

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
098904/FO/2012/N2	21st Mar 2012	31st May 2012	Bradford Ward

**Proposal** Use of part of ground floor as a day nursery, with ancillary outdoor play area

**Location** Unit 1, Ground Floor, Chips Building, 2 Lampwick Lane, Ancoats, Manchester, M4 6BU

**Applicant** Mr Rob Little , Little Learning Ladder, C/o Agent,

**Agent** Miss Claudia Gilbert, Creative Planning, First Floor, 12 Hilton Street, Northern Quarter, Manchester, M1 1JF

## **Description**

### **The Site**

The site relates to the Will Alsop designed 'Chips' building located on Lampick Way in the Bradford ward of East Manchester. The completed building forms part of the New Islington area which has and continues to undergo significant change as part of its ongoing regeneration. To the south and east of the building lies the Ashton Canal and the listed (Grade II) Lock number 3; and to the immediate north of the building is a surface level car park.

The Chips building was approved under planning reference 067655/FO/NORTH2/03 and comprises 142 apartments along with, at ground floor, 6 units 5 for office/workshop space and 1 large unit occupying approximately half of the ground floor space which has permission for a large restaurant/bar. The application subject of this report relates to the larger unit on the ground floor of the Chips building only.

There have been a number of substantial residential developments in the immediate area of the application site including Milners Wharf on the eastern side of the Ashton Canal and the Isis scheme located to the south beyond Vesta Street and fronting onto Great Ancoats Street. There have been further developments including the Ancoats NHS Centre on Old Mill Street and the New Islington Water Park.

### **Application proposals**

The application seeks the use of the large ground floor unit situated towards the southern portion of the building as a child care day nursery for up to 72 children of pre-school age.

The information submitted alongside the application indicates that there would be 17 members of staff for the nursery, 2 of which would be part time.

The proposals incorporate an outdoor amenity/play area to the south side of the building adjacent to the canal arm. The intention is to secure this outdoor area by a 1.8 metre high weld mesh fence similar to the type installed around other school and

educational establishments in the City. The applicant has indicated that the number of children using the outdoor play area will not exceed 12 at any one time.

The nursery has been planned to comply with the guidelines set out by the Department for Education and Ofsted.

The nursery is proposed to be open from 0700 -1900hrs Monday and Friday and 0800 – 1700 on weekends. The intention is that the nursery will operate with a maximum of only 24 children on site at weekend times with 3 members of staff.

## **Consultations**

### **Ward Members**

Councillor Rosa Battle - Has no objection to the change of use to accommodate a day nursery. The vision of New Islington area to attract a range of residents including young families and therefore amenities such as nurseries, schools, doctors surgeries need to be in place to make the project sustainable. There is also a lack of day care places available in the Bradford Ward as a whole which this will help to alleviate.

I also believe that the introduction of a day nursery in the area will compliment plans for a new primary school currently being worked on by Urban Splash.

As long as the Unit proposed to be used meets all the health and safety standards, is safe and secure and there is adequate space to accommodate the proposed number of children then I would be supportive of the proposed scheme.

**Residents** – Responses have been received from 5 residents of Chips, 1 of these was in support of the current proposals the other 4 raised objections.

The points raised in objection are in summary:

- The original intention was that the ground floor would be used as a restaurant or bar this proposal misrepresents the original intention;
- Most people living in this building and the local area are young professionals without a family, the nursery will not be used to enhance the area for local people but instead used as a service for people in the suburbs travelling into the City Centre to work;
- A space surrounded by large amounts of water with no protective guards goes against health and safety regulations;
- The area around Lampwick lane is quiet during the day and this was a key reason for purchasing my property. I regularly work from home and the presence of a day nursery with an outdoor area would seriously limit my ability to do this. I would be forced even in the height of summer to close all the windows to try to get sufficient quiet for this.
- The only parking in the area is pay and display and is not suitable for dropping off children.
- Fencing off the canals would detract from the landscaping of the area and would be no guarantee that a child would be unable to breach the barriers used and again gain open access to the water.

