

Application Number	Date of Appln	Ward
126581/FU/2020	4th May 2020	Baguley Ward

Proposal Change of use from dwellinghouse (Use Class C3) to residential accommodation for disabled adults (Use Class C2)

Location 6 Kempsford Close, Manchester, M23 1LH

Applicant Ms Nyahunzwi , Rainbow Personnel Ltd, 6 Kempsford Close, Manchester, M23 1LH

Agent Grant Erskine, Grant Erskine Architects, Suite 5 Third Floor, 61 Mosley Street, Manchester, M2 3HZ

Description

6 Kempsford Close is a large 4 bed detached dwellinghouse situated close to the junction with Nethercote Avenue. There is a driveway to the front of the property that can accommodate two vehicles and this in turns leads to an integral double garage. To the side of the driveway there is a garden area. To the rear of the property there is another garden area. The property is situated within a residential estate constructed in the mid to late 1990s.



The applicant is proposing to change the use of the property to a specialist residential care home (Class C2) for four disabled adults. The residents would be cared for by support workers and to accommodate them the rear lounge would be converted into an office. Rainbow Living provides specialist supported living for male and female residents, aged 18 to 65, with a primary diagnosis of learning disability and/or autism, challenging behaviours and complex needs.

The applicant has confirmed that two full time staff would be present during the day shift and two during the evening shift. The property would still be able to accommodate four vehicles on-site, two in the integral garage and two in the driveway. No external alterations are proposed.

Consultations

Local Residents – 15 letters have been received from local residents in relation to the proposal, the comments are summarised as follows:

- The applicant states that there is parking for four vehicles, but the drive will only support two normal sized vehicles. Parking outside the property on the street would cause severe problems with access to other adjacent properties. It is also on the junction of the main access into the estate and could therefore also cause problems to other residents and visitors.
- The area is a quiet residential neighbourhood, the comings and goings of staff will impact on this and cause noise and disturbance.
- The use of the property as accommodation for disabled adults will result in a significant increase in the number of vehicles travelling up and down Nethercote Avenue (the main point of access to Kempsford Close). This in turn will result in daily noise disruption. If ambulances are required for hospital appointments or transport, this will also impose disruption to access and noise for neighbours.
- The residents will also have family members visiting them regularly, with 4 residents present, that means a lot of people in/around the property at one time. Community safety and crime prevention are paramount to all neighbours in this residential area, with the increase of staff coming in and out of the property, with families of residents coming and going regularly, this may draw more attention to the location and become desirable for thieves.
- The number of residents and support workers present will impact upon residential amenity.
- The proposal would go against the covenant that exists on the estate which states that the property should only be used as a private dwellinghouse.

Ward Members – Correspondence has been received from Councillors Andrews and Rawlins. They recognise that the majority of the objections received from local residents centre around increased traffic and disamenity to local residents, resulting from car parking pressure and being overlooked, and request that these concerns are evaluated fully and handled in a sensitive manner.

Supported Needs Monitoring Group (SNHG) – The SNMG has made the following comments:

- This proposal for a registered care home for up to four adults with a learning disability has been considered by members of the Supported Needs Monitoring Group. No issues have been raised by the SNMG members and is therefore supported in principle by the group.
- The service will meet the needs of local residents and the provider has a good track record of providing services for this client group in Manchester.

- There is no local concentration of supported accommodation services at the proposed location and so the Kempsford Close address would also offer more choice of areas to live in for Manchester citizens needing this service.

Environmental Health – No objections.

Highway Services – Have made the following comments:

- There are no kerbside restrictions in the vicinity of the site.
- The site is considered suitably accessible by public transport via buses along nearby Hall lane and trams along Hollyhedge Road.
- As the majority of properties are detached with off-street car parking available for a minimum of one car, no on-street car parking was observed.
- It is stated there is car parking for 4 vehicles
- Details on staff numbers and shift patterns should be provided.

