during the watching brief, 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.

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 policies DM1 and EN18 of the Core Strategy for the City of Manchester and guidance contained within the National Planning Policy Framework.

15) Before the occupation of the development, a hard and soft landscaping treatment scheme shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include detailed specifications of tree and shrub planting and measures screen fencing to authorised play areas. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. 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 Core Strategy for the City of Manchester.

16) Before the occupation of the development, details shall be submitted to the City Council as local planning authority relating to any soils imported for use in the landscaped area / planters shall be validated as suitable for such use. A post completion report shall be submitted to and approved in writing by the City Council as local planning authority verifying that specified soils

have been implemented as part of the development and maintained to the agreed standard at all times thereafter.

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 SP1, EN18 and DM1 of the Unitary Development Plan for the City of Manchester.

17) Before the occupation of the development, fencing to indicated on approved drawing ref: Plans and elevations of existing and proposed Ref: 9472/03 Rev A shall be fully implemented and maintained in situ at all times thereafter.

Reason - In order to ensure appropriate site security and in the interests of residential amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

18) Notwithstanding the detail of drawings referenced: Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04 and before the occupation of the development, detailed arrangements for the provision of segregated waste and recycling bins with confirmation of storage enclosure capacities (to accommodate all required bins), shall be submitted to and approved in writing by the City Council. The approved details shall be implemented upon occupation of the development and maintained in situ at all times thereafter.

Reason - In the interests of 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 Core Strategy for the City of Manchester.

19) Waste and recycling bins relating to the development shall only be positioned on the highway on the day of collection, returned to the bin storage area on the same day and not stored outside the site at any other time.

Reason - In the interests of residential amenity pursuant to policies SP1, DM1 and EN19 of the Core Strategy for the City of Manchester and the guidance within the National Planning Policy Framework.

20) If any lighting installed as part of the development, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as local planning authority.

Reason - To minimise the impact of the illumination of lighting on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

21) Before occupation of the development, details of the proposed surfacing materials, including permeability specifications, to all external play areas, as shown on drawings referenced: Proposed site plan Ref: 9472/02 Rev C and Proposed playground layout and bin enclosure and cycle shelter details Ref: 9472/04, shall be submitted to and approved in writing by the City Council as local planning authority. The surface treatments shall be implemented prior to the play areas being brought into use and maintained in situ at all times thereafter.

Reason - In the interests of residential amenity, public safety and to ensure appropriate land mitigation measures pursuant to policies SP1, EN19 and DM1 of the Core Strategy for the City of Manchester.

22) Development shall not begin 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 policy EN17 of the Core Strategy for the City of Manchester.

23) a) Before its installation, any equipment relating to the extraction of fumes, vapours and odours, required in support of the authorised development, shall be related to a scheme to be submitted to and approved in writing by the City Council as local planning authority.

b) Following its installation confirmation shall be submitted for the approval of the City Council as local planning authority that the approved scheme has been implemented in full. The installed equipment shall be maintained in situ in accordance with approved scheme at all times thereafter.

Reason - In the interests of the amenities of occupiers of nearby properties pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

24) a) Before its installation, any externally mounted ancillary plant, equipment and servicing required in support of the development shall be selected and/or acoustically treated in accordance with a scheme, to be submitted to and approved in writing by the City Council as local planning authority, that demonstrates a satisfactory noise rating below the typical background (LA90) level at the nearest noise sensitive location.

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 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 minimise the impact of the development and to prevent a general increase in pre-existing background noise levels around the site pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester and saved policy DC26 of the Unitary Development Plan.

25) Before the occupation of the development, the measures specified in document referenced 'Statement to reduce the risk of crime and measures to improve security' stamped as received by the City Council as local planning authority on 23 December 2021 shall be fully implemented and maintained in situ at all times thereafter.

Reason - To reduce the risk of crime pursuant to policies SP1, EN1 and DM1 of the Core Strategy for Manchester and to reflect the guidance contained in the National Planning Policy Framework.

Informatives

1) Information for Developers guidance documents can be downloaded using the following link: http://www.manchester.gov.uk/info/500207/planning_and_regeneration/1962/additional_planning_guidance/3

2) Before the installation of any required fume extraction equipment, the developer is advised that a consultation with a suitably qualified ventilation engineer be undertaken and a kitchen fume extract strategy report submitted for approval as required by condition 22. The strategy should include risk assessments for odour and noise and be based on appropriate guidance such as that published by EMAQ titled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' dated September 2018. Details should also be provided in relation to replacement air.

3) Vehicular access to the site is gained from the existing access to the car park from Viaduct Street. It is noted that an existing vehicular crossover is present in this location in order to facilitate this access. If the existing access is to be upgraded, a Section 184 vehicle crossing licence/agreement will be required which will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

4) A new 2 metre wide path will be installed along Viaduct Street, which will link Ashton Old Road to Viaduct Street. It is understood that this 2 metre path will be located on the unadopted highway. If adoption is required the highway will need to be carried out under a S38 Agreement (Highways Act 1980) to ensure that all elements of new highway infrastructure are constructed to acceptable and adoptable standards.

5) The applicant will be required to enter into a Section 278/184 agreements for the alterations to the existing highways, and for construction of the proposed vehicular access and dropped kerbs on Viaduct Street and will require a crossing licence/agreement. This will require the agreement with MCC's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004). This will need to be funded at the applicant's expense.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police

2A Rondin Road, Manchester, M12 6LL
786 Autos, Unit 3, 48 Ashton Old Road, Manchester, M12 6LP
786 Autos, Unit 2, 48 Ashton Old Road, Manchester, M12 6LP
Unit 1, 48 Ashton Old Road, Manchester, M12 6LP
786 Autos, 48 Ashton Old Road, Manchester, M12 6LP
Arch 1, Holly Street, Manchester, M11 3PE
Arch 6, Holly Street, Manchester, M11 3PE
Arch 5, Holly Street, Manchester, M11 3PE
Arch 3, Holly Street, Manchester, M11 3PE
Arch 2, Holly Street, Manchester, M11 3PE
MGM Motors, 139 Ashton Old Road, Manchester, M12 6LE
308 Viaduct Street, Manchester, M12 6NE
306 Viaduct Street, Manchester, M12 6NE
83 Ashton Old Road, Manchester, M12 6BL
784 Auto, 48 Ashton Old Road, Manchester, M12 6LP
Storage World, 40-46 Ashton Old Road, Manchester, M12 6LP

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

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: NORTH2