- The area is a natural habitat for Canada Geese. These animals are protective of their environment and could easily attack a small child particularly during the nesting season.
- The Chips development is largely one and two bedroom and almost entirely filled with young professionals who would be much better served by a bar restaurant development. It would be much more sensible to site a nursery in a more child rich population.
- I am directly above the unit in question and it is my belief that this change of use would be a detriment to my environment and would negatively affect my quality of life.
- The building is suffering from acts of vandalism an outdoor area for a nursery will just attract them to the building.
- I object most to the proposed weekend opening hours, this will cause additional noise which when working long hours/shifts I do not want.
- This is a substantial change to it's use which will affect residents without children who purposely moved to a city centre, modern style flat which attracts young professionals to avoid having this kind of activity on site, or creating noise near by.

The comments in support of the application are:

- This is a great use of the space which has been empty for years - it'll hopefully encourage more businesses into the building.

#### The Head of Regulatory and Enforcement Services

Recommend that conditions are attached to any approval relating to hours of use of the nursery and external play area; the submission of a scheme to limit noise breakout from the premises; a scheme for the storage and disposal of waste. It has also been recommended that there is a restriction on the number of children using the unit at weekends and on bank holidays.

New East Manchester - No objection.

GMP – No comments to make.

Highway Services – Recommend a condition for the submission of a staff travel plan.

#### **Policy**

##### Adopted Unitary Development Plan (1995)

The site is unallocated in the adopted Unitary Development Plan (UDP) but falls within the Ashton Canal Corridor sub area of the East Manchester section of the plan. The site lies in an area covered by policy EM10.

The strategic policies within the UDP relevant to the consideration of this application is:

Policy H2.2 states that the Council will not allow development which will have an unacceptable impact on residential areas. The matters which the Council will

consider in coming to such decisions will include the scale and appearance of the development and its impact in terms of noise, vibration, traffic generation, road safety and air pollution.

The East Manchester area policies within the UDP relevant to the consideration of this application are:

Policy EM1 set out that East Manchester will be subject of regeneration which will include the provision of sustainable urban neighbourhoods.

Policy EM10 identifies the Ashton Canal Corridor area as mixed use area and sets out the intention to develop the area as a new canal side neighbourhood including medium-high density mixed use development along the Ashton Canal Corridor comprising residential and employment uses.

The development management policies within the UDP relevant to the consideration of this application are:

Policy DC25.1 relates to determining planning applications for day nurseries, the states the Council will have regard to:

- a. the suitability of the site or building proposed;
- b. the availability of safe and convenient arrangements for the dropping off and collection of children and for staff car parking;
- c. the adequacy of the local traffic circulation system and prevailing local traffic conditions;
- d. the adequacy of outdoor play areas;
- e. ease of access for all, including disabled people;
- f. the effect on the amenity of neighbouring residents.

Policy DC25.2 states that there will be a general presumption in favour of day nurseries in residential areas, except where the location and scale of the proposed nursery would lead to danger to children or others as a result of poor arrangements for handling vehicular access, or where unacceptable levels of noise nuisance would be likely to occupiers of neighbouring properties.

With regards to development and noise, policy DC26 states that the council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the city. In giving effect to this intention, the council will consider both the effect of the new development proposals, which are likely to be generators of noise.

### The Emerging Core Strategy

The Core Strategy is the key document in Manchester's Local Development Framework and covers a period of 15 years from 2012 to 2027. It describes Manchester today and outlines the council's vision for Manchester in 2027 along with the planning policies which will be used to deliver that vision.

The Core Strategy has undergone its Examination in Public in November 2011, the document is based on an up to date evidence base and has undergone significant

public consultation. The Inspectors report following the EiP has now been published and as such the policies within it are considered to be of material weight in determining planning applications.

Policy DM1 of the Core Strategy sets out that development should have regard to:

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Community safety and crime prevention.
- Refuse storage and collection
- Vehicular access and car parking

### The National Planning Policy Framework

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role, contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role, supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the communities needs and support its health, social and cultural well-being; and
- an environmental role, contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

### East Manchester Strategic Regeneration Framework 2008-2018

The SRF identifies the site within the New Islington area which is described as being structured around a new waterpark, which links into the Ashton and Rochdale canals. New Islington will provide high-quality canal-side housing, local retail, community health and education facilities, office and workshop space.

### Issues

#### Residential Amenity and Noise

A number of comments received from residents relate to the impacts of the proposed use on residential amenity and in particular noise generated by children.

The applicant has submitted a noise assessment of the proposed use this concludes that the risk of disturbance due to noise from the daytime operation of the nursery is

low but also recommends the use of an effective noise management plan for the nursery as an effective step to control any residual risk of disturbance.