Policies

The National Planning Policy Framework (February 2019) – The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

Planning law requires that applications for planning permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development which for decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City 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. Relevant policies in the Core Strategy are detailed below:

Policy SP1, *Spatial Principles* – Development in all parts of the City should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

Policy H10, Housing for People with Additional Support Needs – Proposals for accommodation for people with additional support needs will be supported where: -

- There is not a high concentration of similar uses in the area already.
- Where it will contribute to the vitality and viability of the neighbourhood.
- Where there would not be a disproportionate stress on local infrastructure such as health facilities.

The supporting text for the policy states the Council welcomes the development of appropriately designed accommodation which enables people with additional support needs to maintain an independent lifestyle and supports the work of housing associations and other agencies in this respect. There is, however, a need for individual communities to be able to meet most of their day to day needs locally, for example, shopping, recreation, education and health care. The Council recognises that, at least in part, the social and economic balance of a community is achieved by avoiding an over concentration of a specific type of housing in any one area. For example, changes in spending power may cause local facilities to suffer from reduced demand from certain groups. Therefore, the Council is seeking to avoid an over-concentration of people with additional support needs in any one particular area.

Policy DM1, *Development Management* – This policy states that all development should have regard to a number of issues, the most relevant of which in this instance are:-

- 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.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.

Saved UDP Policies – Policy DC2 and DC26 are considered of relevance in this instance.

Policy DC2.1, *Rest Homes and Nursing Homes (Class C2)*, states that in determining planning applications for rest homes, nursing homes and other uses within Class C2 of the Use Classes Order, the Council will have regard to:

- a) the effect of the operation of the business on the amenity of neighbouring residents;
- b) the standard of accommodation for the intended occupiers of the premises, including the availability of private outdoor amenity space;
- c) the effect of the proposals on visual amenity;
- d) the availability of adequate, safe and convenient arrangements for car parking and servicing;
- e) the ease of access for all, including disabled people;
- f) the desirability of avoiding an over-concentration of special needs or housing in any one area of the City; and
- g) the desirability of broadly maintaining the existing character of a residential street or group of adjoining streets.

Policy DC2a.1 states that planning permission will be refused when it cannot be demonstrated that development proposals will contribute to the achievement of the following objectives for the City's local communities:

- i. to ensure a more even spread of "special needs" accommodation within local areas and across the City as a whole, in order to encourage provision closer to where needs arise and avoid the need for people to move from their local community to find the accommodation they require;
- ii. to ensure the protection of the residential character and amenity of family housing within established communities;
- iii. to avoid the unnecessary loss of the bigger dwelling houses available for larger and extended families;
- iv. to help local communities accommodate a range of special needs without the risk of social stress;
- v. to avoid stigmatising a particular neighbourhood or a particular type of accommodation;
- vi. to create and retain a positive perception of all areas of the City as a contribution towards the goal of maintaining stable and self-sustaining communities;
- vii. to attempt to sustain the vitality and viability of local economies, by encouraging a wide diversity of social groups to live within all parts of the City;
- viii. to avoid creating disproportionate stress on local services, such as health and education; and
- ix. to avoid additional pressure on primary and secondary health care provision in parts of the City where there are already identified concerns about adequacy of services.

Policy DC26, *Development and Noise*, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

Issues

Principle of the Proposal – The neighbourhood in which the property is located is not subject to a high percentage of supported housing establishments, either purpose built or benefitting from a change of use. As a result, it is not considered that the use of this property as supported housing would be contrary to the locational constraints of the Policies H10 and DC2 above, i.e. an overconcentration of Class C2 uses within any particular neighbourhood. In addition, due to the modest numbers that would be accommodated within the property, it is not felt that the use would place undue pressure on local services or have a detrimental impact upon the residential character of the area. Given this it is considered that the use of the dwellinghouse for supported housing purposes is acceptable in principle.

Notwithstanding this, the impact of the proposal upon existing levels of residential and visual amenity enjoyed within the vicinity of the site, and upon levels of pedestrian and highway safety enjoyed on Kempsford Close and the surrounding highway network, must be assessed.

