

List No. 1

Charlestown Ward	Application Number	Date of Appln	Committee Date
	085830/FO/2008/N1	12th Feb 2008	29th May 2008

Proposal Change of use from single family dwelling house (class C3) to residential care home (class C2) for three people and retrospective application for ramps and low walls to front and rear.

Location 711 Moston Lane, Moston, Manchester, M40 5QD

Applicant Mr Daniel Hughes, 709 Moston Lane, Moston, Manchester, M40 5QD

Agent R A Fisk & Associates 20 Chorley Road, Swinton, Manchester, M27 5AJ

Description

This application relates to a detached bungalow situated on Moston Lane close to the junction with Nuthurst Road opposite Broadhurst Park playing fields. It is located in a residential part of Moston and is next to two other bungalows one of which is owned by the applicant and currently operates as a residential care home.

The proposal is to form a small special needs accommodation for three people. It involves internal works to create an additional bedroom by partitioning part of the living room and converting the study into a bathroom. Works on the external ramps and minor changes to the elevations have been completed. Following discussions revised plans showing the deletion of a double garage proposed to be erected at the back of the garden have been received.

Consultations

Local Residents An e-mail has been received on behalf of the occupiers of numbers 22, 24.26 and 28 Shackliffe Road. They consider that the proposed garage is much too large and high and will restrict natural light to their property. The applicants have built a similar building at the back of their garden without permission and fear that the proposed garage could also change to a residence and considerable work has already been completed without any consultation with neighbours. Following re-consultation with local residents due to deletion of the proposed garage, a response has been received to confirm that local residents do not object to the change of use or to the ramps.

Engineering Services - Pedestrian visibility splays required at the amended access/ entrance.

Environmental Health - has no objections to the proposal.

Special Needs & Supported Housing - The Supported Housing Monitoring Group have agreed to support application No. 085830/FO/2008/N1 which is a change of use from a single family dwelling house (class C3) to a residential care home (class C2). The application was supported as the property is in a category C area under the Supported Housing and Special Needs Policy which is an area with below average provision. The lead commissioner feels strongly that there is a need for this provision.

List No. 1

Greater Manchester Police - have no objections

North Manchester Regeneration Team - have no objections.

Issues

Unitary Development Plan No specific reference is made about the site. Policies DC2.1 DC2a.1 and Dc2b.1 Rest Homes and Nursing Homes (Class C2) and policy H2.2 protection of residential amenity are relevant.

DC2.1 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.

DC2a.1 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;

List No. 1

- (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.

DC2b.1 In deciding whether or not to grant planning permission for the kinds of housing accommodation described in the above proposed strategic city-wide policy the Council, in consultation with other competent agencies, will from time to time assess whether or not localised parts of the City have already reached their effective capacity to accommodate further special housing needs, in the terms set out above.

In addition to the social and economic criteria set out above, the Council will only grant planning permission for special needs housing proposals where it can be demonstrated that the proposals will not have an adverse impact on the character of the street or the locality in respect of:

- (i) displays of signs and notices;
- (ii) additional car parking space involving the loss of mature trees and landscaping, especially in front gardens;
- (iii) design of vehicular cross-overs to parking spaces in front gardens;
- (iv) provision of external fire escapes and lift shafts;
- (v) positioning of paladin bins;
- (vi) construction of links between what would otherwise be separate dwelling houses;
- (vii) additional comings and goings from officials and professional visitors;
- (viii) more intensive use of upper floors, which become main living accommodation. This can reduce privacy to adjoining gardens and lead to noise transmission problems through party walls; and
- (ix) the quality and maintenance of external areas.

DC2.2 There will be a general presumption in favour of Class C2 uses within residential areas, subject to other relevant policies of the Plan.

List No. 1

DC2.3 Notwithstanding policy DC2.2, the Council will require any development in this category to:

- a. meet the Council's current approved accommodation standards for developments of this kind;
- b. provide usable external amenity space.

Principle The proposed residential care home is in a category C area which is an area with below average provision. There is a need for this type of accommodation and therefore there are no objections to the proposal.

Impact on Surrounding Area given the small scale nature of the proposal the care home will not have any adverse impact on neighbouring properties as the number of visitors and the number of comings and goings is likely to be low. It should not have any impact on the character of adjoining streets or on the visual amenity of the area.

Standard of Accommodation The proposed standard of accommodation is satisfactory. Each person will have their own bedroom, they will share bathroom and kitchen and will have a lounge and conservatory. There is a large private garden to rear accessed from lounge or conservatory.

Car Parking There is an existing driveway with space available for two cars to park and this is considered to be adequate to meet the needs of the care home.

Access for Disabled People Ramps have already been constructed and it will be easy to access the premises by disabled people. The bathroom will have dimensions 2.6m X 3.0m and meets DFA2 requirements.,

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

APPROVE on the basis that the proposal accords with the development plan in particular policies DC2.1, DC2a.1, DC2b.1 and H2.2 of the City Councils

List No. 1

Unitary Development Plan in that the proposal will help to ensure a more even spread of "special needs " accommodation across the city and will not impact on the character of the area and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

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 unless otherwise agreed in writing by the City Council as Local Planning Authority: 2751/02 revA stamped as received on 25 April 2008.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policy DC2.1 of the Manchester Unitary Development Plan.

3) Nothing shall be constructed or allowed to grow to a height greater than 600mm within sight lines of 2.4 metres X 2.4 metres with Moston Lane.

Reason

In the interests of highway safety pursuant to policy T3.1 of the Unitary Development Plan for the City of Manchester.

4) 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 interests of amenity pursuant to policy H2.2

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: 085830/FO/2008/N1 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:

Engineering Services
Environmental Health
Special Needs & Supported Housing
Greater Manchester Police

List No. 1

North Manchester Regeneration Team
707 Moston Lane, Manchester, M40 5QD
709 Moston Lane, Manchester, M40 5QD
711 Moston Lane, Manchester, M40 5QD
713 Moston Lane, Manchester, M40 5QD
16 Shackliffe Road, Manchester, M40 5QS
18 Shackliffe Road, Manchester, M40 5QS
20 Shackliffe Road, Manchester, M40 5QS
22 Shackliffe Road, Manchester, M40 5QS
24 Shackliffe Road, Manchester, M40 5QS
26 Shackliffe Road, Manchester, M40 5QS
28 Shackliffe Road, Manchester, M40 5QS
30 Shackliffe Road, Manchester, M40 5QS
32 Shackliffe Road, Manchester, M40 5QS
715 Moston Lane, Manchester, M40 5QD
717 Moston Lane, Manchester, M40 5QD

Representations were received from the following third parties:

Engineering Services
Environmental Health
Special Needs & Supported Housing
Greater Manchester Police
North Manchester Regeneration Team
Mr D Worthington, 24 Shackliffe Road, Moston, Manchester

Relevant Contact Officer : David Hughes
Telephone number : 0161 234 4636
Email : d.hughes3@manchester.gov.uk