The current permitted use of the ground floor unit is as a bar or restaurant although it has never been occupied for such a use since the buildings completion. Such a use could reasonably be expected to have operated throughout the day and late into the evenings with no restriction on numbers of those frequenting the premises. In addition there were no restrictions placed on the original permission relating to the associated use of external areas within the demise of the building in association with the restaurant/bar use.

The Head of Regulatory and Enforcement Services has recommended that a condition be attached to any approval so the hours of use are Monday to Friday 07.30 a.m. to 19:00. Saturdays, 8.00 a.m. to 17:00 Sunday and Bank Holidays 08.30 to 17:00. It has also been recommended that the outdoor play area shall only be used between the following hours Monday to Friday: 08:00 to 18:00, Saturday 09:00 to 17:00 and Sunday and Bank Holidays 10:00 to 17:00 with a maximum of 12 children outside at any one time throughout. These hours are considered to be reasonable, the applicant within their submission, has confirmed that a maximum of 12 children would use the external play area at any one time. It is recommended that conditions relating to the hours of use of the unit and external play area are attached to any approval.

It is acknowledged that the Head of Regulatory and Enforcement Services has recommended a condition relating to the maximum number of children using the facility at the weekend and on bank holidays. The applicant has indicated their intention to operate in this manner. However, given the restriction on the number of children that can use the external play area at any one time and there is to be a condition for a scheme for the acoustic insulation of the unit it is not considered that noise and disturbance from any activity would be so undue as to warrant a condition to restrict weekend occupation of the unit.

In addition to the hours of use the Head of Regulatory and Enforcement Services has also recommended that a condition be attached to any approval relating to the submission of a scheme for the acoustic insulation of the building to secure a reduction in noise emanating from the property.

It is considered that the proposed use would not give rise to unacceptable impacts on residential amenity. The current permitted use as a restaurant or bar could operate for longer periods until late in the evening with the associated comings and goings and noise attributable to such a use. A day nursery would operate during the day time, in addition there will be a limit on the number of children within the external play area at any one time. It is considered that the proposal accords with policy H2.2, DC25.1, DC25.2 and DC26 of the adopted Unitary Development Plan and policy DM1 of the emerging Core Strategy.

#### Servicing and Car Parking

The building is located adjacent to a public car park which has provision of a 10 minute period for dropping off. Highway Services raise no objection to the proposal in

relation to servicing or the availability of drop off facilities for parents/carers. Although they recommended that the submission a staff Travel Plan be made a condition of any approval.

In terms of servicing and car parking arrangements the proposals are considered to accord with policy DC25.1 of the adopted Unitary Development Plan and policy DM1 of the emerging Core Strategy.

### External Play Area

The application proposes the erection of 1.8 metre high fencing of an external area on the southern edge of the building to form a secure play area for the nursery. The applicant has indicated that the fencing would be of a weld mesh type fencing, however given the striking architectural style of the Chips building and the materials and fencing used elsewhere on the scheme it is considered that an alternative type of fencing would be more appropriate. It is recommended that a condition be attached to any approval for the submission and agreement of the boundary treatments to be installed.

The applicant has indicated that up to 12 children would use the external space at any one time. The provision of external play area is considered to be acceptable in this instance.

### Principle of Use

The proposal would allow for the provision of a broader range of uses within the development and the wider locality. It will provide a use which serves the current and future community as this part of East Manchester continues to develop within a pleasant, high quality environment. It is considered that the proposed use is acceptable in this location.

### Conclusion

The proposed change of use is considered to be acceptable and would not give rise to unacceptable impacts on residential amenity. The Day Nursery would enable a broader range of services and facilities to be provided for existing and future residents in this part of East Manchester.

**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 the right to a fair hearing and to this end the Committee 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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

### **Recommendation APPROVE**

#### **Reason for recommendation**

Approve on the basis that the proposal accords with policies H2.2, and DC25.1, DC25.2, DC26 of the adopted Unitary Development Plan and policy DM1 of the emerging Core Strategy and there are no other material reasons to indicate otherwise.

#### **Conditions to be attached to the decision**

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 drawing numbers:  
1\_1\_6504 Rev B date stamped as received by the City Council as Local Planning Authority on the 16<sup>th</sup> May 2012.