Residential Amenity – The proposal is for four residents, with two support workers present at any one time. The use is considered modest in size and the number of residents and support workers present would be similar in size to a large family that might occupy a detached four bed property such as this one. Given this, it is not anticipated that the comings and goings of the personnel, for instance when shifts change, would prove detrimental to the existing levels of residential amenity enjoyed within the vicinity of the site.

Local residents have raised concerns about the potential disamenity arising from the comings and goings of visitors to the property. However, as the maximum number of residents present would be limited to four it is not believed that there would be a high number of visitors to the property on a daily basis. As a result, it is not considered that the comings and goings of visitors to the property would have an unduly detrimental impact upon residential amenity. It is acknowledged that there might be times when there is a change in shift when there are several members of staff present and several vehicle movements. However, these impacts would be limited and short term and considered to be acceptable in this context.

In terms of the general activity associated with the use, both inside the property and in the rear garden, as this would be domestic in scale it is not anticipated that this would have a detrimental impact upon the amenities of those residents who adjoin the site.

Privacy – It is not considered that the use of the property as supported housing would impact the levels of privacy enjoyed by adjoining residents.

Visual Amenity – The applicant is not proposing to undertake any physical amendments to the exterior of the property and the outward appearance of the building would remain that of a detached dwellinghouse. As a result, it is not considered that the proposed change of use would have a detrimental impact upon the existing levels of visual amenity enjoyed within the vicinity of the site. There may be several cars present at any one time, but those visual impacts would be no more than a busy household.

Car Parking – Four car parking spaces exist within the curtilage of the site, two per the driveway and the integral garage. This level of parking is considered acceptable for the number of staff anticipated to be on-site at any one time. Notwithstanding this, it is recognised that sufficient on-street parking exists should additional staff be required, dependent upon the resident's requirements, and for when family members wish to visit. It is also noted that there are high levels of off-street parking available for houses within the immediate vicinity.

Pedestrian and Vehicular Safety – It is not considered that the proposed use would generate such significant vehicular movements to and from the site so as to prove detrimental to highway safety. Given this, and the provision of a sufficient number of off-street parking spaces, it is not considered that the proposal would have a detrimental impact upon the levels of pedestrian and highway safety enjoyed on Kempford Close and Nethercote Avenue.

Disabled Access – Level access is provided to the property and adequate circulation space exists within it for the future residents. Notwithstanding this, if a future resident has particular access requirements then it is acknowledged that these would be capable of being accommodated within the property.

Existing Covenant – The presence of a restrictive covenant is not a material planning consideration.

Waste Management – The existing domestic waste storage arrangements would be sufficient for a use of this scale.

Conclusion

The proposed use is one that is compatible on a residential estate such as this one. The modest number of residents and support works that would be present is similar to a large family that could occupy a property of this site. Given this, it is not considered that the proposal would have a detrimental impact upon existing levels of residential amenity and pedestrian and highway safety enjoyed 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 the right to a fair hearing and to this end the Chief Executive 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 of the application 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

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with the planning application. No such problems have arisen on this application.

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 permission granted shall be personal to the applicant and on the applicant ceasing to occupy the premises the use for which the permission is hereby granted shall be discontinued.

Reason - In granting this permission the City Council as local planning authority has had regard to the special circumstances of the applicant and the preservation of residential amenity, pursuant to Policy DM1 in the Manchester Core Strategy.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the building shall only be used as a residential care home and for no other purpose (including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - In the interest of residential amenity, pursuant to policy DM1 in the Manchester Core Strategy.

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

a) Drawings (20) A001 and A002, stamped as received on 25th March 2020.

- b) Drawings (-9) A001 and A002, stamped as received on 25th March 2020.
- c) Supporting statement, stamped as received on 4th May 2020.

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.

5) The development hereby approved shall be occupied by no more than four residents receiving care.

Reason – In the interests of residential amenity, pursuant to policy DM1 in the Manchester 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: 126581/FU/2020 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
Supported Needs Monitoring Group

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

Relevant Contact Officer : David Lawless
Telephone number : 0161 234 4543
Email : d.lawless@manchester.gov.uk