#### **Document:**

Noise Assessment undertaken by Buro Happold dated 20<sup>th</sup> March 2012 date stamped as received by the local planning authority on the 21<sup>st</sup> March 2012;  
Planning, Design and Access Statement March 2012 prepared by Creative Planning and date stamped as received by the local planning authority on the 21<sup>st</sup> March 2012.

Reason - To ensure the development is carried out in accordance with the approved plans, pursuant to policies H2.2, DC25.1, DC25.2 of the Unitary development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

3) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to and approved in writing by the City Council as local planning authority. The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use or development is in operation.

Reason - In the interest of public amenity pursuant to policy H2.2 of the adopted Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

4) The use permitted at the application site is for



- a) as a creche, day nursery or day centre;

Reason - For the avoidance of doubt and because an open D1 use in this location would give rise to residential amenity issues and would be contrary to policy H2.2 and DC26 of the adopted Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

5) Details of a Staff Travel Plan with the objective of increasing the use of public transport by future occupiers of the site and including particulars of its implementation and monitoring of effectiveness and how measures to improve effectiveness shall be implemented shall be submitted to and approved in writing by the City Council as local planning authority within 6 months of first occupation of the approved use of the building. For so long as the use is in operation the local planning authority shall be provided with such information as specified in the Travel Plan and all measures that are identified that can improve the effectiveness of the Travel Plan shall be adopted and implemented within a timescale agreed in writing by the local planning authority.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies T1.1 and T3.4 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester SPD and policies SP1, T2 and DM1 of the proposed Core Strategy.

6) Before the use of the building hereby approved is first occupied it shall be insulated in accordance with a scheme 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 property.

Reason - To safeguard the amenities of the occupiers of nearby accommodation, pursuant to policy H2.2 of the Manchester Unitary Development Plan and policy DM1 of the emerging Core Strategy.

7) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first occupation of the hereby approved use. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located in order to comply with Policies H2.2 and E3.5 of the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

8) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as local planning authority:-

- Monday to Friday 0730 hrs to 1900 hrs
- Saturdays 0800 hrs to 1700hrs

- Sunday and Bank Holidays 0830 hrs to 1700 hrs

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

9) The external play area as defined on drawing reference 1\_1\_6504 Rev B date stamped as received by the City Council as Local Planning Authority on the 16<sup>th</sup> May 2012 shall only be used between the following hours:

Monday to Friday: 0800 hrs to 1800;

Saturday 0900hrs to 1700hrs

Sunday and Bank Holidays 1000 to 1700

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

10) No more than 12 children shall use the external play area as defined on drawing reference 1\_1\_6504 Rev B at any one time unless otherwise agreed in writing by the local planning authority.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester and policy DM1 of the emerging Core Strategy.

### **Local Government (Access to Information) Act 1985**

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 098904/FO/2012/N2 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

### **The following residents, businesses and other third parties in the area were consulted/notified on the application:**

Highway Services

Environmental Health

New East Manchester

Greater Manchester Police

Flats 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211,212,213,214,215,216, 217,301, 302,303, 304, 305, 306, 307, 308,309,310, 311,312,313, 314,315,316,317,318,319,320,321,322,401,402,403,404,405,406,407, 408,409,410,411,412,413,414,415,416,417,418,419,420, 421,422, 501,502,503,504,505,506,507,508,509,510,511,

512,513,514,515,516,517,518,519,520,521,522,  
601,602,603,604,605,606,607,608,509,610,611,612, 613,614,615,701,702,703,704,  
705,706,707,708,709,  
710,711,712,713,714,715,801,802,803,804,805,806,807,808,809, 810, 811,  
812,813,814,815, 2 Lampwick Lane, Manchester, M4 6BU

**Representations were received from the following third parties:**

Flat 111, 2 Lampwick Lane, Manchester, M4 6BU  
Flat 207, 2 Lampwick Lane, Manchester, M4 6BU  
Flat 406, 2 Lampwick Lane, Manchester, M4 6BU  
Flat 407, 2 Lampwick Lane, Manchester, M4 6BU  
Flat 802, 2 Lampwick Lane, Manchester, M4 6BX

**Relevant Contact Officer :** Robert Griffin  
**Telephone number :** 0161 234 4527  
**Email :** r.griffin@manchester.gov.uk